

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1992

IN THE MATTER OF:)
)
PRETREATMENT UPDATE) (Identical in Substance Rules)
(6/29/90 - 12/31/90))

R91-5

ADOPTED RULE. FINAL ORDER.

ORDER OF THE BOARD (by J. Anderson):

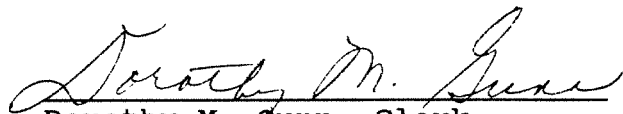
The Board proposed amendments to the Illinois pretreatment regulations pursuant to Section 13.3 of the Environmental Protection Act (Act), Ill. Rev. Stat. 1989 ch. 111½, par. 1013.3.

Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with the federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirement of Sections 307 and 402 of the Clean Water Act, previously known as the Federal Water Pollution Control Act. Section 13.3 provides that Title VII of the Act and Sections 5 and 6.02 of the Administrative Procedure Act (APA) do not apply to identical in substance regulations adopted for the pretreatment program. However, Section 13.3 of the Act does require the Board to provide for notice and public comment before rules are filed with the Secretary of State. This rulemaking updates the Illinois pretreatment rules to correspond with federal amendments which appeared at 55 Fed. Reg. 26692, June 29, 1990; 55 Fed. Reg. 30128, July 24, 1990; 55 Fed. Reg. 31697, August 3, 1990; and 55 Fed. Reg. 36932, September 7, 1990.

This Proposed Order is supported by a Proposed Opinion adopted this same day. The complete text of the adopted rules follows.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 23rd day of January, 1992, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

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 SEWER DISCHARGE CRITERIA

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307.Appendix A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987~~9~~, ch. 111-1/2~~1~~, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, 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. effective

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section 307.1101 General and Specific Requirements

No person shall introduce the following types of pollutants into a POTW:

- a) General requirements:
 - 1) Pollutants which pass through the POTW, or

- 2) Pollutants which interfere with the operation or performance of the POTW-; or
- b) Specific requirements-;:
- 1) Pollutants which create a fire or explosion hazard within the POTW-, including, but not limited to, wastestreams with a closed cup flashpoint of less than 60 degrees C (140 degrees F) using the test methods specified in 35 Ill. Adm. Code 721.121;
 - 2) Pollutants which would cause safety hazards to the personnel operating the treatment works-;
 - 3) Pollutants which will cause corrosive damage to the POTW-;
 - 4) Pollutants which would be injurious in any other way to sewers, treatment works or structures-;
 - 5) Discharges with a pH less than 5.0, unless the POTW is specifically designed to accommodate such discharges-;
 - 6) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference-;
 - 7) Any pollutant, including oxygen demanding pollutants, at a flow rate or concentration which will cause interference with the POTW-;
 - 8) Heat in amounts which will inhibit biological activity in the POTW and interfere with the POTW-;
 - 9) Heat in amounts which results in temperatures in the influent to the POTW treatment plant in excess of 40 degrees C (104 degrees F) unless the Agency approves alternate temperature limits in pretreatment plan-;
 - 10) Pollutants which would cause the effluent from the treatment works to violate applicable effluent standards-;
 - 11) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through-;
 - 12) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and

safety problems; or

- 13) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

BOARD NOTE: Derived from 40 CFR 403.3 (1990), as amended at 55 Fed. Reg. 30129, July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective
,)

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section 307.2400 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 414.10, as adopted at 52 Fed. Reg. 42569, November 5, 1987. This incorporation includes no later amendments or editions.
- b) Applicability.
- 1) This Subpart applies to process wastewater discharges from all establishments or portions of establishments which manufacture the organic chemicals, plastics and synthetic fibers (OCPSF) products or product groups which are covered by Sections 307.2402 through 307.2408 and which are included in the following SIC major groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:
- A) SIC 2821 -- Plastic materials, synthetic resins and nonvulcanizable elastomers.
- B) SIC 2823 -- Cellulosic man-made fibers.
- C) SIC 2824 -- Synthetic organic fibers, except cellulosic.
- D) SIC 2865 -- Cyclic crudes and intermediates, dyes and organic pigments.
- E) SIC 2869 -- Industrial organic chemicals, not elsewhere classified.
- 2) This Subpart applies to wastewater discharges from OCPSF research and development, pilot plant, technical service and laboratory bench scale operations if such operations are conducted in

conjunction with and related to existing OCPSF manufacturing activities at the plant site.

- 3) Notwithstanding subsection (b)(1), this Subpart does not apply to discharges resulting from the manufacture of OCPSF products if the products are included in the following SIC subgroups and if the products have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in subsection (b)(1):
 - A) SIC 2843085 -- Bulk surface active agents.
 - B) SIC 28914 -- Synthetic resin and rubber adhesives;
 - C) Chemicals and chemical preparations not elsewhere classified:
 - i) SIC 2899568 -- Sizes, all types.
 - ii) SIC 2899597 -- Other industrial chemical specialties, including fluxes, plastic wood preparations and embalming fluids.
 - D) SIC 2911058 -- Aromatic hydrocarbons manufactured from purchased refinery products.
 - E) SIC 2911632 -- Aliphatic hydrocarbons manufactured from purchased refinery products.
- 4) Notwithstanding subsection (b)(1), this Subpart does not apply to any discharges for which a different set of previously promulgated standards in Subparts F et seq. apply, unless the facility reports OCPSF products under SIC codes 2865, 2869 or 2821, and the facility's OCPSF wastewaters are discharged separately to a POTW.
- 5) This Subpart does not apply to any process wastewater discharge from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.
- 6) Discharges of chromium, copper, lead, nickel and zinc in "complexed metal-bearing wastestreams," listed in Section 307.2491, are not subject to this Subpart.

- c) Compliance date. All dischargers subject to a pretreatment standard for existing sources in this Subpart must comply with the standard by no later than November 5, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.2401 Rayon Fibers

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of rayon fiber by the viscose process only.
- b) Specialized definitions. None.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 414.25~~7~~ ~~as adopted at 52 Fed. Reg. November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 414.26~~7~~ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.2402 Other Fibers

- a) Applicability. This Section applies to discharges of

process wastewater resulting from the manufacture of the following SIC 2823 cellulosic man-made fibers and fiber groups, except rayon and SIC 2824 synthetic organic fibers and fiber groups. Product groups are indicated with an asterisk (*).

- *Acrylic fibers (85% Polyacrylonitrile)
- *Cellulose acetate fibers
- *Fluorocarbon (Teflon) fibers
- *Modacrylic fibers
- *Nylon 6 fibers
- Nylon 6 monofilament
- *Nylon 66 fibers
- Nylon 66 monofilament
- *Polyamide fibers (Quiana)
- *Polyaramid (Kevlar) resin fibers
- *Polyaramid (Nomex) resin fibers
- *Polyester fibers
- *Polyethylene fibers
- *Polypropylene fibers
- *Polyurethane fibers (Spandex)

- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 414.35~~7~~ as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 414.36~~7~~ as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which

commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective
)

Section 307.2403 Thermoplastic Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 28213 thermoplastic resins and thermoplastic resin groups. Product groups are indicated with an asterisk (*).

- *Abietic acid -- Derivatives
- *ABS resins
- *ABS-SAN resins
- *Acrylate-methacrylate latexes
- *Acrylic latex
- *Acrylic resins
- *Cellulose acetate butyrates
- Cellulose acetate resin
- *Cellulose acetates
- *Cellulose acetates priopionates
- Cellulose nitrate
- Cellulose sponge
- *Ethylene-methacrylic acid copolymers
- *Ethylene-vinyl acetate copolymers
- *Fatty acid resins
- *Fluorocarbon polymers
- Nylon 11 resin
- *Nylon 6-66 copolymers
- *Nylon 6 -- Nylon 11 blends
- Nylon 6 resin
- Nylon 612 resin
- Nylon 66 resin
- *Nylons
- *Petroleum hydrocarbon resins
- *Polyvinyl pyrrolidone -- copolymers
- *Poly(alpha)olefins
- Polyacrylic acid
- *Polamides
- *Polyarylamides
- Polybutadiene
- *Polybutenes
- Polybutyl succinic anhydride
- *Polycarbonates
- *Polyester resins
- *Polyester resins, Polybutylene terephthalate
- *Polyester resins, Polyoxybenzoate
- Polyethylene
- *Polyethylene -- ethyl acrylate resins
- *Polyethylene -- polyvinylacetate copolymers

Polyethylene resin (HDPE)
 Polyethylene resin (LDPE)
 Polyethylene resin, scrap
 Polyethylene resin, wax (low molecular weight)
 Polyethylene resin, latex
 Polyethylene resins
 *Polyethylene resins, compounded
 *Polyethylene, chlorinated
 *Polyimides
 *Polypropylene resins
 Polystyrene (crystal)
 Polystyrene (crystal) modified
 *Polystyrene -- copolymers
 *Polystyrene -- acrylic latexes
 Polystyrene impact resins
 Polystyrene latex
 Polystyrene, expandable
 Polystyrene, expanded
 *Polysulfone resins
 Polyvinyl acetate
 *Polyvinyl acetate -- PVC copolymers
 *Polyvinyl acetate copolymers
 *Polyvinyl acetate resins
 Polyvinyl alcohol resin
 Polyvinyl chloride
 Polyvinyl chloride, chlorinated
 *Polyvinyl ether -- maleic anhydride
 *Polyvinyl formal resins
 *Polyvinylacetate -- methacrylic copolymers
 *Polyvinylacetate acrylic copolymers
 *Polyvinylacetate -- 2-ethylhexylacrylate
 copolymers
 Polyvinylidene chloride
 *Polyvinylidene chloride copolymers
 *Polyvinylidene -- vinyl chloride resins
 *PVC copolymers, acrylates (Latex)
 *PVC copolymers, ethylene -- vinyl chloride
 *Rosin derivative resins
 *Rosin modified resins
 *Rosin resins
 *SAN resins
 *Silicones: Silicone resin
 *Silicones: Silicone rubbers
 *Styrene -- maleic anhydride resins
 Styrene polymeric residue
 *Styrene -- acrylic copolymer resins
 *Styrene --acrylonitrile --acrylates copolymers
 *Styrene -- butadiene resins
 *Styrene -- butadiene resins (less than 50%
 butadiene)
 *Styrene -- butadiene resins (Latex)
 *Styrene -- divinyl benzene resins (ion exchange)

*Styrene -- methacrylate terpolymer resins
 *Styrene -- methyl methacrylate copolymers
 *Styrene, butadiene, vinyl toluene terpolymers
 *Sulfonated styrene -- maleic anhydride resins
 *Unsaturated polyester resins
 *Vinyl toluene resins
 *Vinyl toluene -- acrylate resins
 *Vinyl toluene -- butadiene resins
 *Vinyl toluene -- methacrylate resins
 *Vinylacetate -- n-butylacrylate copolymers

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.45₇ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.46₇ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective
)

Section 307.2404 Thermosetting Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 28214 thermosetting resins and thermosetting resin groups. Product groups are

indicated with an asterisk (*).

- *Alkyd resins
- Dicyanodiamide resin
- *Epoxy resins
- *Fumaric acid polyesters
- *Furan resins
- Glyoxal -- urea formaldehyde textile resin
- *Ketone -- formaldehyde resins
- *Melamine resins
- *Phenolic resins
- *Polyacetal resins
- *Polyacrylamide
- *Polyurethane prepolymers
- *Polyurethane resins
- *Urea formaldehyde resins
- *Urea resins

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.55~~7~~ as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.56~~7~~ as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.2405 Commodity Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 2865 or 2869 commodity organic chemicals and commodity organic chemical groups. Product groups are indicated with an asterisk (*).

1) Aliphatic organic chemicals

Acetaldehyde
Acetic acid
Acetic anhydride
Acetone
Acrylonitrile
Adipic acid
*Butylenes (Butenes)
Cyclohexane
Ethanol
Ethylene
Ethylene glycol
Ethylene oxide
Formaldehyde
Isopropanol
Methanol
Polyoxypropylene glycol
Propylene
Propylene oxide
Vinyl acetate
1,2-Dichloroethane
1,3-Butadiene

2) Aromatic organic chemicals

Benzene
Cumene
Dimethyl terephthalate
Ethylbenzene
m-Xylene (impure)
p-Xylene
Phenol
*Pitch tar residues
Pyrolysis gasolines
Styrene
Terephthalic acid
Toluene
*Xylenes, mixed
o-Xylene

3) Halogenated organic compounds

Vinyl chloride

- b) Specialized definitions. None.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 414.65₇ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 414.66₇ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) For discharges of wastewater resulting from the manufacture of butadiene by any process which includes the oxidative dehydrogenation of butene, "new source" means any building, structure, facility or installation the construction of which commenced after December 17, 1973. For other sources, "new source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective
)

Section 307.2406 Bulk Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 2865 or 2869 bulk organic chemicals and bulk organic chemical groups. Product groups are indicated with an asterisk (*).
- 1) Aliphatic organic chemicals

*Acetic acid esters
*Acetic acid salts
Acetone cyanohydrin
Acetylene
Acrylic acid
*Acrylic acid esters
*Alkoxy alkanols
*Alkylates
*alpha-olefins
Butane (all forms)
C-4 hydrocarbons (unsaturated)
Calcium stearate
Caprolactam
Carboxymethyl cellulose
Cellulose acetate butyrates
*Cellulose ethers
Citric acid
Cumene hydroperoxide
Cyclohexanol
Cyclohexanol, cyclohexanone (mixed)
Cyclohexanone
Cyclohexene
*C12 -- C18 primary alcohols (mixed)
*C5 concentrates
*C9 concentrates
Decanol
Diacetone alcohol
*Dicarboxylic acids -- salts
Diethyl ether
Diethylene glycol
Diethylene glycol diethyl ether
Diethylene glycol dimethyl ether
Diethylene glycol monoethyl ether
Diethylene glycol monomethyl ether
*Dimer acids
Dioxane
Ethane
Ethylene glycol monophenyl ether
*Ethoxylates, miscellaneous
Ethylene glycol dimethyl ether
Ethylene glycol monobutyl ether
Ethylene glycol monoethyl ether
Ethylene glycol monomethyl ether
*Fatty acids
Glycerine (synthetic)
Glyoxal
Hexane
*Hexane and other C6 hydrocarbons
Isobutanol
Isobutylene
Isobutyraldehyde
Isophorone

Isophthalic acid
Isoprene
Isopropyl acetate
Ligninsulfonic acid, calcium salt
Maleic anhydride
Methacrylic acid
*Methacrylic acid esters
Methane
Methyl ethyl ketone
Methyl methacrylate
Methyl tert-butyl ether
Methyl isobutyl ketone
n-alkanes
n-butyl alcohol
n-butyl acetate
n-butyraldehyde
n-butyric acid
n-butyric anhydride
*n-parafins
n-propyl acetate
n-propyl alcohol
Nitrilotriacetic acid
Nylon salt
Oxalic acid
*Oxo aldehydes -- alcohols
Pentaerythritol
Pentane
*Pentenes
*Petroleum sulfonates
Pine oil
Polyoxybutylene glycol
Polyoxyethylene glycol
Propane
Priopionaldehyde
Propionic acid
Propylene glycol
sec-butyl alcohol
Sodium formate
Sorbitol
Stearic acid, calcium salt (wax)
tert-butyl alcohol
1-Butene
1-Pentene
1,4-Butanediol
Isobutyl acetate
2-Butene (cis and trans)
2-Ethylhexanol
2-Ethylbutyraldehyde
2,2,4-Trimethyl-1,3-pentanediol

2) Amine and amide organic chemicals

2,4-Diaminotoluene
 *Alkyl amines
 Aniline
 Caprolactam, aqueous concentrate
 Diethanolamine
 Diphenylamine
 *Ethanolamines
 Ethylamine
 Ethylenediamine
 Ethylenediaminetetraacetic acid
 *Fatty acids
 Hexamethylenediamine
 Isopropylamine
 m-Toluidine
 Melamine
 Melamine crystal
 *Methylamines
 Methylene dianiline
 n-butylamine
 N,N-diethylaniline
 N,N-dimethylformamide
 *Nitroanilines
 Polymeric methylene dianiline
 sec-butylamine
 tert-butylamine
 Toluenediamine (mixture)
 *Toluidines
 o-Phenylenediamine
 1,4-Phenylenediamine dihydrochloride
 2,6-Dimethylaniline
 4-(N-Hydroxyethylethylamino)-2-hydroxyethyl
 aniline
 4,4'-Methylenebis(N,N'-dimethyl)aniline
 4,4'-Methylenedianiline

3) Aromatic organic chemicals

alpha-methylstyrene
 *Alkyl benzenes
 *Alkyl phenols
 *Alkylbenzene sulfonic acids, salts
 Aminobenzoic acid (meta and para)
 Aspirin
 beta-naphthalene sulfonic acid
 Benzenedisulfonic acid
 Benzoic acid
 Bis(2-ethylhexyl)phthalate
 Bisphenol A
 BTX -- benzene, toluene, xylene (mixed)
 Butyl octyl phthalate
 Coal tar
 *Coal tar products (miscellaneous)

Creosote
 *Cresols, mixed
 Cyanuric acid
 *Cyclic aromatic sulfonates
 Dibutyl phthalate
 Diisobutyl phthalate
 Diisodecyl phthalate
 Diisooctyl phthalate
 Dimethyl phthalate
 Dinitrotoluene (mixed)
 Ditridecyl phthalate
 m-Cresol
 Metanilic acid
 Methylene diphenyl diisocyanate
 Naphthalene
 *Naphthas, solvent
 Nitrobenzene
 Nitrotoluene
 Nonylphenol
 p-Cresol
 Phthalic acid
 Phthalic anhydride
 *Tars -- pitches
 tert-butylphenol
 *Toluenediisocyanates (mixture)
 Trimellitic acid
 o-cresol
 1-Tetralol, 1-tetralone mix
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene

4) Halogenated organic chemicals

Allyl chloride
 Benzyl chloride
 Carbon tetrachloride
 *Chlorinated paraffins, 35-44% chlorine
 Chlorobenzene
 *Chlorobenzenes (mixed)
 Chlorodifluoroethane
 Chloroform
 *Chloromethanes
 2-Chloro-5-methylphenol (6-Chloro-m-cresol)
 *Chlorophenols
 Chloroprene
 Cyanogen chloride
 Cyanuric chloride
 Dichloropropane
 Epichlorohydrin
 Ethyl chloride
 *Fluorocarbons (Freons)
 Methyl chloride

Methylene chloride
 Pentachlorophenol
 Phosgene
 Tetrachloroethylene
 Trichloroethylene
 Trichlorofluoromethane
 Vinylidene chloride
 1,1-Dichloroethane
 1,1,1-Trichloroethane
 2,4-Dichlorophenol

5) Other organic chemicals

Adiponitrile
 Carbon disulfide
 Dithiophosphates, sodium salt
 Fatty nitriles
 *Organo-tin compounds
 *Phosphate esters
 Tetraethyl lead
 Tetramethyl lead
 *Urethane prepolymers
 *Waxes, emulsions -- dispersions

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.75~~7~~ as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.76~~7~~ as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.2407 Specialty Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of any SIC 2865 or 2869 organic chemicals and organic chemical groups which are not defined as commodity or bulk organic chemicals in Section 307.2405 or 307.2406.
- b) Specialized definitions. None.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 414.85~~7~~ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 414.86~~7~~ ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1990)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams.

The Board incorporates by reference 40 CFR 414, Appendix A (19890). This incorporation includes no later amendments or editions.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART V: NONFERROUS METALS MANUFACTURING

Section 307.3100 General Provisions

- a) Applicability. This Subpart applies to any facility producing primary metals from ore concentrates or recovering secondary metals from recycle wastes which introduces or may introduce pollutants into a POTW. This Subpart applies only to alloying or casting of hot metal directly from the nonferrous metals manufacturing process without cooling. Remelting followed by alloying or cooling is included in the aluminum forming, nonferrous metals forming or metal molding and casting categories.
- b) This subsection corresponds to 40 CFR 421.2 (1990), reserved by the U.S. Environmental Protection Agency, in order that the following subsections may maintain a linear correspondence with other federal provisions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 421.3 (198690), as amended at 55 Fed. Reg. 31697, August 3, 1990. This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 421.4 (198690). This incorporation includes no later amendments or editions.
- e) Removal credits. The control authority may grant removal credits pursuant to 35 Ill. Adm. Code 310.300 et seq. for toxic metals limited in this Subpart when used as indicator pollutants.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.3109 Metallurgical Acid Plants

- a) Applicability. This Section applies to discharges resulting from or associated with the manufacture of by-product sulfuric acid at primary smelters, primary copper smelters, primary zinc facilities, primary lead facilities or primary molybdenum facilities, including

associated air pollution control or gas-conditioning systems for sulfur dioxide off-gases from pyrometallurgical operations.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.91 (198690). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 421.95 (198690). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 421.96 (198690), as amended at 55 Fed. Reg. 31697, August 3, 1990. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 17, 1983.

(source: Amended at 16 Ill. Reg. , effective
)

Section 307.3115 Primary Beryllium

- a) Applicability. This Section applies to discharges resulting from the production of beryllium by primary beryllium facilities processing beryllium ore concentrates or beryllium hydroxide raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.151 (198690). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the

general and specific pretreatment requirements of Subpart B.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.156 (198690), as amended at 55 Fed. Reg. 31700, August 3, 1990. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.3119 Primary Molybdenum and Rhenium

- a) Applicability. This Section applies to discharges resulting from the production of molybdenum and rhenium facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.211 (198690). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 421.216 (198690), as amended at 55 Fed. Reg. 31702, August 3, 1990. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which

commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. , effective
)

Section 307.3120 Secondary Molybdenum and Vanadium

- a) Applicability. This Section applies to discharges resulting from the production of molybdenum or vanadium by secondary molybdenum or vanadium facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.221 (198690). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 421.226 (198690), as amended at 55 Fed. Reg. 31704, August 3, 1990. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. , effective
)

Section 307.3124 Secondary Precious Metals

- a) Applicability. This Section applies to discharges resulting from the production of precious metals at secondary precious metals facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.261 (198690), as amended at 55 Fed. Reg. 31705, August 3, 1990. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 421.265 (198690), as amended at 55 Fed. Reg. 31710, August 3, 1990. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 421.266 (198690), as amended at 55 Fed. Reg. 31711, August 3, 1990, and 55 Fed. Reg. 36932, September 7, 1990. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. , effective)

Section 307.3129 Secondary Tungsten and Cobalt

- a) Applicability. This Section applies to discharges resulting from the production of tungsten or cobalt at secondary tungsten or cobalt facilities processing tungsten ~~or~~ or tungsten carbide raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.311 (198790). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 421.315 (198790), as amended at 55 Fed. Reg. 31716, August 3, 1990. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)

shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.316 (198790), as amended at 55 Fed. Reg. 31718, August 3, 1990. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. , effective
)

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

PART 309
PERMITS

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309.APPENDIX appendix A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 $\frac{1}{2}$, ch. 111 $\frac{1}{2}$, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, '12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, '12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. , effective

SUBPART A: NPDES PERMITS

Section 309.103 Application - General

a) Application Forms

- 1) An applicant for a National Pollution Discharge Elimination System (NPDES) Permit shall file an application, in accordance with Section 309.223 hereof, on forms provided by the Illinois Environmental Protection Agency (Agency). Such forms shall comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is being sought and such additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will be in compliance with applicable state and federal requirements.
- 2) In addition to the above application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
- 3) Effluent toxicity monitoring

- A) In addition to the above application forms, the Agency may require, pursuant to Section 39 of the Act, the installation, use, maintenance and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, pursuant to Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require pursuant to Section 39 of the Act further testing and identification of the toxicant(s) pursuant to 35 Ill. Adm. Code 302.210(a).
- B) The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the Agency:
- i) All POTWs with design influent flows equal to or greater than one million gallons per day;
 - ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program pursuant to 35 Ill. Adm. Code 310.Subpart E;
- C) In addition to the POTWs listed in (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity tests with their permit applications, based on consideration of the following factors.
- i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);
 - ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);
 - iii) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;
 - iv) Receiving stream characteristics, including possible or known water

quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or

v) Other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the Agency determines could cause or contribute to adverse water quality impacts.

D) The POTWs required under subsections (a)(3)(B) or (a)(3)(C) to conduct toxicity testing shall use the methods prescribed at 35 Ill. Adm. Code 302.Subpart F. Such testing must have been conducted since the later of the last NPDES permit reissuance or permit modification pursuant to Section 309.182, 309.183 or 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1990), herein incorporated by reference (including no later amendments or editions).

4) All POTWs with approved pretreatment programs shall provide the following information to the Agency: a written technical evaluation of the need to revise local limits pursuant to 35 Ill. Adm. Code 310.210.

BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40 CFR 122.21(j) (1990), as amended at 55 Fed. Reg. 30128 (July 24, 1990).

b) Animal Waste Facilities

An applicant for an NPDES Permit in connection with the operation of an animal waste facility shall complete, sign, and submit an NPDES application in accordance with the provisions of 35 Ill. Adm. Code: Subtitle E, Chapter I.

c) Mining Activities

1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by 35 Ill. Adm. Code 402.101, the applicant shall

also submit an NPDES Permit application in accordance with Section 309.223 on forms supplied by the Agency.

- 2) As provided by 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart apply only to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES Permits.
- 3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent and water quality standards of 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.

d) New Discharges

Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency, must apply for an NPDES Permit either:

- 1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or
- 2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), or with any other applicable water quality standards and applicable effluent standards and limitations.

e) Signatures

An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 16 Ill. Reg. , effective

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

PART 310
 PRETREATMENT PROGRAMS

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AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987⁹, ch. 111-1/2¹, par. 1013, 1013.3, and 1027 as amended by P.A. 85-1048, effective January 1, 1989).

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 310.103 Federal Law

- a) The Board intends that this Part be identical in substance with the pretreatment requirements of the Clean Water Act (33 USC 1251 et seq.) and United States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 et seq.—(1986).
- b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize POTW's to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program pursuant to the Clean Water Act. After authorization the requirements of the Clean Water Act and 40 CFR 401 et seq. will continue in Illinois. In particular, USEPA will:
 - 1) Retain the right to request information pursuant to 40 CFR 403.8(f)—(1986); and
 - 2) Retain the right to inspect and take samples pursuant to 40 CFR 403.12(1).
- c) This Part shall not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations and NPDES permit conditions.
- d) POTW pretreatment programs which have been approved by USEPA pursuant to 40 CFR 403 will be deemed approved pursuant to this Part, unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.
 - 1) The Agency shall notify the POTW of any such determination within 60 days after approval of the

program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.

- 2) If the Agency so notifies the POTW, the POTW will apply for program approval pursuant to Section 310.501 et seq.
- e) USEPA's access to Agency records and information in possession of the Agency shall be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in Section 310.105.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.105 Confidentiality

- a) Information and data provided to the control authority pursuant to this Part which is effluent data shall be available to the public without restriction.
- b) With respect to the Board and Agency, confidentiality shall be governed by 35 Ill. Adm. Code 120 and 161.
- c) The Agency and POTW's shall make information available to the public at least to the extent provided by 40 CFR 2.302 (1990), incorporated by reference in Section 310.107.

~~{Board Note~~ BOARD NOTE: Derived from 40 CFR 403.14 (198690)}.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:
 - 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
 - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal

Regulations are incorporated by reference:

40 CFR 2.302 (~~1989~~90)

40 CFR 25 (~~1989~~90)

40 CFR 122, Appendix D, Tables II and III (~~1989~~90)

40 CFR 128.140(b) (1977)

40 CFR 136 (~~1989~~90)

40 CFR 403 (~~1989~~90)

40 CFR 403, Appendix D (~~1989~~90)

c) The following federal statutes are incorporated by reference:

1) Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1988⁰

2) Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, 1988

3) Subtitles C and D of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) as of July 1, 1988

d) This Part incorporates no future editions or amendments.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.110 Definitions

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987⁹, ch. 111-1/2¹/₂, par. 1001 et seq.)

"Agency" means the Illinois Environmental Protection Agency.

"Approval Authority" means the Agency.

BOARD NOTE: Derived from 40 CFR 403.3(c) (~~1989~~90).

"Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW which has been approved by the Agency in accordance with Sections 310.541 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.3(d) (~~1989~~90).

"Authorization to discharge" means an authorization issued to an industrial user by a POTW which has an approved pretreatment program. The authorization may consist of a permit, license, ordinance or other mechanism as specified in the approved pretreatment program.

"Blowdown" means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

BOARD NOTE: Derived from 40 CFR 401.11(p) (198990).

"Board" means the Illinois Pollution Control Board.

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(b) (198990).

"Control authority" is as defined in Section 310.601.

"Indirect Discharge" or "Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the CWA (33 U.S.C. 1317(b), (c) or (d)).

BOARD NOTE: Derived from 40 CFR 403.3(g) (198990).

"Industrial User" or "User" means a source of indirect discharge. As used in this Part, an "industrial user" includes any person who meets any of the following criteria:

Discharges toxic pollutants as defined by 35 Ill. Adm. Code 307.1005.

Is subject to a categorical standard adopted or incorporated by reference in 35 Ill. Adm. Code 307.

Discharges more than 15% of the total hydraulic flow received by the POTW treatment plant.

Discharges more than 15% of the total biological loading of the POTW treatment plant as measured by the 5-day biochemical oxygen demand.

Has caused pass through or interference. Or,

Has presented an imminent endangerment to the health or welfare of persons.

BOARD NOTE: Derived from 40 CFR 403.3(h)

(198990).

"Industrial wastewater" means waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge disposal in compliance with any "sludge requirements."

BOARD NOTE: Derived from 40 CFR 403.3(i) (198990).

"Municipal sewage" is sewage treated by a POTW exclusive of its industrial component.

"Municipal sludge" is sludge produced by a POTW treatment works.

"Municipality." See "unit of local government."

"New source" means "new source" as defined in Section 310.111.

BOARD NOTE: Derived from 40 CFR 401.11(c) and 403.3(k) (198990).

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

BOARD NOTE: Derived from 40 CFR 401.11(n) (198990).

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) (198990).

"NPDES Permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act and 35 Ill. Adm. Code 309.Subpart A.

BOARD NOTE: Derived from 40 CFR 403.3(l) (198990)

"O and M" means operation and maintenance.

"Pass through" means a discharge of pollutants which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

BOARD NOTE: Derived from 40 CFR 403.3(n) (198990).

"Person" means an individual, corporation, partnership, association, State, "unit of local government" or any interstate body. This term includes the United States government, the State of Illinois and their political subdivisions.

BOARD NOTE: Derived from 40 CFR 401.11(m) (198990) and 33 U.S.C. 1362(5).

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into a sewer.

BOARD NOTE: Derived from 40 CFR 401.11(f) (198990).

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

BOARD NOTE: Derived from 40 CFR 401.11(g) (198990).

"POTW" means "Publicly Owned Treatment Works," which is defined below.

"POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.

BOARD NOTE: Derived from 40 CFR 403.3(p) (198990).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings which might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated

process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 310.233.

BOARD NOTE: Derived from 40 CFR 403.3(q) (198990).

"Pretreatment permit" means an authorization to discharge to a sewer which is issued by the Agency as the control authority.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(r) (198990).

"Pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill. Adm. Code 307. This term includes prohibitive discharge limits established pursuant to Section 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102 and 307.1103. The term also includes local limits pursuant to Section 310.211 which are a part of an approved pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(j) (198990).

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

BOARD NOTE: Derived from 40 CFR 401.11(q) (198990).

"Process wastewater pollutants" means pollutants present in process wastewater.

BOARD NOTE: Derived from 40 CFR 401.11(r) (198990).

"Publicly owned treatment works" or "POTW" means a "treatment works" which is owned by the State of Illinois or a "unit of local government." This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "unit of local government" which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

BOARD NOTE: Derived from 40 CFR 403.3(o) (198990).

"Schedule of compliance" means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with this Part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 401.11(m) (198990) and 33 U.S.C. 1362(17).

"Significant industrial user" means as follows:

All industrial users subject to categorical pretreatment standards under Section 310.220 through 310.233 and 35 Ill. Adm. Code 307, and

Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority, as defined in Section 310.601, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Section 310.510(f)); except, upon a finding that an industrial user meeting the criteria of this second subsection of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority, as defined in Section 310.601, may at any time, on its own initiative or in response to a petition received from an industrial user or POTW may determine in accordance with Section 310.510(f) that such industrial user is not a significant industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(t) (1989), as added at 55 Fed. Reg. 30129, July 24, 1990.

"Sludge requirements" means any of the following permits or regulations: 35 Ill. Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits), the Toxic Substances Control Act (15 U.S.C. 2601) or the Marine Protection,

Research and Sanctuaries Act (33 U.S.C. 1401), Section 39(b) of the Act (NPDES Permits), and Section 405(b) of the Clean Water Act (federally-imposed sludge use and management requirements).

BOARD NOTE: Derived from 40 CFR 403.3(i) and 403.7(a) (198990).

"Submission" means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR 403.3(t) (198990).

"Treatment works" is as defined in 33 U.S.C. 1292(2) (1987). It includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal or industrial wastewater to implement 33 U.S.C. 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment.

BOARD NOTE: Derived from 40 CFR 403.3(o) (198990) and 33 U.S.C. 1292(2).

"Unit of local government" means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution, having jurisdiction over disposal of sewage. "Unit of local government" includes, but is not limited to, municipalities and sanitary districts.

BOARD NOTE: Derived from 40 CFR 401.11(m) (198990) and 33 U.S.C. 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART B: PRETREATMENT STANDARDS

Section 310.201 General Prohibitions

- a) No industrial user shall introduce into a POTW any pollutant which causes pass through or interference.
- b) Affirmative defenses. An industrial user has an affirmative defense in any action brought against it alleging a violation of subsection (a) or 35 Ill. Adm. Code 307. ~~Subpart B~~307.1101(b)(6) through (b)(9) or (b)(11) through (b)(12) if the industrial user demonstrates that:

- 1) The industrial user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
- 2) Either:
 - A) The POTW developed in accordance with Section 310.210 a local limit which was designed to prevent pass through or interference for each pollutant in the industrial user's discharge which caused pass through or interference, and the industrial user was in compliance with each such local limit immediately prior to and during the pass through or interference; or
 - B) If the POTW has not developed in accordance with Section 310.210 local limits which are designed to prevent pass through or interference for the pollutants which caused the pass through or interference, the industrial user's discharge immediately prior and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity during which the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, sludge requirements.
- c) These general prohibitions and the specific prohibitions in Section 310.202 apply to each industrial user introducing pollutants into a POTW whether or not the industrial user is subject to other pretreatment standards or any national, state or local pretreatment requirements.

~~(Board Note~~ BOARD NOTE: Derived from 40 CFR 403.5(a) (198690), as amended at 525 Fed. Reg. ~~160030129~~, ~~January 14, 1987~~ July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.202 Specific Prohibitions

No person shall cause or allow the introduction into a POTW of the pollutants specified in 35 Ill. Adm. Code 307.~~Subpart~~ B1101(b).

~~(Board Note~~ BOARD NOTE: Derived from 40 CFR 403.5(b) (198690).

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.210 Specific Limits Developed by POTW

- a) Each POTW which is required to develop a pretreatment program shall, as part of the program, develop and enforce specific limits to implement the prohibitions listed in Sections 310.201(a) and 310.202. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and to effectively enforce such limits.
- b) POTW's which are not required to develop a pretreatment program shall, in cases where pollutants contributed by one or more industrial users result in interference or pass through, and such violation is likely to recur, develop and enforce specific discharge limits for industrial users, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit, and sludge requirements.
- c) Prior to developing specific discharge limits, POTW's shall give, to persons or groups which have requested notice, individual notice and an opportunity to respond.
- d) The POTW shall base limitations developed pursuant to this Section on the characteristics and treatability of the wastewater by the POTW, effluent limitations which the POTW must meet, sludge requirements, water quality standards in the receiving stream and the pretreatment standards and requirements of this Part and 35 Ill. Adm. Code 307.

~~(Board Note~~BOARD NOTE: Derived from 40 CFR 403.5(c) (198690), as amended at 525 Fed. Reg. ~~160030129,~~ January 14, 1987) July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.220 Categorical Standards

Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under 35 Ill. Adm. Code 307. These standards, unless specifically noted otherwise, shall be in addition to the ~~general prohibitions established in Sections 310.201 through 310.211~~the standards and

requirements set forth at 35 Ill. Adm. Code 307.1101 and 310.

~~(Board Note~~BOARD NOTE: Derived from 40 CFR 403.6 preamble (1986-90), as amended at 55 Fed. Reg. 30129, July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.221 Category Determination Request

a) Application deadline.

1) The industrial user or POTW may request that the Agency provide written certification as to whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user shall request this certification prior to commencing discharge from the added or changed processes or operation. With respect to new standards:

A) The POTW or industrial user shall direct to USEPA any category determination requests for pretreatment standards adopted by USEPA prior to authorization of the Illinois program.

B) After authorization of the Illinois program, the POTW or industrial user shall direct to the Agency any category determination requests within 60 days after the Board adopts or incorporates by reference a pretreatment standard for a subcategory under which an industrial user may be included.

2) A new source shall request this certification prior to commencing discharge.

3) If a request for certification is submitted by a POTW, the POTW shall notify any affected industrial user of such applications. The industrial user may provide written comments on the POTW submissions to the Agency within 30 days of notification.

b) Contents of application. Each request shall contain a statement:

1) Describing which subcategories might be applicable; and

2) Citing evidence and reasons why a particular

subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- c) Deficient requests. The Agency shall act only on written requests for determinations which contain all of the information required. The Agency shall notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Agency, the Agency shall deny the request for a determination.
- d) Final determination.
 - 1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b), consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency shall then make a written determination of the applicable subcategory and state the reasons for the determination.
 - 2) The Agency shall forward the determination described in subsection (d)(1) to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.
 - 3) If USEPA modifies the Agency's decision, USEPA's decision will be final.

- 4) The Agency shall send a copy of the determination to the affected industrial user and the POTW. If the final determination is made by USEPA, the Agency shall send a copy of the determination to the user.
- e) Requests for hearing or legal decision.
 - 1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4), the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).
 - 2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsections (c), (d)(2) or (d)(4), the requester may appeal a final decision made by the Agency to the Board.

BOARD NOTE: Derived from 40 CFR 403.6(a) (198890), ~~as amended at 53 Fed. Reg. 40611, October 17, 1988.~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.222 Deadline for Compliance with Categorical Standards

- a) If a compliance date for an existing or new source categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users shall comply with the standard by the following times, whichever is last:
 - 1) The date specified or incorporated by reference; or
 - 2) The date the Board adopts or incorporates the standard by reference; or
 - 3) The date USEPA approves the Illinois pretreatment program.
- b) If no compliance date for a categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users shall comply with the standard by the following times, whichever is last:
 - 1) The date the Board adopts or incorporates the

standard by reference; or

- 2) The date USEPA approves the Illinois pretreatment program.
- c) This Section shall not be construed as extending compliance dates for enforcement of categorical pretreatment standards pursuant to statutes and regulations existing prior to authorization of the Illinois pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.6(b) (1988~~90~~), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.230 Concentration and Mass Limits

- a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards shall apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.
- b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- c) A control authority calculating equivalent mass-per-day limitations under subsection (b) shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production shall be estimated using projected production.
- d) A control authority calculating equivalent concentration limitations under subsection (b) shall calculate such limitations by dividing the mass limitations derived under subsection (c) by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the

average daily flow rate during the representative year.

- e) Equivalent limitations calculated in accordance with subsections (c) and (d) are deemed pretreatment standards. Industrial users shall be required to comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent limitations were derived.
- f) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or 4-day average, limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.
- g) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

BOARD NOTE: Derived from 40 CFR 403.6(c) (198890), as amended at ~~53 Fed. Reg. 40611, October 17, 1988.~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.232 Dilution

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate. POTW's may allow dilution to meet local limits developed under Section 310.210.

BOARD NOTE: Derived from 40 CFR 403.6(d) (198890), as amended at ~~53 Fed. Reg. 40611, October 17, 1988.~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.233 Combined Wastestream Formula

Where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process, the control authority shall derive fixed alternative discharge limits, which the control authority shall apply to the mixed discharge. When it is deriving alternative categorical limits, the control authority shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the average monthly values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and average monthly limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user shall immediately report any such material or significant change to the control authority. Where appropriate, the control authority shall calculate new alternative categorical limits within 30 days.

- a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The control authority shall derive the alternative limit for a specified pollutant by the use of either of the following formulas:

- 1) Alternative concentration limit.

$$C = (T-D) \text{SUM}(C_i F_i) / (T) \text{SUM}(F_i)$$

where

C = The alternative concentration limit for the combined wastestream.

C_i = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"SUM(G_i)" means the sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F_i , D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams, subject to the proviso of subsection (d); and
- B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,
- C) From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e).

2) Alternative mass limit.

$$M = (T-D) \text{SUM}(M_i) / \text{SUM}(F_i)$$

where

M = The alternative mass limit for a pollutant in the combined wastestream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"SUM(G_i)" means the sum of the results of calculation G for streams $i = 1$ to $i = N$.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F_i , D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d); and
 - B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,
 - C) From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e).
- b) Alternative limits below detection. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.
- c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit shall be as follows:
- 1) The type and frequency of sampling, analysis and flow measurement shall be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.
 - 2) Where the self-monitoring schedules for the appropriate standards differ, monitoring shall be done according to the most frequent schedule.
 - 3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows (F_i) is the flow which shall be used to determine self-monitoring frequency.
- d) Proviso to subsections (a)(1) and (a)(2). Where boiler blowdown, non-contact cooling streams, stormwater streams and demineralizer backwash streams contain a significant amount of a pollutant and the combination of such streams, prior to pretreatment, with the industrial user's regulated process wastestreams will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, shall determine whether such wastestreams should be classified as diluted or unregulated. In its application to the control authority, the industrial user shall provide

engineering, production, sampling and analysis and such other information so the control authority can make its determination.

- e) Exemptions from categorical pretreatment standards. Process wastestreams were or could have been entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by reference in Section 310.107, for one or more of the following reasons (see 40 CFR 403, Appendix D, incorporated by reference in Section 310.107.):
- 1) The pollutants of concern are not detectable in the discharge from the industrial user;
 - 2) The pollutants of concern are present only in trace amounts and are neither causing nor are likely to cause toxic effects;
 - 3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to USEPA;
 - 4) The wastestream contains only pollutants which are compatible with the POTW.
- f) Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this Section. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring point or points will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

BOARD NOTE: Derived from 40 CFR 403.6(e) (198890), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART C: REMOVAL CREDITS

Section 310.330 Exception to POTW Pretreatment Requirement

A POTW required to develop a local pretreatment program under Subpart DE may grant removal credits conditionally pending approval of such a program in accordance with the following terms and conditions:

- a) All industrial users who are currently subject to a categorical pretreatment standard and who wish to receive conditionally a removal credit shall submit to the POTW the information required by Section 310.602(a)-(g) (except new or modified industrial users must only submit the information required by Section 310.602(a)-(f)), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard as modified by the removal credit;
- b) The POTW must have submitted to the Agency an application for pretreatment program approval meeting the requirements of Subpart DE in a timely manner, not to exceed the time limitations set forth in a compliance schedule for development of a pretreatment program included in the POTW's NPDES permit.
- c) The POTW shall:
 - 1) Compile and submit data demonstrating its consistent removal;
 - 2) Comply with the conditions specified in Section 310.303; and
 - 3) Submit a complete application for removal credit authority in accordance with Section 310.340.
- d) If a POTW receives authority to grant conditional removal credits and the Agency subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in subsections (b) and (c), the Agency shall terminate the authority to grant conditional removal credits and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standards within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard.

- e) If a POTW grants conditional removal credits and the POTW or the Agency subsequently makes a final determination, after appropriate notice, that the industrial user failed to comply with the conditions in subsection (a), the POTW or Agency shall terminate the conditional credit for the non-complying industrial user and the industrial user to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard. The conditional credit shall not be terminated where a violation of the provisions of this Section results from causes entirely outside of the control of the industrial user or the industrial user has demonstrated substantial compliance.
- f) The Agency may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits remain in effect until reviewed by the Agency. This review may occur at any time in accordance with the procedures of Section 310.541 through Section 310.547, but in any event no later than the time of any pretreatment program approval or any NPDES permit reissuance.

~~(Board Note~~ BOARD NOTE: Derived from 40 CFR 403.7(d) (198690) ~~).~~

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.510 Pretreatment Program Requirements:
Development and Implementation by POTW

A POTW pretreatment program shall meet be based on the following requirements, legal authority and include the following procedures, and these authorities and procedures shall at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:
- 1) Deny or condition new or increased contributions

of pollutants or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;

- 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
- 3) Control, through ordinance, permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial users, as defined at 35 Ill. Adm. Code 310.110, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - A) A statement of duration (in no case more than five years);
 - B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
 - D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and
 - E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;

- 4) Require:
- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
 - B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in 310.Subpart F;
- 5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA;
- 6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement-:
- A) All POTW's shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. POTW's whose approved pretreatment programs require modification to conform to the requirements of this subsection shall submit a request by November 16, 1989-;
 - B) Pretreatment requirements which will be enforced through the remedies set forth in subsection (a)(6)(A) will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by

the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief ~~for noncompliance by industrial users when the POTW has acted to seek such relief but has sought a monetary penalty which the Agency finds to be insufficient. The procedures for notice to industrial users where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision;~~ and

- 7) Comply with the confidentiality requirements set forth in Section 310.105;
- b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:
- 1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection shall be made available to the Agency upon request-;
 - 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1). This information shall be made available to the Agency upon request-;
 - 3) Notify industrial users identified under subsection (b)(1) of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C

and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107. Within 30 days of approval, pursuant to subsection (f), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;

- 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D;
- 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - A) A description of discharge practices, including non-routine batch discharges;
 - B) A description of stored chemicals;
 - C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and
 - D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants

(including solvents) and measures and equipment for emergency response;

- 6) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5). Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
- 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were in significantly violating noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, ~~a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under subsection (a)(6)(B).~~ an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B) "Technical review criteria" (TRC) violations, which shall mean those violations in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats,

oil, and grease, and 1.2 for all other pollutants except pH);

- C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) to halt or prevent such a discharge;
 - E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - G) Failure to accurately report noncompliance;
or
 - H) Any other violation or group of violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program;
- c) The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b);
 - d) Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary;
 - e) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance.

The plan shall, at a minimum:

- 1) Describe how the POTW will investigate instances of noncompliance;
 - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
 - 3) Identify (by title) the officials responsible for each type of response; and
 - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b); and
- f) The POTW shall prepare a list of its industrial users meeting the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110. The list shall identify the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second subsection of that definition, shall also indicate whether the POTW has made a determination pursuant to the caveat in the second subsection of that definition that such industrial user should not be considered a significant industrial user. This list, and any subsequent modifications thereto, shall be submitted to the Agency as a non-substantial program modification pursuant to Subpart K. Discretionary designations or de-designations by the control authority shall be deemed to be approved by the Agency 90 days after submission of the list or modifications thereto.

BOARD NOTE: ~~See~~derived from 40 CFR 403.8(f) (198890), as amended at 535 Fed. Reg. 4061230129, ~~October 17,~~ 1988July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART F: REPORTING REQUIREMENTS

Section 310.611 Requirements for Non-Categorical Users

The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to

categorical pretreatment standards. Significant noncategorical industrial users shall submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136, incorporated by reference at Section 310.107. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Agency determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Agency. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report. For the purposes of this Section, "significant noncategorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards.

BOARD NOTE: Derived from 40 CFR 403.12(h) (1990), as ~~added~~ amended at 535 Fed. Reg. 4061430131, ~~October 17, 1988~~ July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.613 Notification of Changed Discharge

All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Section 310.635.

BOARD NOTE: Derived from 40 CFR 403.12(j) (1990), as ~~added~~ amended at 535 Fed. Reg. 4061430131, ~~October 17, 1988~~ July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.633 Fraud and False Statements

The reports required by ~~Sections 310.602, 310.604, 310.605, 310.611, 310.612 and 310.621~~ this Subpart are subject to the provisions of Section 1001 of Crimes and Criminal Procedure (18 U.S.C. 1001), incorporated by reference in Section 310.107, relating to fraud and false statements; ~~and the provisions of Section 309(c)(24) of the CWA governing false statements,~~

representations or certifications in reports required under the CWA, the provisions of section 309(c)(6) of the CWA regarding responsible corporate officers; and to the provisions of Title XII of the Act.

BOARD NOTE: Derived from 40 CFR ~~403.12(k) (1988)~~, redesignated ~~40 CFR 403.12(n) (1990)~~, as amended by 535 Fed. Reg. 4061430131, ~~October 17, 1988~~ July 24, 1990.

(Source: Amended at 16 Ill. Reg. , effective)

Section 310.635 Notification of Discharge of Hazardous Waste

a) Requirement for notification.

- 1) The industrial user shall notify the POTW; the Director, Waste Management Division, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604; and the Manager, Division of Land Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 35 Ill. Adm. Code 721. Such notification must include the name of the hazardous waste as set forth in 35 Ill. Adm. Code 721, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information, to the extent such information is known and readily available to the Industrial User:
 - A) An identification of the hazardous constituents contained in the wastes,
 - B) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and
 - C) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.
- 2) Time for notification. All notifications required under subsection (a)(1) must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the

notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.

- 3) Frequency for notification. Any notification required under subsection (a)(1) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 310.613.
- 4) Exception for notification under other provisions. The notification requirement of subsection (a)(1) does not apply to pollutants already reported under the self-monitoring requirements of Sections 310.602, 310.604 and 310.605.
- b) Exemption to reporting requirement. Discharges are exempt from the requirements of subsection (a)(1) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) Newly-listed hazardous wastes. In the case of any new regulations under section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW; USEPA Region V, Waste Management Division; and the Agency, Division of Land Pollution Control of the discharge of such substance, pursuant to subsection (a)(1), within 90 days of the effective date of such regulations.
- d) Required certification. In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

BOARD NOTE: Derived from 40 CFR 403.12(p), as added at 55 Fed. Reg. 30131, July 24, 1990.

(Source: Added at 16 Ill. Reg. , effective)