

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1990

IN THE MATTER OF:)
)
) R89-12
PRETREATMENT UPDATE) (Identical in Substance Rules)
(1/1/89 - 6/30/89))

ADOPTED RULE. FINAL ORDER.

ORDER OF THE BOARD (by J. Anderson):

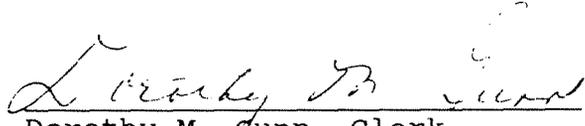
The Board amends the Illinois pretreatment regulations pursuant to Section 13.3 of the Environmental Protection Act (Act), Ill. Rev. Stat. ch. 111 1/2, par. 1013.3.

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 54 Fed. Reg. 246, January 4, 1989; 54 Fed. Reg. 11346, March 17, 1989; 54 Fed. Reg. 13606, April 4, 1989; 54 Fed. Reg. 13716, May 2, 1989; and 54 Fed. Reg. 27351, June 29, 1989.

This Final Order is supported by a Final 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 12th day of April, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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 SUBTITLE C: WATER POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD

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Appendix References to Previous Rules (Repealed)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, ch. 111 1/2, 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 R89-12 at 14 Ill. Reg. , effective

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

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

The Board incorporates by reference 40 CFR 414, Appendix A ~~(1989), as adopted at 52 Fed. Reg. 42569, November 5, 1987.~~ This incorporation includes no later amendments or editions.

(Source: Amended at 14 Ill. Reg. , effective

Section 307.2491 Complexed Metal-bearing Wastestreams

The Board incorporates by reference 40 CFR 414, Appendix B (1989), ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987.~~ This incorporation includes no later amendments or editions.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section 307.8103 Nickel-Cobalt Forming

- a) Applicability. This Section applies to discharges resulting from the process operations of the nickel-cobalt forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 471.34 (~~1986~~1989). 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 471.35 (~~1986~~1989). 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.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 14 Ill. Reg. , effective

Section 307.8109 Zirconium-Hafnium Forming

- a) Applicability. This Section applies to discharges

resulting from the process operations of the zirconium-hafnium forming subcategory.

b) Specialized definitions. None.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 471.94 (~~1986~~1989). 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 471.95 (~~1986~~1989). 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 5, 1984.

(Source: Amended at 14 Ill. Reg. , effective

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

PART 310
PRETREATMENT PROGRAMS

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- 310.922 Substantial Modifications

AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, 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. , effective

SUBPART A: GENERAL PROVISIONS

- Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:

The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August

16, 1978).

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 (19889)

40 CFR 25 (19889)

40 CFR 122, Appendix D, Tables II and III (19889)

40 CFR 128.140(b) (1977)

40 CFR 136 (19889)

40 CFR 403 (19889)

40 CFR 403, Appendix D (19889)

- c) The following federal statutes are incorporated by reference:

Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1988

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

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 14 Ill. Reg. , effective

Section 310.110 Definitions

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, 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) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988~~9~~).

"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) (19889).

"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) (19889).

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

"Municipal sludge" is sludge produced 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) (19889).

"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) (19889).

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

BOARD NOTE: Derived from 40 CFR 401.11(o) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988~~9~~) 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) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988~~9~~).

"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) (1988).

"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) (1988).

"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) (1988).

"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) (1988).

"Process wastewater pollutants" means pollutants present in process wastewater.
BOARD NOTE: Derived from 40 CFR 401.11(r) (1988).

"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) (19889).

"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) (19889) and 33 U.S.C. 1362(17).

"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) (~~1988~~) and 403.7(a) (19889).

"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) (19889).

"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) (19889) 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) (1988~~9~~) and 33 U.S.C. 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 14 Ill. Reg. , effective