

ILLINOIS POLLUTION CONTROL BOARD
September 28, 1989

IN THE MATTER OF:)
)
PRETREATMENT UPDATE) R89-3
(7/1/88 - 12/31/88)) (Identical in Substance Rules)

ADOPTED RULE. FINAL ORDER

ORDER OF THE BOARD (by J. Anderson):

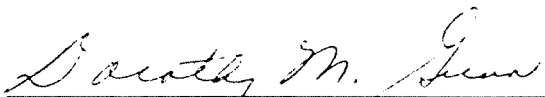
The Board amends the Illinois pretreatment regulations pursuant to Section 13.3 of the Environmental Protection Act (Act), Ill. Rev. Stat. ch. 111 1/2, par. 1013.3.

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 major federal amendments which appeared at 53 Fed. Reg. 40610, October 17, 1988 and 53 Fed. Reg. 52369, December 27, 1988.

This Order is supported by an Opinion adopted this same day. The Board will delay filing the adopted rule with the Office of the Secretary of State for 15 days, in order to allow U.S. EPA an opportunity to comment. Because of its length, the text of the adopted rule will not be published in the Environmental Register, or appear in the Opinion volumes. The complete text of the adopted rules follows.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Final Order was adopted on the 28th day of September, 1989, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

PART 307
 SEWER DISCHARGE CRITERIA

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| 307.102 | General Requirements (Renumbered) |
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| 307.105 | Pretreatment Requirements (Repealed) |
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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, ch. 111 1/2, pars. 1013, 1013.3 and 1027, as amended by P.A. 85-1048, effective January 1, 1989).

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. , effective .

SUBPART CP: ALUMINUM FORMING

Section 307.7700 General Provisions

a) Applicability.

- 1) Aluminum forming includes commonly recognized forming operations such as rolling, drawing, extruding and forging, and related operations such as heat treatment, casting and surface treatments. Surface treatment of aluminum is any chemical or electrochemical treatment applied to the surface of aluminum. Such surface treatment is considered to be a part of aluminum forming whenever it is performed as an integral part of aluminum forming. For the purposes of this Subpart, surface treatment of aluminum is considered to be an integral part of aluminum forming whenever it is performed at the same plant site at which aluminum is formed and such operations are not considered for regulation under the electroplating and metal finishing provisions of Subparts N and AH. Casting aluminum when performed as an integral part of aluminum forming and located on-site at an aluminum forming plant is considered an aluminum forming operation and is covered under this Subpart. When aluminum forming is performed on the same site as primary aluminum reduction the casting shall be regulated by Subpart CT (nonferrous metals) if there is no cooling of the aluminum prior to casting. If the aluminum is cooled prior to casting then the casting shall be regulated by this Subpart.

- 2) This Subpart applies to any aluminum forming facility, except for plants identified under subsection (a)(3), which introduces or may introduce pollutants into a POTW.
- 3) This Subpart applies to indirect discharging aluminum forming plants that extrude less than 3 million pounds of product per year and draw, with emulsions or soaps, less than 1 million pounds per year.
- b) General definitions. The Board incorporates by reference 40 CFR 467.02 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 467.03 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 467.04 ~~(1986)~~(1988). 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 13 Ill. Reg. ,
effective)

Section 307.7701 Rolling With Neat Oils

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with neat oils subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.11 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 467.15 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 467.16 ~~(1986)~~(1988). 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 November 22, 1982.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 307.7702 Rolling With Emulsions

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with emulsions subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.21 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 467.25 ~~(1986)~~(1988), as amended at 53 Fed Reg. 52369, December 27, 1988. 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 467.26 ~~(1986)~~(1988). 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 November 22, 1982.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 307.7703 Extrusion

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the extrusion subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.31 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 467.35 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 467.36 (1986)(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 November 22, 1982.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 307.7704 Forging

- a) Applicability. This Section applies to discharges resulting from the core of the forging subcategory and the ancillary operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.41 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 467.45 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 467.46 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 November 22, 1982.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 307.7705 Drawing With Neat Oils

- a) Applicability. This Section applies to discharges resulting from the core of the drawing with neat oils subcategory and the ancillary operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.51 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 467.55 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 467.56 ~~(1986)~~(1988). 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 November 22, 1982.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 307.7706 Drawing With Emulsions or Soaps

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the drawing with emulsions or soaps subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.61 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 467.65 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. 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 467.66 ~~(1986)~~(1988). 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 November 22, 1982.

(Source: Amended at 13 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 Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3, 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 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.

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 ~~(1987)~~(1988)

40 CFR 25 ~~(1987)~~(1988)

40 CFR 122, Appendix D, Tables II and III ~~(1987)~~(1988)

40 CFR 128.140(b) (1977)

40 CFR 136 ~~(1987)~~(1988)

40 CFR 403 ~~(1987)~~(1988)

40 CFR 403, Appendix D ~~(1987)~~(1988)

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

Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, ~~1987~~1988

Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, ~~1987~~1988

Subtitles C and D of the Resource Conservation and Recovery Act (42 U.S.C. 6901) as of July 1, ~~1987~~1988

- d) This Part incorporates no future editions or amendments.

(Source: Amended at 13 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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) (1987) (1988).

"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) (1987) (1988).

"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 any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for that

category or subcategory "new source" as defined in Section 310.111.

"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) ~~(1987)~~(1988).

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

BOARD NOTE: Derived from 40 CFR 401.11(o) ~~(1987)~~(1988).

"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(1) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988) 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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"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) ~~(1987)~~(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) ~~(1987)~~(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) ~~(1987)~~(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) ~~(1987)~~(1988).

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

BOARD NOTE: Derived from 40 CFR 401.11(r) ~~(1987)~~(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) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988) and 33 U.S.C. 1362(17).

"Sludge requirements" means any of the following permits or regulations: 35 Ill. Adm. Code 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).

BOARD NOTE: Derived from 40 CFR 403.3(i) ~~(1987)~~(1988) and 403.7(a) ~~(1987)~~(1988).

"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) ~~(1987)~~(1988).

"Treatment works" is as defined in 33 U.S.C. 1292(2) ~~(1987)~~(1988). 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) ~~(1987)~~(1988) 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) ~~(1987)~~(1988) and 33 U.S.C. 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.111 New Source

- a) "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for that category or subcategory, provided that:
- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - 2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- 3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (a)(2) or (a)(3) but otherwise alters, replaces or adds to existing process or production equipment.
- c) Construction of a new source as defined in this Section has commenced if the owner or operator has:
- 1) Begun or caused to begin as part of a continuous onsite construction program:
- A) Any placement assembly or installation of facilities or equipment; or
- B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- 2) Entered into a binding contractual obligation for the purchases of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.
- d) New Sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources shall meet all applicable standards.

BOARD NOTE: Derived from 40 CFR 403.3(k), as added at 53 Fed. Reg. 40610, October 17, 1988 and 40 CFR 403.6(b),

as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

SUBPART B: PRETREATMENT STANDARDS

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 have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of Section 310-221. Moreover, based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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) {1986} (1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 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) ~~(1986)~~(1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 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) (1986)(1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 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)†1986†(1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 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(Gi)" 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 and 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(Gi)" 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 and, 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, and 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) (~~1986~~)(1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.502 Deadline for Program Approval

A POTW which meets the criteria of Section 310.501 must receive approval of a POTW pretreatment program no later than one year after the issuance, reissuance or renewal of the POTW's NPDES permit to require development of a pretreatment program. The POTW pretreatment program shall meet the criteria set forth in Section 310.510 and shall be administered by the POTW to ensure compliance by industrial users with applicable pretreatment standards and requirements.

BOARD NOTE: Derived from 40 CFR 403.8(b) (~~1986~~)(1988), as amended at 53 Fed. Reg. 50612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.510 Pretreatment Program Requirements

A POTW pretreatment program shall meet the following requirements:

- 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;
 - 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 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. ~~The POTW shall pass legislation to seek and assess civil or criminal penalties for noncompliance by industrial users with pretreatment standards and 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; 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 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.
 - 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. The results of these activities shall be made available to the Agency upon request;
- 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 significantly violating 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).
 - 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.

BOARD NOTE: See 40 CFR 403.8(f) (~~1986~~)(1988), as amended at 53 Fed. Reg. 40612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.522 Contents of Program Submission

The program description must contain the following information:

- a) A statement from the attorney or other official acting in a comparable capacity for the unit of local government that the POTW has authority adequate to carry out the programs described in Section 310.501 through 310.510. This statement shall:
 - 1) Identify the provision of the legal authority under Section 310.510(a) which provides the basis for each procedure under Section 310.510(b);
 - 2) Identify the manner in which the POTW will implement the program requirements set forth in Sections 310.501 through 310.510, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, **contract**, etc.); and,
 - 3) Identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;
- b) A copy of any statutes, ordinances, regulations, **contracts**, agreements or other authorities relied upon by the POTW for its administration of the program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the POTW pretreatment program if approved;
- c) A brief description (including organization charts) of the POTW organization which will administer the pretreatment program. If more than one agency is responsible for administration of the program the responsible agencies should be identified, their respective responsibilities delineated and their procedures for coordination set forth; and
- d) A description of the funding levels and full- and part-time manpower available to implement the program;

BOARD NOTE: Derived from 40 CFR 403.9(b) (~~1986~~)(1988), as amended at 53 Fed. Reg. 40612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.531 Agency Action

Any POTW requesting POTW pretreatment program approval shall

submit to the Agency three copies of the submission described in Section 310.522, and, if appropriate, Section 310.524. ~~Upon a preliminary determination that the submission meets the requirements of Section 310.522, and, if appropriate, Section 310.524, the Agency shall:~~ Within 60 days after receiving the submission, the Agency shall make a preliminary determination of whether the submission meets the requirements of Section 310.522 and, if appropriate, Section 310.524. If the Agency makes the preliminary determination that the submission meets these requirements, the Agency shall:

- a) Notify the POTW that the submission has been received and is under review; and
- b) Commence the public notice and evaluation activities set forth in Section 310.540 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.9(e) (1986)(1988), as amended at 53 Fed. Reg. 40612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.542 Public Notice and Hearing

Upon receipt of a submission the Agency shall commence its review. Within 5 20 work days after making a determination that a submission meets the requirements of Section 310.522, and, where removal credit authorization allowance approval is sought, Sections 310.340 and 310.524, the Agency shall:

- a) Issue a public notice of request for approval of the submission;
 - 1) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include:
 - A) Mailing notices of the request for approval of the submission to:
 - i) Federal agencies as designated by USEPA;
 - ii) Regional planning agencies which participate in development of water quality management plans; and
 - iii) Any other person or group who has requested individual notice, including those on appropriate mailing lists; and
 - B) Publication of a notice of request for approval of the submission in the largest

daily newspaper within the jurisdiction or jurisdictions served by the POTW.

- 2) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission.
 - 3) All written comments submitted during the 30 day comment period shall be retained by the Agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the Agency; and
- b) Provide an opportunity for the applicant, any affected State, any interested State or federal agency, person or group of persons to request a public hearing with respect to the submission.
- 1) This request for public hearing shall be filed within the 30 day (or extended) comment period described in subsection (a)(2) and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.
 - 2) The Agency shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.
 - 3) Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the submission under subsection (a)(1)(B). In addition, notice of the hearing shall be sent to those persons requesting individual notice.

BOARD NOTE: Derived from 40 CFR 403.11(b) ~~(1986)~~ (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

SUBPART F: REPORTING REQUIREMENTS

Section 310.602 Baseline Report

Within the time limits specified in subsection (h), existing industrial users subject to such categorical pretreatment

standards and currently discharging to or scheduled to discharge to a POTW shall submit to the control authority a report which contains the information listed in subsections (a) through (g). New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsections (a) through (e):

Where reports containing this information already have been submitted to the USEPA in compliance with 40 CFR 128.140(b), incorporated by reference in Section 310.107, the industrial user shall not be required to submit this information again. New sources shall also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (d) and (e).

- a) Identifying information. The industrial user shall submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user shall submit a list of any environmental control permits held by or for the facility;
- c) Description of operations. The industrial user shall submit a brief description of the nature, average rate of production and standard industrial classification (SIC Code) of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d) Flow measurement. The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1) Regulated process streams; and
 - 2) Other streams as necessary to allow use of the combined wastestream formula of Section 310.233. (See subsection (e)(5)). The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- e) Measurement of pollutants.
 - 1) The industrial user shall identify the pretreatment standards applicable to each regulated process;
 - 2) In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required

by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

- 3) Where feasible, samples must be obtained through the flow proportional composite sampling techniques specified in the applicable categorical pretreatment standard. Where composite sampling is not feasible, a grab sample is acceptable. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples shall be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- 4) Where the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd), the industrial user must take three samples within a two-week period. Where the flow of the stream being sampled is greater than 950,000 liters/day (approximately 250,000 gpd), the user shall take six samples within a two-week period. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
- 5) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data shall be submitted to the control authority;

- 6) Analytical methods.
- A) The Board incorporates by reference 40 CFR 403.12(b) ~~(1986)~~(1988), as amended at 53 Fed. Reg. 40613, October 17, 1988. This Part incorporates no future amendments or editions.
 - B) Sampling and analysis shall be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties;
- 7) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- 8) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and
- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
- 1) Where the industrial user's categorical pretreatment standard has been modified by a

removal allowance (Subpart C), by the combined wastestream formula (Section 310.233) or a fundamentally different factors determination (Subpart E) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) shall pertain to the modified limits.

- 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C), by the combined wastestream formula (Section 310.233) or a fundamentally different factors determination (Subpart E) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) shall be submitted by the user to the control authority within 60 days after the modified limit is approved.

h) Deadlines for baseline reports.

- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program, baseline reports must be submitted pursuant to 40 CFR 403.12(b).
- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, b:
 - A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.
 - B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit the baseline report within 90 days before beginning discharge.
 - C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A), are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) (1986) (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.604 Report on Compliance with Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O and M or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in Section 310.633, and certified to by a qualified professional, containing the information described in Section 310.602(d) through (f). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with procedures in Section 310.230, this report must contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report must include the user's actual production during the appropriate sampling period.

BOARD NOTE: Derived from 40 CFR 403.12(d) (1986) (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.605 Periodic Reports on Compliance

- a) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in

the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 310.602(d), except that the control authority may require more detailed reporting of flows. In consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may alter the months during which the above reports are to be submitted.

- b) Where the control authority has imposed mass limitations on industrial users as provided by Section 310.232, the report required by subsection (a) shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- c) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Section 310.230, the report required by subsection (a) must contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) must include the user's actual average production rate for the reporting period.

BOARD NOTE: Derived from 40 CFR 403.12(e) (1986)(1988), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.606 Notice of Slug Loading Potential Problems,

The industrial user shall notify the POTW immediately of any slug loading, as defined by Section 310.202 and 35 Ill. Adm. Code 307.1101, by the industrial user. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings as defined by Section 310.202 and 35 Ill. Adm. Code 307.1101, by the industrial user.

BOARD NOTE: Derived from 40 CFR 403.12(f) (1986)(1988), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.610 Monitoring and Analysis

- a) The reports required in Section 310.602(e), 310.604 and 310.605 shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the control authority, of pollutants contained in the discharge which are limited by the applicable pretreatment standards. All analyses shall be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307-1003 or with any other test procedures approved by the Agency. Sampling shall be performed in accordance with the techniques approved by the Agency. Where 35 Ill. Adm. Code 307-1003 does not reference sampling or analytical techniques for the pollutants in question or where USEPA has determined as provided in Section 310-602 that sampling and analytical techniques are inappropriate, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other persons. This sampling and analysis may be performed by the control authority instead of the industrial user. Where the POTW performs the required sampling and analysis instead of the industrial user, the user is not required to submit the compliance certification required under Sections 310.602(f) and 310.604. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user is not required to submit the report.
- b) If sampling performed by an industrial user indicates a violation, the user shall notify the control authority with 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:
- 1) The control authority performs sampling at the industrial user at a frequency of at least once per month or
 - 2) The control authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
- c) The reports required in Section 310.605 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions

occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

- d) All analyses must be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307.1003, or with any other test procedure approved by the Agency. Sampling shall be performed in accordance with the techniques approved by the Agency. Where 35 Ill Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutants in question, or where USEPA has determined as provided in Section 310.602 that sampling and analytical techniques are inappropriate, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures including procedures approved by the POTW or other persons.
- e) If an industrial user subject to the reporting requirement in Section 310.605 monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in subsection (d), the results of this monitoring shall be included in the report.

BOARD NOTE: Derived from 40 CFR 403.12(g) (~~1986~~)(1988), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

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.

BOARD NOTE: Derived from 40 CFR 403.12(h), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

Section 310.612 Annual POTW Reports

POTW's with approved pretreatment programs shall provide the approval authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The

report must include, at a minimum, the following:

- a) An updated list of the POTW's industrial users, including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list must identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list must indicate which industrial users are subject to more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirements.
- b) A summary of the status of industrial user compliance over the reporting period.
- c) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period. And,
- d) Any other relevant information requested by the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(i), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Added at 13 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.

BOARD NOTE: Derived from 40 CFR 403.12(j), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

Section 310.621 Compliance Schedule for POTW's

The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW pretreatment program required by Sections 310.501 through 310.510.

- a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding

mechanisms, acquiring equipment);

- b) No increment referred to in Section 310.621(a) shall exceed nine months;
- c) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Agency including as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(h) (~~1986~~)(1988), redesignated 40 CFR 403.12(k), as amended at 53 Fed. Reg. 40614, October 17, 1988.

Section 310.631 Signatory Requirements for Industrial User Reports

The reports required by Sections 310.602, 310.604 and 310.605 must be signed by an authorized representative of the industrial user. An authorized representative is: must include the certification statement as set forth in Section 310.221(b)(2) and must be signed as follows:

- a) A principal executive officer of at least the level of vice president, if the industrial user submitting the reports required by Sections 310.602, 310.604 and 310.605 is a corporation. By a responsible corporate officer, if the industrial user submitting the reports required in Sections 310.602, 310.604 and 310.605 is a corporation. For the purposes of this Section, a responsible corporate officer means:
 - 1) A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b) A general partner or proprietor, if the industrial user submitting the report required by Sections 310.602,

310.604 and 310.605 is a partnership or sole proprietorship, respectively.

- c) A duly authorized representative of the individual designated in subsections (a) or (b), if: such representative is responsible for the overall operation of the facility from which the indirect discharge originates:
- 1) The authorization is made in writing by the individual described in subsections (a) or (b);
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
 - 3) The written authorization is submitted to the control authority.
- d) If an authorization under subsection (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

BOARD NOTE: Derived from 40 CFR 403.12(i) (1986)(1988), redesignated 40 CFR 403.12(l), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.632 Signatory Requirements for POTW Reports

Reports submitted to the Agency by the POTW in accordance with Section 310.621 must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the POTW.

BOARD NOTE: Derived from 40 CFR 403.12(j) (1986)(1988), redesignated 40 CFR 403.12(m), as amended by 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 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 are subject to the provisions of 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)(2) of the CWA governing false statements, representations or certifications in reports required under the CWA, and to the provisions of Title XII of the Act.

BOARD NOTE: Derived from 40 CFR 403.12(k) (~~1986~~)(1988), redesignated 40 CFR 403.12(n), as amended by 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

Section 310.634 Recordkeeping Requirements

- a) Any industrial user the POTW subject to the reporting requirements established in this Subpart shall maintain records of all information resulting from any monitoring activities required by this Subpart. Such records shall include for all samples:
 - 1) The date, exact place, method and time of sampling, and the names of the person or persons taking the samples;
 - 2) The dates analyses were performed;
 - 3) Who performed the analyses;
 - 4) The analytical techniques/methods use; and
 - 5) The results of such analyses.
- b) Any industrial user or POTW subject to the reporting requirements established in this Subpart shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the Agency (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Agency.
- c) Any POTW to which reports are submitted by an industrial user pursuant to Sections 310.602, 310.604 and, 310.605 and 310.611 shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Agency. This period of

retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(1) (~~1986~~)(1988), redesignated 40 CFR 403.12(o), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section 310.801 Net/Gross Calculation by USEPA

USEPA may adjust categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water as provided in 40 CFR 403.15 (~~1986~~)(1988), as amended at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

SUBPART I: UPSETS

Section 310.903 Conditions Necessary for an Upset

An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that;

- a) An upset occurred and the industrial user can identify the ~~specific~~ cause or causes of the upset;
- b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- c) The industrial user has submitted the following information to the POTW and control authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days);
 - 1) A description of the indirect discharge and cause of noncompliance;
 - 2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - 3) Steps being taken or planned to reduce, eliminate

and prevent recurrence of the noncompliance.

BOARD NOTE: Derived from 40 CFR 403.16(c) (1986) (1988), as amended at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Amended at 13 Ill. Reg. ,
effective)

SUBPART J: BYPASS

Section 310.910 Definitions

"Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

"Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

BOARD NOTE: Derived from 40 CFR 403.17(a), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

Section 310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Sections 310.912 and 310.913.

BOARD NOTE: Derived from 40 CFR 403.17(b), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

Section 310.912 Notice

- a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least 10 days before the date of the bypass.
- b) An industrial user shall submit oral notice of an

unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission must contain:

- 1) A description of the bypass and its cause,
 - 2) The duration of the bypass, including exact dates and times and,
 - 3) If the bypass has not been corrected, the anticipated time it is expected to continue and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
- c) The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

BOARD NOTE: Derived from 40 CFR 403.17(c), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

Section 310.913 Prohibition of Bypass

- a) Bypass is prohibited unless:
- 1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3) The industrial user submitted notices as required under Section 310.912.
- b) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that the bypass will meet the requirements of subsection (a).

BOARD NOTE: Derived from 40 CFR 403.17(d), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section 310.920 General

Either the Agency or a POTW with an approved POTW pretreatment program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW pretreatment program that differs from the information in the POTW's submission, as approved under Section 310.541 through Section 310.546.

BOARD NOTE: Derived from 40 CFR 403.18(a), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)

Section 310.921 Procedures

POTW pretreatment program modifications must be accomplished as follows for substantial modifications, as defined in Section 910.922.

- a) The POTW shall submit to the Agency a statement of the basis for the desired modification, a modified program description (See Section 310.510) or such other documents the Agency determines to be necessary under the circumstances.
- b) The Agency shall approve or disapprove the modification based on the requirements of Section 310.510, following the procedures in Section 310.542.
- c) The modification must be incorporated into the POTW's NPDES permit after approval pursuant to 35 Ill. Adm. Code 309.Subpart A.
- d) The modification becomes effective upon approval by the Agency. Notice of approval must be published in the same newspaper of the original request for approval of the modification under Section 310.542(a)(1)(B).

BOARD NOTE: Derived from 40 CFR 403.18(b), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,

effective)

Section 310.922 Substantial Modifications

- a) The following are substantial modifications for purposes of this Section:
- 1) Changes to the POTW's legal authorities;
 - 2) Changes to local limits, which result in less stringent local limits;
 - 3) Changes to the POTW's control mechanism, as described in Section 310.510(a)(3);
 - 4) Changes to the POTW's method for implementing categorical pretreatment standards (e.g. incorporation by reference, separate promulgation, etc.);
 - 5) A decrease in the frequency of self-monitoring or reporting required of industrial users;
 - 6) A decrease in the frequency of industrial user inspections or sampling by the POTW;
 - 7) Changes to the POTW's confidentiality procedures;
 - 8) Significant reductions in the POTW's pretreatment program resources (including personnel commitments, equipment and funding levels); and
 - 9) Changes in the POTW's sludge disposal and management practices.
- b) The Agency may designate other specific modifications, in addition to those listed in subsection (a) as substantial modifications.
- c) A modification that is not included in subsection (a) is a substantial modification for the purposes of sections 310.920 through 310.922 if the modification:
- 1) Would have a significant impact on the operation of the POTW's pretreatment program;
 - 2) Would result in an increase in pollution loadings at the POTW; or
 - 3) Would result in less stringent requirements being imposed on industrial users of the POTW.

BOARD NOTE: Derived from 40 CFR 403.18(c), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. ,
effective)