

ILLINOIS POLLUTION CONTROL BOARD
June 20, 2024

IN THE MATTER OF:)
) R24-14
WASTEWATER PRETREATMENT) (Identical-in-Substance
UPDATE, USEPA AMENDMENTS (July) Rulemaking - Water)
1, 2023, through December 31, 2023))

Adopted Rule. Final Order.

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

The Board today adopts amendments to Illinois rules that are “identical in substance” (IIS) to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2023.

Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2022)) require the Board to adopt regulations that are “identical in substance” to federal wastewater pretreatment regulations. The wastewater pretreatment regulations are rules adopted by the USEPA pursuant to sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2024)). Section 13.3 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2022)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal wastewater pretreatment regulations are found at 40 C.F.R. 400 through 499.

During the second half of 2023, USEPA amended the reporting and recordkeeping requirements for dental offices as a point source category. The Board also included a correction to the language of the rule as well as limited non-substantive corrections and revisions that the Board finds are needed.

The Board adopted a proposal for public comment on March 7, 2024. A Notice of Proposed Amendments appeared in the *Illinois Register* on March 29, 2024 at 48 Ill. Reg. 4586. The 45-day public comment period ended May 13, 2024, the first business day following the deadline. The Board did not receive a public comment on the proposal.

SUMMARY OF PROPOSED AMENDMENTS

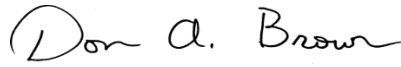
August 9, 2023 (88 FR 54115)

USEPA updated the reporting and recordkeeping requirements for dental offices as a point source category at 40 CFR § 441.50. The Board updates the incorporation by reference at 35 Ill. Adm. Code 307.5100 to reflect this update. In addition, the Board updates the citations to 40 CFR throughout that section of the Board rules.

ORDER

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted amendments to the Illinois wastewater pretreatment rules.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 20, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board

CHAPTER I: POLLUTION CONTROL BOARD

PART 307
SEWER DISCHARGE CRITERIA

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307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

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307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts
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307.3106	Secondary Copper
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307.3113	Secondary Lead
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Section
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307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7

at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg. 1129, effective January 23, 2017; amended in R18-6/R18-14 at 42 Ill. Reg. 10676, effective May 29, 2018; amended in R21-15 at 45 Ill. Reg. 8035, effective June 21, 2021; amended in R18-23 at 47 Ill. Reg. 4662, effective March 23, 2023; amended in R24-14 at 48 Ill. Reg. _____, effective _____.

SUBPART BP: DENTAL OFFICE

Section 307.5100 Dental Offices

- a) Applicability:
- 1) Except as provided in subsections (a)(3), (a)(4), and (a)(5), Subpart BP applies to dental dischargers.
 - 2) Unless ~~otherwise~~ designated by the control authority, a dental discharger subject to ~~this~~-Subpart BP is not a significant industrial user, as defined in 35 Ill. Adm. Code 310, and is not a categorical industrial user or industrial user subject to categorical pretreatment standards as a result of applicability of ~~this~~-Subpart BP.
 - 3) ~~This~~-Subpart BP does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
 - 4) ~~This~~-Subpart BP does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
 - 5) ~~This~~-Subpart BP does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, as defined in 40 CFR 437.2(c).
 - 6) A dental discharger that does not place dental amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances, and which certifies these facts to the control authority, as required in subsection (d), is exempt from any further requirements of ~~this~~-Subpart BP.
- b) General Definitions. The Board incorporates by reference 40 CFR 441.20 (~~20232017~~), ~~as added at 82 Fed. Reg. 30997 (July 5, 2017)~~. This incorporation includes no later amendments or editions.

- c) Pretreatment Standards for Existing Sources (PSES). The Board incorporates by reference 40 CFR 441.30 (~~2023~~2017), ~~as added at 82 Fed. Reg. 30997 (July 5, 2017)~~. This incorporation includes no later amendments or editions.
- d) Pretreatment Standards for New Sources (PSNS). The Board incorporates by reference 40 CFR 441.40 (~~2023~~2017), ~~as added at 82 Fed. Reg. 30997 (July 5, 2017)~~. This incorporation includes no later amendments or editions.
- e) Reporting and Recordkeeping Requirements. The Board incorporates by reference 40 CFR 441.50 (~~2023~~2017), as ~~amended~~ added at ~~88~~82 Fed. Reg. ~~54115~~30997 (~~August 9, 2023~~July 5, 2017). This incorporation includes no later amendments or editions.

(Source: Amended at 48 Ill. Reg. _____, effective _____)