

IN THE MATTER OF:)
)
WASTEWATER PRETREATMENT) R25-6
UPDATE, USEPA AMENDMENTS (January) (Identical-in-Substance
1, 2024, through June 30, 2024)) Rulemaking - Water)
)

ADDENDUM

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

PART 307
SEWER DISCHARGE CRITERIA

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307.APPENDIX A References to Previous Rules (Repealed)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 R25-6 at 48 Ill. Reg. _____, effective _____.

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section 307.3301 Steam Electric Power Generating

- a) Applicability. This Section applies to discharges resulting from the operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process using fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This Section applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.
- b) Severability. The provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall continue in effect.
- cb) Specialized Definitions. The Board incorporates by reference 40 CFR 423.11 (20240), as amended at 895 Fed. Reg. 40198 (May 9, 2024) 64650 (Oct. 13, 2020). This incorporation includes no later amendments or editions.
- de) Existing Sources
- 1) The Board incorporates by reference 40 CFR 423.13(g)(3)(i) and 423.16 (20240), as amended at 89 Fed. Reg. 40198 (May 9, 2024) 85 Fed. Reg. 64650 (Oct. 13, 2020); 40 CFR 423.13(k)(3) and (o), 423.18, and 423.19, as ~~amended~~ added at 89 Fed. Reg. 40198 (May 9, 2024) 85 Fed. Reg. 64650 (Oct. 13, 2020); 40 CFR 423.19(f)(1) as amended at 88 Fed. Reg. 18440 (March 29, 2023); and appendix A to 40 CFR 423 (20240). These incorporations include no later amendments or editions.
- A) Flue Gas Desulfurization (FGD) Wastewater Discharges by Electric Generating Units (EGUs) Seeking Voluntary Incentives Participation (VIP). The owner or operator of an EGU opting into VIP may seek to operate under alternative standards for discharges of FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (cb), as provided in 40 CFR 423.13(g)(3)(i) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (jh).

BOARD NOTE: This subsection (de)(1)(A) derives from 40 CFR 423.13(g)(3)(i) and 423.19(jh). USEPA calls VIP “Voluntary Incentives Program,” and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA

stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64660, 64675 (Oct. 13, 2020). USEPA's rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(jh)(3)-

- B) Flue Gas Desulfurization (FGD) Wastewater Discharges by EGUs Initiating Cessation of Coal Burning. The owner or operator of an EGU that will undergo permanent cessation of coal combustion, as defined in 40 CFR 423.11(w), incorporated by reference in subsection (cb), may seek to operate under alternative standards for discharges of FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (cb), as provided in 40 CFR 423.16(e)(1) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (gf).

BOARD NOTE: This subsection (de)(1)(B) derives from 40 CFR 423.16(e)(1) and 423.19(gf).

- C) Notice of Material Delay. An EGU that will undergo permanent cessation of coal combustion or one that opted into VIP under alternative standards under subsection (de)(1)(A) operating under alternative standards under subsection (de)(1)(B) must submit a notice of significant delay as required by 40 CFR 423.19(mj).

BOARD NOTE: This subsection (de)(1)(C) derives from 40 CFR 423.19(mj).

- D) FGD Wastewater Discharges by Low Utilization EGUs (LUEGUs). The owner or operator of an EGU that qualifies as a LUEGU, as defined in 40 CFR 423.11(z), incorporated by reference in subsection (cb), may seek to operate under the alternative standards for discharges of FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (cb), provided in 40 CFR 423.16(e)(2) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (fe).

BOARD NOTE: This subsection (de)(1)(D) derives from 40 CFR 423.16(e)(2) and 423.19(fe).

- E) Bottom Ash (BA) Transport Water Discharges. Discharge of BA transport water, as defined in 40 CFR 423.11(p), incorporated by reference in subsection (cb), is prohibited and only allowed as provided in 40 CFR 423.16(g) after complying with the best management practices requirements of 40 CFR 423.13(k)(3) and

fulfilling the certification requirements in 40 CFR 423.19(a) through (ed).

BOARD NOTE: This subsection (de)(1)(E) derives from 40 CFR 423.13(k)(3), 423.16(g), and 423.19(de) and (ed).

- F) EGUs Seeking to Transfer Between Applicable Discharge Limitations. Subject to the limitations in subsection (de)(1)(G), the owner or operator of an EGU may seek to transfer applicable discharge standards, as provided in 40 CFR 423.13(o), after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (li). The permissible transfers are the following:
- i) Before December 31, 2023, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (de)(1)(B) to those applicable to a LUEGU under subsection (de)(1)(D);
 - ii) Before December 31, 2023, from VIP limitations under subsection (de)(1)(A) to those applicable to a LUEGU under subsection (de)(1)(D);
 - iii) Before December 31, 2025, from VIP limitations under subsection (de)(1)(A) to those applicable to an EGU initiating cessation of coal combustion under subsection (de)(1)(D);
 - iv) Before December 31, 2025, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (de)(1)(B) to VIP limitations under subsection (de)(1)(A);
 - v) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (de)(1)(D) to generally applicable limitations for discharges of FGD wastewater and BA transport water under 40 CFR 423.16;
 - vi) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (de)(1)(D) to VIP limitations under subsection (de)(1)(A); and
 - vii) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (de)(1)(D) to those applicable to an EGU initiating cessation of coal combustion under subsection (de)(1)(B).

BOARD NOTE: This subsection (de)(1)(F) derives from 40 CFR 423.13(o) and 423.19(l). USEPA calls VIP “Voluntary Incentives Program,” and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64708 n. 166 (Oct. 13, 2020). USEPA’s rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(l)(1).

G) Conditions for Transfer Between Applicable Discharge Limitations. Conditions apply to transfer between applicable discharge limitations:

- i) An EGU must comply with all currently applicable requirements before filing a notice under 40 CFR 423.19(l) seeking transfer to other applicable discharge limitations, as provided in 40 CFR 423.13(o)(2); and
- ii) An EGU seeking a transfer described in subsections (de)(1)(F)(iii) through (de)(1)(F)(vii) must comply with more stringent limitations that already apply, instead of the less stringent limitations sought.

BOARD NOTE: This subsection (de)(1)(G) derives from 40 CFR 423.13(o)(2) and (o)(3).

H) An EGU that would otherwise qualify as a LUEGU or as ceasing combustion of coal before December 31, 2028 will continue to qualify if the conditions in 40 CFR 423.18 are true and after the owner or operator fulfills the certification requirements in 40 CFR 423.19(a), (b), and (g).

BOARD NOTE: This subsection (de)(1)(H) derives from 40 CFR 423.16(e)(1) and (e)(2), 423.18, and 423.19(g). The requirements of 40 CFR 423.18 directly apply to conditions in NPDES permits. The certification requirement of 40 CFR 423.19(g) allows the discharge standards for the LUEGU or EGU ceasing coal combustion subcategory continue to continue to apply to indirect dischargers under the same circumstances and conditions.

I) An EGU that would otherwise qualify as LUEGU or as ceasing combustion of coal before December 31, 2034 will continue to qualify if the conditions in 40 CFR 423.18 are true and after the

owner or operator fulfills the certification requirements in 40 CFR 423.19(a), (b), and (h).

BOARD NOTE: This subsection (d)(1)(I) derives from 40 CFR 423.16e(3) and e(4), 423.18, and 423.19(h). The requirements of 40 CFR 423.19 directly apply to conditions in NPDES permits. The certification requirement of 40 CFR 423.19(h) allows discharge standards for the LUEGU or EGU ceasing coal combustion subcategory to continue to apply to indirect dischargers under the same circumstances and conditions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (~~de~~)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.

~~ed~~) New Sources

- 1) The Board incorporates by reference 40 CFR 423.17 as amended at 89 Fed. Reg. 40198 (May 9, 2024)-and appendix A to 40 CFR 423 (20240). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (~~ed~~)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
- 3) "New source" means any building, structure, facility, or installation whose construction commenced after October 14, 1980.

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