

ILLINOIS POLLUTION CONTROL BOARD

September 5, 2024

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

Proposed Rule. Proposal for Public Comment.

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

The Board today proposes amendments to Illinois wastewater pretreatment regulations adopted by United States Environmental Protection Agency (USEPA) during the first half of 2024.

This is an identical-in-substance (IIS) rulemaking under Sections 7.2 and 13.3 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2022)). Section 13.3 requires the Board to adopt requirements that are identical-in-substance to the federal Clean Water Act (CWA) sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) (33 U.S.C. §§ 1317(b), (c), and (d) and 1412(b)(8) and (b)(9) (2022)).

Section 13.3 of the Act and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/5-1-5(c)(1) (2022)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2022)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2022)) do not apply to IIS rulemaking. Accordingly, the Board does not adopt a “First Notice” proposal and then a “Second Notice” proposal for review by JCAR. However, Section 7.2 of the Act requires the Board to consider comments from USEPA, the Illinois Environmental Protection Agency (Agency), the Attorney General, and the public before adopting IIS rules.

The federal wastewater pretreatment standards implement these sections of the CWA and are found in segments of 40 C.F.R. §§ 401, 403, 405 through 415, 417 through 430, 432, through 455, 457 through 461, 463 through 469, and 471.

The Board today revises the effluent limitations guidelines and standards for the steam electric power generating point source category based on USEPA amendments to the identical in substance sections of the CWA during the first half of 2024. Additionally, the Board updates incorporations by reference to the Code of Federal Regulations in the Illinois rules.

The Board will submit the proposed amendments for publication in the *Illinois Register* and receive public comments for at least 45 days after publication. The Board expects to adopt final rules before December 13, 2024.

## **TIMETABLE TO COMPLETE RULEMAKING**

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2022)), the Board must complete this rulemaking before May 9, 2025, one year from the corresponding federal action.

Adopting this proposal for public comment today allows the Board to complete this rulemaking by December 13, 2024, barring unforeseen delays. The Board intends to adhere to the following schedule:

Due date:	May 9, 2025
Proposal adopted date:	September 5, 2024
Publication submission deadline:	September 6, 2024
Expected <i>Illinois Register</i> publication date:	September 20, 2024
End of 45-day public comment period:	November 4, 2024
Adoption date:	November 7, 2024
Possible filing and effective date:	November 8, 2024
Possible <i>Illinois Register</i> publication date:	November 22, 2024-December 6, 2024

## **SUMMARY OF PROPOSED AMMENDMENTS**

### **Federal Actions Implemented**

#### **May 9, 2024 (89 Fed. Reg. 40198)**

USEPA updated the CWA effluent limitation guidelines and standards (ELG's) for the Steam Electric Power Generating Point Source Category. Specifically, USEPA revised flue gas desulfurization (FGD) wastewater, bottom ash (BA) transport water and legacy wastewater at existing sources and combustion residual leachate (CRL) at new and existing sources. USEPA updated the ELG's to reduce and/or eliminate toxic discharges from steam electric power plants.

### **Amendments and Corrections to Background Text**

The Board finds that a limited number of additional amendments not derived from USEPA actions are needed. These are non-substantive corrective and stylistic amendments.

### **Requests for Comments**

The Board requests that interested persons review this opinion and order and submit comments on the proposed amendments. Address questions or written comments concerning this rulemaking, noting docket number R25-6, to:


Don A. Brown, Clerk  
Pollution Control Board  
60 East Van Buren Street, Suite 630  
Chicago, Illinois 60605  
(312) 814-3461  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

### **ORDER**

The Board directs the Clerk to provide notice in the *Illinois Register* of the appended proposed amendments to the Illinois wastewater pretreatment regulations at 35 Ill Adm. Code 307.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 5, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board