

ILLINOIS POLLUTION CONTROL BOARD  
April 29, 1982

IN THE MATTER OF: )  
 )  
EFFLUENT STANDARDS ) R82-5  
REVISIONS IN CHAPTER 3: )  
WATER POLLUTION )

ORDER OF THE BOARD (by J. D. Dumelle):

The scope of this rulemaking is expanded to include amendments to Chapter 3 originally contemplated in R80-6, which has been dismissed. The notice list and the economic impact study for R80-6 is incorporated into this proceeding.

The following language is proposed for Rule 604(f):

604 New Connections

(a) - (e) Unchanged.

(f) Notification by Agency: The Agency shall notify the sanitary district or other wastewater treatment or transportation authority of its determination of restricted status or critical review, or refusal to terminate the same, and shall give a specific, detailed written statement as to the reasons for imposition of the restricted status or critical review.

The following language is proposed for Rule 951(b)(2) of Chapter 3:

951 Construction Permits

Except for treatment works or wastewater sources which have or will have discharges for which NPDES Permits are required, and for which NPDES Permits have been issued by the Agency,

(a) Unchanged.

(b) Construction permits shall not be required for the following:

(1) Unchanged.

(2) Any treatment works, sewer, or wastewater source designed or intended to serve a single building and eventually treat or discharge less than an

average of 1500 gallons per day of domestic sewage and which will discharge directly to a publicly regulated sanitary or combined sewer; or

(3)-(5) Unchanged.

(c) No person without a construction permit issued by the Agency shall cause or allow the construction of any pretreatment works or cause or allow the modification of any existing pretreatment works if such pretreatment works, after construction or modification, will:

(1) ~~Discharge toxic pollutants, as defined in Section 502(13) of the FWPCA, or pollutants which may interfere with the treatment process into the receiving treatment works, or~~  
Be subject to regulations promulgated under Section 307 of the Clean Water Act (FWPCA) (40 CFR Part 403); or

(2) Discharge 15% or more of the total hydraulic flow received by the treatment works; or

(3) Discharge 15% or more of the total biological loading received by the treatment works as measured by 5-day biochemical oxygen demand.  
~~without a Construction Permit issued by the Agency.~~

The following non-substantive language changes are also proposed:

#### 501 Reporting Requirements

(a) Every person within this State operating a pretreatment works, treatment works or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentration of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works ~~that either~~ which:

(1) ~~Discharge toxic pollutants, as defined in Section 502(13) of the FWPCA, or pollutants which may interfere with the treatment process, into the receiving treatment works, or~~

Are subject to regulations promulgated under Section 307 of the Clean Water Act (FWPCA); or

- (2) Discharge 15% or more of the total hydraulic flow received by the treatment works; or
- (3) Discharge 15% or more of the total biological loading received by the treatment works as measured by 5-day biochemical oxygen demand.

(b) Deleted.

(c) Every holder of an NPDES Permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

952 Operation Operating Permits: New or Modified Treatment Works, Sewers and Wastewater Sources

(a) No person shall cause or allow the use or operation of any treatment works, sewer or wastewater source for which a construction permit is required under Rule 951 without an operating permit issued by the Agency, except ~~for such testing operations~~ as may be authorized by the construction permit. No operating permit is required under this rule for any discharge for which an NPDES permit is required.

~~(b) However, the requirement for an Operating Permit for only that portion of any treatment works or waste water source for which an NPDES Permit is required shall be suspended from the effective date of this Subpart B until the earlier of either:~~

~~(1) June 30, 1975, or~~

~~(2) The date of a final determination by the Administrator, pursuant to Section 402(c) of the FWPCA, that the State's NPDES Permit program does not meet the requirements of Section 402(b) or does not conform to the guidelines issued under Section 304(h)(2) of the FWPCA.~~

~~(c) On the effective date of Subpart A hereof, all requirements for Operating Permits for discharges for which NPDES Permits are required shall be abolished, pursuant to the provisions of Section 13(b)(1) of the Act.~~

953 Operating Permits: Existing Treatment Works, Pretreatment Works and Wastewater Sources

- (a) No person shall cause or allow the use or operation of any treatment works, pretreatment works, or wastewater source after December 31, 1972 without an operating permit issued by the Agency, except as provided in paragraphs (b), (c) and (d).
- (b) ~~For the period of time referred to in Rule 952 above, the requirement of Operating Permits for treatment works and wastewater sources for which NPDES Permits are required shall be suspended. On the effective date of Subpart A hereof, all requirements for Operating Permits for dischargers for which NPDES Permits are required shall be abolished, pursuant to provisions of Section 13(b)(1) of the Act.~~  
No operating permit is required under this rule for any discharge for which an NPDES permit is required.
- (c) Operating Permits are not required for treatment works and wastewater sources that are designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day of domestic sewage.
- (d) Operating Permits are not required for those pretreatment works or wastewater sources discharging to a sewer tributary to a treatment works that which will not:
- (1) ~~Discharge toxic pollutants, as defined in Section 502(13) of the FWPCA, or pollutants which may interfere with the treatment process into the receiving treatment works, or~~  
Be subject to regulations promulgated under Section 307 of the Clean Water Act; or
  - (2) Discharge 15% or more of the total hydraulic flow received by the treatment works; or
  - (3) Discharge 15% or more of the total biological loading received by the treatment works as measured by the 5-day biochemical oxygen demand.

956 Former Permits

- ~~(a) The issuance of any permit by the Agency or any predecessor prior to the effective date of this Subpart B will not excuse compliance with the requirements for obtaining Operating Permits as set forth in Rule 953.~~

~~(b) No Construction or Operating Permit issued by the Agency or its predecessor under authority of any State legislation or regulation other than Section 39(b) of the Act and Board regulations promulgated pursuant thereto, shall be considered valid for the purpose of authorizing any discharge to the waters of the State or to any well.~~

956 Deleted.

962 Standards for Issuance

(a) The Agency shall not grant any permit required by this Subpart B, except an Experimental Permit under Rule 955, unless the applicant submits adequate proof that the treatment works, pretreatment works, sewer, or wastewater source: ~~(a)~~ will will be constructed, modified, or operated so as not to cause a violation of the Act or of this Chapter, or has been granted a variance under Title IX of the Act, and

~~(b) Either conforms to the design criteria promulgated by the Agency under Rule 967, or is based on such other criteria which the applicant proves will produce consistently satisfactory results, and~~  
If the Agency has promulgated, pursuant to Rule 967, criteria with regard to any part or condition of a permit, then for purposes of permit issuance proof of conformity with the criteria shall be prima facie evidence of no violation. However, non-conformity with the criteria shall not be grounds for permit denial if the condition of subsection (a) of this rule is met.

~~(c) Conforms to all conditions contained in the Construction Permit, where applicable.~~

967 Design, Operation and Maintenance Criteria

(a) The Agency may adopt ~~procedures which set forth~~ criteria for the design, operation, and maintenance of treatment works, pretreatment works, sewers, and wastewater sources. These procedures criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.

~~(b) Before adopting new criteria or making substantive changes to any criteria adopted by the Agency, the Agency shall:~~

~~(1) Publish a summary of the proposed changes in the Board Newsletter or a comparable publication, at the Agency's expense, and-~~

- ~~(2) Provide a copy of the full text of the proposed changes to any person who in writing so requests, and~~
- ~~(3) Defer adoption of the changes for 45 days from the date of publication to allow submission and consideration of written comments on the proposed changes.~~

The Agency shall adopt such procedures as are necessary for permit issuance under this Subpart B of Part IX.

- (c) In adopting new or revised criteria or procedures, the Agency shall comply with the requirements of the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1979, ch. 127, §1001 et seq.

969 Permit Revocation

- ~~(a) Violation of the conditions of a permit issued under the provisions of this Subpart B shall be grounds for revocation of the permit, in addition to other sanctions provided by the Act. Such sanctions shall be sought by filing a complaint with the Board.~~  
A permit issued under this Subpart B may be revoked for cause which includes, but is not limited to, the following:
- (1) Cause as set forth in Rule 912(b); or
  - (2) Delinquency in payment of any charges which may be required to be paid under Section 204(b) of the Clean Water Act.
- ~~(b) Delinquency in payment of any charges which may be required to be paid under Section 204(b) of the FWPCA and regulations thereunder shall be grounds for revocation of any permit issued pursuant to this Subpart B as provided by Rule 969(a) above.~~  
Revocation may be sought by filing a complaint with the Board pursuant to Part III of the Procedural Rules.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 29<sup>th</sup> day of April, 1982 by a vote of 50.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board