

ILLINOIS POLLUTION CONTROL BOARD  
June 20, 1991

IN THE MATTER OF: )  
 )  
PRETREATMENT UPDATE ) R91-5  
(6-29-90 through 12-31-90) ) (Identical in Substance Rules)

ORDER OF THE BOARD (by J. Anderson):

Section 13.3 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA wastewater pretreatment rules adopted pursuant to the Clean Water Act. The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that the regulations in this Docket will arguably be late. The Board is therefore entering this Order to extend the time.

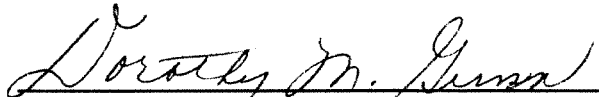
The USEPA Pretreatment rules are in 40 CFR 400 et seq. These have been the subject of four recent amendments: June 29, July 24, August 3, and September 7, 1990 (55 Fed. Reg. 26692, 30126, 31697, and 36932). Therefore, only one set of minor amendments, i.e., those of June 29, occurred within the nominal time-frame of the R90-15 proceeding (between January 1 and June 30, 1990). The July 24, August 3, and September 3 amendments, which are significant, occurred within the original time-frame of this docket (July 1, 1990 through December 31, 1990). Those minor federal amendments of June 29, 1990 withdraw certain pretreatment limitations in the organic chemicals, plastics, and synthetic fibers category in response to a federal judicial remand. The significant federal revisions of July 24, 1990 implement initial controls necessary to assure adequate control of hazardous wastes discharged to sewer systems under the domestic sewage exclusion of the Resource Conservation and Recovery Act (RCRA). The amendments of August 3, 1990 imposed new limitations on discharges from industries in certain subcategories of the nonferrous metals manufacturing category, which USEPA corrected on September 7, 1990.

The Board has delayed final action on this docket by dismissal of docket R90-15 and consolidation of the single set of minor amendments that would have occurred in that docket into this docket. Thus, the Board will change the time-frame of this docket to 6-29-90 through 12-31-90. The extent of numerous and voluminous amendments to the Illinois hazardous waste and drinking water programs and the press of other business have resulted in unavoidable delay in proposing and adopting the above-described pretreatment amendments. The Board plans to propose amendments corresponding with the USEPA pretreatment amendments through December 31, 1990 on or before July 11, 1991

and adopt final amendments by September 12, 1991. Thus, incorporation of of the federal amendments occurring within the nominal time-frame of docket R90-15 into docket R91-5, by extending the time-frame of this docket and dismissing R90-15, will avoid duplication of effort and further delay.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 20~~th~~ day of June, 1991, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board