



ORIGINAL RECEIVED  
CLERK'S OFFICE

AUG 15 2006

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

08/11/2006

POLLUTION CONTROL BOARD

James R. Thompson Center 100 W. Randolph St., Ste 11-500  
Dorothy Gunn  
CHICAGO, IL 60601

206-13

Dear Dorothy Gunn

Your rules Listed below met our codification standards and have been published in Volume 30, Issue 33 of the Illinois Register, dated 08/18/2006.

NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

- Notice of Public Information Pursuant to 415 ILCS 5/28.1(d)(3)
  - Ill. Adm. Code Page 13934
  - Point Of Contact:Erin Conley
- Permits and General Provisions (Withdrawal of Proposed)
  - 35 Ill. Adm. Code 201 Page 13933
  - Point Of Contact:Erin Conley

PROPOSED RULES

- Sewer Discharge Criteria
  - 35 Ill. Adm. Code 307 Page 13645
  - Point Of Contact:Erin Conley
- Pretreatment Programs
  - 35 Ill. Adm. Code 310 Page 13681
  - Point Of Contact:Erin Conley

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sewer Discharge Criteria

2) Code Citation: 35 Ill. Adm. Code 307

3) Section Numbers:

307.1001  
307.1005  
307.1006  
307.1101  
307.2003  
307.2400  
307.2410  
307.3001  
307.3002  
307.3121  
307.3404  
307.6503  
307.6505  
307.7401

Proposed Action:

Amend  
Amend  
New Section  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend

4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27

5) Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R06-13 rulemaking of which the amendments to Part 307 are a single segment. Also affected is 35 Ill. Adm. Code 310, which is covered by a separate notice in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of August 4, 2006, proposing amendments in docket R06-13, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period: July 1, 2005 through December 31, 2005. The R06-13 docket amends rules in Parts 307 and 310. The amendments to the two Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

**70 Fed. Reg. 59848 (October 13, 2005)**

**RECEIVED**  
CLERK'S OFFICE  
AUG 15 2006  
STATE OF ILLINOIS  
Pollution Control Board

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

USEPA adopted requirements for electronic filing of required documents, such as permit applications and reports, under the various federal programs, including federally authorized state programs. The Cross-Media Electronic Reporting Rule (CROMERR) affects, *inter alia*, the wastewater pretreatment regulations.

**70 Fed. Reg. 60134 (October 14, 2005)**

USEPA adopted streamlining amendments to the general wastewater pretreatment requirements. USEPA stated that the amendments were intended to make the wastewater requirements more consistent with those applicable to direct dischargers. USEPA intends that the amendments will decrease the regulatory burden on industrial users without adverse effects on environmental protection and that the amendments will allow a greater focus of oversight resources on industrial users that have the greatest potential to affect POTW operations.

**70 Fed. Reg. 73618 (December 13, 2005)**

USEPA adopted amendments to the effluent guidelines and wastewater pretreatment requirements applicable to sources in the Iron and Steel Manufacturing Point Source category. USEPA stated that the amendments shift the focus from the discharges from an individual outfall to the overall discharges from all outfalls for a single source. USEPA called this the "water bubble" concept. This may require adjustment of a particular pollutant either upward or downward for any single outfall.

Specifically, the amendments to Part 307 implement segments of the federal amendments of December 13, 2005. The amendments incorporate the federal amendments to the rules applicable to the Iron and Steel Manufacturing Point Source category. The amendments further add a provision that renders electronic filings under Part 307 subject to the federal October 13, 2005 CROMERR.

Tables appear in the Board's opinion and order of August 4, 2006 in docket R06-13 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the August 4, 2006 opinion and order in docket R06-13.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Part 307 sets forth the body of the federally derived categorical pretreatment standards. This Part accomplishes this in large part by incorporation of the federal standards by reference. The present amendments update incorporations by reference to include the pretreatment segments of the December 13, 2005 federal amendments:

The incorporation of 40 C.F.R. 420.16 at Section 307.3001; and

The incorporation of 40 C.F.R. 420.26 at Section 307.3002.

The Board has used this opportunity to add incorporations of federal provisions by reference that were previously omitted:

The incorporation of 40 C.F.R. 414.11 by reference at Section 307.2410; and

The incorporation of 40 C.F.R. 464.02 by reference at Section 307.7401.

The Board has used this opportunity to correct three incorporations by reference:

The incorporation of 40 C.F.R. 421.131 by reference to 40 C.F.R. 421.231 at Section 307.3121;

The incorporation of 40 C.F.R. 424.11 by reference to 40 C.F.R. 424.41 at Section 307.3404; and

The incorporation of 40 C.F.R. 455.46 by reference to 40 C.F.R. 455.47 at Section 307.6503; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

The incorporation of 40 C.F.R. 455.56 by reference to 40 C.F.R. 455.57 at Section 307.6505.

Finally, the amendments further generally update the incorporations of segments of the *Code of Federal Regulations* to the 2005 edition, which is the latest edition available, in all open segments of the rules.

- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2002)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R06-13:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: December 2005

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code citation: 35 Ill. Adm. Code 310
- 3) 

<u>Section numbers:</u>	<u>Proposed action:</u>
310.106	New Section
310.107	Amend
310.110	Amend
310.111	Amend
310.112	New Section
310.202	Amend
310.210	Amend
310.211	Amend
310.220	Amend
310.221	Amend
310.222	Amend
310.230	Amend
310.232	Amend
310.233	Amend
310.301	Amend
310.303	Amend
310.320	Amend
310.510	Amend
310.511	New Section
310.601	Repeal
310.602	Amend
310.605	Amend
310.610	Amend
310.611	Amend
310.612	Amend
310.613	Amend
310.621	Amend
310.631	Amend
310.632	Amend
310.633	Amend
310.634	Amend
310.636	New Section
310.637	New Section
310.705	Amend

**RECEIVED**  
CLERK'S OFFICE  
AUG 15 2006  
STATE OF ILLINOIS  
Pollution Control Board

RECEIVED  
AUG - 7 2006  
SOS-CODE DIV.

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

310.711	Amend
310.801	Amend
310.912	Amend

4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 27.

5) A complete description of the subjects and issues involved:

The amendments to Part 310 are a single segment of the docket R06-13 rulemaking that also affects 35 Ill. Adm. Code 307, which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R06-13 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of August 4, 2006, proposing amendments in docket R06-13, which opinion and order is available from the address below.

Specifically, the amendments to Part 310 implement segments of the October 13, 2005 federal Cross-Media Electronic Reporting Rule (CROMERR). The amendments also incorporate the October 14, 2005 streamlining amendments to the general wastewater pretreatment requirements.

Tables appear in the Board's opinion and order of August 4, 2006 in docket R06-13 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the August 4, 2006 opinion and order in docket R06-13.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None



ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Will these proposed amendments replace emergency amendments currently in effect?  
No.
- 8) Does this rulemaking contain an automatic repeal date?: No.
- 9) Do these proposed amendments contain incorporations by reference?

Yes. Section 310.107 is the centralized location of all documents incorporated by reference for the purposes of Part 310. It is also the centralized location of all documents incorporated by reference for the purposes of Part 307, except for the categorical pretreatment standards of 40 C.F.R. 405 through 499. The categorical standards are the only pretreatment standards incorporated by reference in appropriate segments of Part 307, rather than in Section 310.107.

The present amendments make the following changes to the centralized incorporations by reference in Section 310.107:

The amendments add an incorporation of the USEPA document, "Confined Sewer Overflow (CSO) Control Policy (1994)," by reference to accommodate the federal amendments;

The amendments add incorporations of segments of the federal CROMERR by reference, as codified in 40 C.F.R. 3, to accommodate the federal amendments;

The amendments include the incorporation of specific provisions of the federal Clean Water Act by reference where only a general incorporation of the entire Clean Water Act by reference existed in the past;

The amendments correct the citation to the federal Resource Conservation and Recovery Act to the specific provisions incorporated by reference;

The amendments update the version of each federal statute or regulation incorporated by reference to the latest edition available, including a *Federal Register* citation to later amendments where necessary;

The amendments standardize the format and add the title of each of the federal regulations incorporated by reference; and

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The amendments add to each incorporation by reference a citation or citations to the Illinois wastewater pretreatment rules for which the incorporation is made.

10) Are there any other amendments pending on this Part? No.

11) Statement of statewide policy objectives:

These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2002)].

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R06-13:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works.

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

14) Regulatory agenda on which this rulemaking was summarized:

December 30, 2005, at 29 Ill. Reg. 21103, 21125

The full text of the proposed amendments begins on the next page: