

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
309.104	Amendment
309.201	Amendment
309.202	Amendment
309.203	Amendment
309.204	Amendment
309.242	Amendment
309.263	Amendment
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: Permits issued by Illinois under the Federal National Pollutant Discharge Elimination System program and water pollution permits issued by the state under its own water pollution program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R15-24 and be addressed to:

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Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R15-24 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Jason James at 312/814-6929 or e-mail at Jason.James@illinois.gov.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business, small municipality, or not-for-profit corporation with an NPDES or state water permit may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015.

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

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

PART 309
PERMITS

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309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
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- 309.149 Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
- 309.150 Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
- 309.151 Maintenance and Equipment
- 309.152 Toxic Pollutants
- 309.153 Deep Well Disposal of Pollutants (Repealed)
- 309.154 Authorization to Construct
- 309.155 Sewage Sludge Disposal
- 309.156 Total Dissolved Solids Reporting and Monitoring
- 309.157 Permit Limits for Total Metals
- 309.181 Appeal of Final Agency Action on a Permit Application
- 309.182 Authority to Modify, Suspend or Revoke Permits
- 309.183 Revision of Schedule of Compliance
- 309.184 Permit Modification Pursuant to Variance
- 309.185 Public Access to Information
- 309.191 Effective Date

SUBPART B: OTHER PERMITS

- Section
- 309.201 Preamble
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- 309.205 Joint Construction and Operating Permits
- 309.206 Experimental Permits
- 309.207 Former Permits (Repealed)
- 309.208 Permits for Sites Receiving Sludge for Land Application
- 309.221 Applications ~~=~~ Contents
- 309.222 Applications ~~=~~ Signatures and Authorizations
- 309.223 Applications ~~=~~ Registered or Certified Mail
- 309.224 Applications ~~=~~ Time to Apply
- 309.225 Applications ~~=~~ Filing and Final Action By Agency
- 309.241 Standards for Issuance
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309.262	Design, Operation and Maintenance Criteria
309.263	Modification or Renewal of Permits
309.264	Permit Revocation
309.265	Approval of Federal Permits
309.266	Procedures
309.281	Effective Date
309.282	Severability

309.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5526, effective April 1, 1996; amended in R99-8 at 23 Ill. Reg. 11287, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 202, effective December 20, 2002; amended in R03-19 at 28 Ill. Reg. 7310, effective May 7, 2004; amended in R07-9 at 32 Ill. Reg. ~~14978, 14995~~, effective September 8, 2008; amended in R08-09(D) at 39 Ill. Reg. 9433, effective June 26, 2015; amended in R15-24 at 40 Ill. Reg. ~~_____~~, effective ~~_____~~.

SUBPART A: NPDES PERMITS

Section 309.104 Renewal

- a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit ~~shall~~ must timely apply for reissuance of the ~~permit not less than 180 days prior to the expiration date of the~~ permit.
 - 1) A permittee has submitted a timely application for a new permit when:

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- ~~(A)~~ The permittee submits:
- ~~i)~~ an application 180 days prior to the expiration date of the existing permit; or
 - ~~B)~~ ~~The permittee submits i)~~ a request for a waiver in writing to the Agency, the Agency grants a written waiver to submit the application less than 180 days prior to the expiration date of the existing permit, and the applicant submits an application within the timeframe listed in the waiver request. Such a waiver request must include the permittee's reasonably justifiable causes for not meeting the 180 day timeframe. A waiver of the 180 day submittal requirement must be filed a minimum of 60 days prior to expiration of the permit, and shall include the date by which the permittee will submit the application.
- ~~(B)~~ The Agency shall not grant a waiver for applications to be submitted later than the expiration date of the existing permit.
- ~~(C)~~ Any Agency decision to deny a waiver request must be made within 21 days ~~of~~after receipt of the waiver request.
- 2) The terms and conditions of an expiring permit remain effective and enforceable against the discharger until the Agency takes final action on the pending permit application, only if:
- A) The permittee has submitted a timely application pursuant to subsection ~~(a)(1) of this Section~~; and
 - B) The Agency, through no fault of the permittee, does not issue a new permit on or before the expiration date of the previous permit.
- b) All permittees that timely apply for an NPDES permit renewal must pay an annual NPDES discharge fee pursuant to Section 12.5 of the Act.
- ~~ebc)~~ The Agency ~~must~~shall~~must~~ circulate public notice and provide opportunity for public hearing, as provided for in this Subpart A, in the same manner as for a new permit application.

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: OTHER PERMITS

Section 309.201 Preamble

- a) This Subpart B establishes basic rules for the issuance of permits for the construction, modification and operation of treatment works, pretreatment works, sewers, wastewater sources and other discharges ~~which~~that are not required to have NPDES Permits.
- b) The following discharges are exempt from the operating permit requirement of this Subpart. However, ~~such~~these discharges may be subject to the construction permit requirement.
 - 1) Discharges for which a pretreatment permit has been issued by the Agency; pursuant to 35 Ill. Adm. Code 310;
 - 2) Discharges for which a pretreatment permit has been issued by USEPA pursuant to the federal Clean Water Act; or
 - 3) Discharges for which an authorization ~~to discharge~~ has been issued by a publicly owned treatment works (POTW) with ~~an approved~~aa pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA pursuant to federal law. ~~are exempt from the operating permit requirement of this Subpart. However, such discharges may be subject to the construction permit requirement.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 309.202 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) No person shall cause or allow the construction of any new treatment works, sewer; or wastewater source or cause or allow the modification of any existing treatment works, sewer; or wastewater source without a construction permit issued

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by the Agency, except as provided in ~~paragraph~~[subsections](#) (c)~~(b)~~ and (d).

- b) For groundwater remediation systems, with or without pretreatment, a permit is required for construction of:
- 1) A new sewer to a publicly owned or publicly regulated sanitary or combined sewer; or
 - 2) a wastewater source that discharges to a publicly owned or publicly regulated sanitary or combined sewer.
- ~~ebc~~) Construction permits shall not be required for the following:
- 1) Storm sewers that transport only land runoff; ~~or~~
 - 2) Any treatment works, sewer, or wastewater source designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day (5700 l/day) of domestic sewage and which will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer; ~~or~~
 - 3) Any sewer required by statute to secure a permit pursuant to Section 3 of "~~An Act to provide for, license and regulate mobile homes and mobile-home parks~~", P.A. 77-1472, (Ill. Rev. Stat. 1981, ch. 111 1/2, par.713); ~~or~~ [the Mobile Home Park Act \[210 ILCS 115\]](#);
 - 4) Any treatment works, pretreatment works, sewer or wastewater source that, on the effective date of this Subpart B, is being constructed or will be constructed under the authorization of a permit already issued by the Agency or its predecessors; provided however, that all construction must be completed within four years from the effective date of this Subpart B; ~~or~~
 - 5) Privately owned sewers tributary to industrial treatment works owned by the same person if the additional waste load does not exceed the permitted design capacity of the industrial treatment ~~work~~[works](#); or-
 - 6) Cooling towers, oil/water separators, pH adjustment facilities without additional pretreatment, groundwater remediation system pretreatment,

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reverse osmosis treatment for industrial source water, multi-media filtration for industrial source water, disposable cartridge type (or similar) filtration systems, ion-exchange systems for industrial source waters, and all associated pipes, pumps, and appurtenances necessary for the installation and operation of these permit exempt treatment systems.

~~ded~~) 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 without a construction permit issued by the Agency, unless exempt pursuant to Section 309.202(c) if ~~such~~those pretreatment works, after construction or modification, will:

- 1) Discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under ~~Section~~section 307 of the Clean Water Act (CWA); 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~~;~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 309.203 Operating Permits; New or Modified Sources

- a) No person shall cause or allow the use or operation of any treatment works, sewer, pretreatment works~~;~~ or wastewater source for which a construction permit is required under Section 309.202 without an operating permit issued by the Agency, except as may be authorized by the construction permit.
- b) No operating permit is required under this Section for any discharge:
 - 1) For which an NPDES permit is required; ~~or~~
 - 2) For which a pretreatment permit has been issued by the Agency, pursuant to 35 Ill. Adm. Code 310;

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- 3) For which a pretreatment permit has been issued by USEPA pursuant to federal law; or
- 4) ~~For~~~~for~~~~For~~ which an authorization to discharge has been issued by a POTW with a ~~an approved~~ pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.

(Source: Amended at 40 Ill. Reg. ~~=~~ _____, effective _____)

Section 309.204 Operating Permits; Existing Sources

- a) No person shall cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency, except as provided in subsections (b), (c) and (d).
- b) No operating permit is required under this Section for any discharge:
 - 1) For which an NPDES permit is required; ~~or~~
 - 2) For which a pretreatment permit has been issued by the Agency, pursuant to 35 Ill. Adm. Code 310;
 - 3) For which a pretreatment permit has been issued by USEPA ~~pursuant~~~~pursaunt~~ to federal law; or
 - 4) ~~For~~~~for~~~~For~~ which an authorization to discharge has been issued by a POTW with a ~~an approved~~ pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.
- 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 5 (5700 l/day) of domestic sewage and ~~which~~~~that~~ will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer.
- d) Operating permits are not required for those pretreatment works or wastewater sources discharging to a sewer tributary to a treatment works, or directly to a

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treatment works, ~~which~~that will not:

- 1) Discharge toxic pollutants, as defined in ~~Section~~section 502(13) of the CWA, or pollutants ~~which~~that may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under ~~Section~~section 307 of the ~~Clean Water Act (CWA)~~; ~~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.

(Source: Amended at 40 Ill. Reg. ~~=~~ _____, effective _____)

Section 309.242 Duration and Termination of Permits Issued Under Subpart B

- a) Construction permits for sewers and wastewater sources ~~must~~shall~~must~~ require that construction be completed within two years. Construction permits for treatment works and pretreatment works ~~must~~shall~~must~~ require that construction be completed within three years. In situations ~~wherein~~ which the magnitude and complexity of the project require it, the Agency may issue a construction permit, requiring completion within a period not to exceed five years.
- b) Except as indicated in subsection (c) ~~below~~, ~~no~~no operating permit shall have duration in excess of ~~five years. All operating permits other than those issued under Section 309.203 for newly constructed sewers shall have a duration not to exceed~~ five years. The Agency may issue operating permits for as short a period of time as may be necessary in order to facilitate basin planning, to coordinate operating permits with future compliance deadlines, to maintain intensive control over new or experimental processes and to provide for emergency situations.
- c) The Agency may issue operating permits under Section 309.203 for sewers, wastewater sources, and pretreatment works for the lifetime of the sewer or the pretreatment works.
- d) Notwithstanding ~~subsections~~subsections (b) and (c) ~~above~~, any operating permit subject to this Subpart must expire upon the issuance of a modified or renewed permit issued by the Agency.

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- e) A permittee may request termination of a permit by submitting the request in writing to the Agency on a form and in a format prescribed by the Agency. The Agency must send written confirmation of the termination to the permittee by certified or registered mail. Termination is effective on the date of written confirmation from the Agency.
- f) A permit may be terminated by the Agency upon determination that a facility is no longer in operation or existence. The Agency must send written notice via certified or registered mail to the last known address on the permit stating that the permitted system appears no longer in operation or existence. The permit must terminate 60 days after the date of notification unless the permittee communicates the desire for the permit to stay in effect.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 309.263 Modification or Renewal of Permits

- a) Any permit issued by the Agency under this Subpart B may be modified or renewed to make its provisions compatible with any new regulation adopted by the Board.
- b) Persons with operating permits for pretreatment works subject to this Subpart must obtain a modified permit prior to any of the following changes at the facility:
 - 1) A modification of permitted wastewater characteristics, quantity, or quality;
 - 2) A change in facility ownership, name, or address, so that the application or existing permit is no longer accurate; or
 - 3) A change in operations that will result in the permittee's noncompliance with the Act, a Board Regulation, or an existing permit condition.
- c) The Agency may require the modification or renewal of any operating permit subject to this Subpart for reasons including, but not limited to:
 - 1) A change in the requirements applicable to the permittee;
 - 2) The information on the permittee's application is inaccurate; or

~~ILLINOIS REGISTER~~ [JCAR350309-1515103r01](#)

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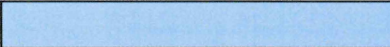

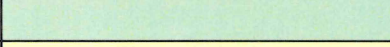
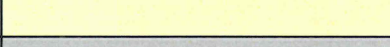
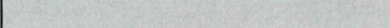
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- 3) Information that the permittee may not be in compliance with the Act, a Board regulation, or an existing permit condition.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Document comparison by Workshare Compare on Monday, November 16, 2015
10:22:42 AM

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Description	35-309-JCARr01(issue47)
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Split/Merged cell	
Padding cell	

Statistics:	
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Deletions	74
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Moved to	0
Style change	0
Format changed	0
Total changes	122

1ST NOTICE VERSION

JCAR350309-1515103r01

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

PART 309
PERMITS

SUBPART A: NPDES PERMITS

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87 309.APPENDIX A References to Previous Rules

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89 AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the
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92 SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB
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 106 2015; amended in R15-24 at 40 Ill. Reg. _____, effective _____.

107

108

SUBPART A: NPDES PERMITS

109

110 **Section 309.104 Renewal**

111

112 a) Any permittee who wishes to continue to discharge after the expiration date of
 113 ~~the~~his NPDES Permit ~~must timely~~shall apply for reissuance of the permit ~~not less~~
 114 ~~than 180 days prior to the expiration date of the permit.~~

115

116 1) A permittee has submitted a timely application for a new permit when:

117

118 A) The permittee submits:

119

120 i) an application 180 days prior to the expiration date of the
 121 existing permit; or

122

123 ii) a request for a waiver in writing to the Agency, the Agency
 124 grants a written waiver to submit the application less than
 125 180 days prior to the expiration date of the existing permit,
 126 and the applicant submits an application within the
 127 timeframe listed in the waiver request. Such a waiver
 128 request must include the permittee's reasonably justifiable
 129 causes for not meeting the 180 day timeframe. A waiver of

130 the 180 day submittal requirement must be filed a
131 minimum of 60 days prior to expiration of the permit, and
132 shall include the date by which the permittee will submit
133 the application.

134
135 B) The Agency shall not grant a waiver for applications to be
136 submitted later than the expiration date of the existing permit.

137
138 C) Any Agency decision to deny a waiver request must be made
139 within 21 days after receipt of the waiver request.

140
141 2) The terms and conditions of an expiring permit remain effective and
142 enforceable against the discharger until the Agency takes final action on
143 the pending permit application, only if:

144
145 A) The permittee has submitted a timely application pursuant to
146 subsection (a)(1); and

147
148 B) The Agency, through no fault of the permittee, does not issue a
149 new permit on or before the expiration date of the previous permit.

150
151 b) All permittees that timely apply for an NPDES permit renewal must pay an
152 annual NPDES discharge fee pursuant to Section 12.5 of the Act.

153
154 c) The Agency ~~must~~ shall circulate public notice and provide opportunity for public
155 hearing, as provided for in this Subpart A, in the same manner as for a new permit
156 application.

157
158 (Source: Amended at 40 Ill. Reg. _____, effective _____)

159
160 **SUBPART B: OTHER PERMITS**

161
162 **Section 309.201 Preamble**

163
164 a) This Subpart B establishes basic rules for the issuance of permits for the
165 construction, modification and operation of treatment works, pretreatment works,
166 sewers, wastewater sources and other discharges ~~that~~ which are not required to
167 have NPDES Permits.

168
169 b) The following discharges are exempt from the operating permit requirement of
170 this Subpart. However, these discharges may be subject to the construction permit
171 requirement.

172

- 173 1) Discharges for which a pretreatment permit has been issued by the Agency
174 pursuant to 35 Ill. Adm. Code 310;
- 175
- 176 2) Discharges for which a pretreatment permit has been issued by USEPA
177 pursuant to the federal Clean Water Act; or
- 178
- 179 3) Discharges for which an authorization to discharge has been issued by a
180 publicly owned treatment works (POTW) with a an approved pretreatment
181 program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or
182 approved by USEPA pursuant to federal law, are exempt from the
183 operating permit requirement of this Subpart. However, such discharges
184 may be subject to the construction permit requirements.
- 185

186 (Source: Amended at 40 Ill. Reg. _____, effective _____)

187

188 **Section 309.202 Construction Permits**

189

190 Except for treatment works or wastewater sources which have or will have discharges for which

191 NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

- 192
- 193 a) No person shall cause or allow the construction of any new treatment works,
194 sewer or wastewater source or cause or allow the modification of any existing
195 treatment works, sewer or wastewater source without a construction permit issued
196 by the Agency, except as provided in subsections (c) and (d)~~paragraph (b)~~.
- 197
- 198 b) For groundwater remediation systems, with or without pretreatment, a permit is
199 required for construction of:
 - 200
 - 201 1) A new sewer to a publicly owned or publicly regulated sanitary or
202 combined sewer; or
 - 203
 - 204 2) a wastewater source that discharges to a publicly owned or publicly
205 regulated sanitary or combined sewer.
 - 206
- 207 c) Construction permits shall not be required for the following:
 - 208
 - 209 1) Storm sewers that transport only land runoff; ~~or~~
 - 210
 - 211 2) Any treatment works, sewer or wastewater source designed and intended
212 to serve a single building and eventually treat or discharge less than an
213 average of 1500 gallons per day (5700 l/day) of domestic sewage and
214 which will discharge, if at all, directly to a publicly owned or publicly
215 regulated sanitary or combined sewer; ~~or~~

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- 3) Any sewer required by statute to secure a permit pursuant to Section 3 of the Mobile Home Park Act [210 ILCS 115]"An Act to provide for, license and regulate mobile homes and mobile home parks", P.A. 77-1472, (Ill. Rev. Stat. 1981, ch. 111½, par. 713); ~~or~~
 - 4) Any treatment works, pretreatment works, sewer or wastewater source that, on the effective date of this Subpart B, is being constructed or will be constructed under the authorization of a permit already issued by the Agency or its predecessors; provided however, that all construction must be completed within four years from the effective date of this Subpart B; ~~or~~
 - 5) Privately owned sewers tributary to industrial treatment works owned by the same person if the additional waste load does not exceed the permitted design capacity of the industrial treatment works; or
 - 6) Cooling towers, oil/water separators, pH adjustment facilities without additional pretreatment, groundwater remediation system pretreatment, reverse osmosis treatment for industrial source water, multi-media filtration for industrial source water, disposable cartridge type (or similar) filtration systems, ion-exchange systems for industrial source waters, and all associated pipes, pumps, and appurtenances necessary for the installation and operation of these permit exempt treatment systems.
- de) 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 without a construction permit issued by the Agency, unless exempt pursuant to Section 309.202(c) if those such pretreatment works, after construction or modification, will:
- 1) Discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under section~~Section~~ 307 of the Clean Water Act (CWA); 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.;

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 309.203 Operating Permits; New or Modified Sources

- a) No person shall cause or allow the use or operation of any treatment works, sewer, pretreatment works or wastewater source for which a construction permit is required under Section 309.202 without an operating permit issued by the Agency, except as may be authorized by the construction permit.
- b) No operating permit is required under this Section for any discharge:
 - 1) For which an NPDES permit is required;~~or~~
 - 2) For which a pretreatment permit has been issued by the Agency, pursuant to 35 Ill. Adm. Code 310;
 - 3) For which a pretreatment permit has been issued by USEPA pursuant to federal law; or
 - 4) ~~For~~for which an authorization to discharge has been issued by a POTW with ~~an approved~~ pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 309.204 Operating Permits; Existing Sources

- a) No person shall cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency, except as provided in subsections (b), (c) and (d).
- b) No operating permit is required under this Section for any discharge:
 - 1) For which an NPDES permit is required;~~or~~
 - 2) For which a pretreatment permit has been issued by the Agency pursuant to 35 Ill. Adm. Code 310;
 - 3) For which a pretreatment permit has been issued by USEPA pursuant to federal law; or
 - 4) ~~For~~for which an authorization to discharge has been issued by a POTW with ~~an approved~~ pretreatment program approved by the Agency,

pursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.

- 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 5 (5700 l/day) of domestic sewage and ~~that~~which will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer.
- d) Operating permits are not required for those pretreatment works or wastewater sources discharging to a sewer tributary to a treatment works, or directly to a treatment works, thatwhich will not:
 - 1) Discharge toxic pollutants, as defined in ~~section~~Section 502(13) of the CWA, or pollutants ~~that~~which may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under ~~section~~Section 307 of the Clean Water Act (CWA); ~~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.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 309.242 Duration and Termination of Permits Issued Under Subpart B

- a) Construction permits for sewers and wastewater sources ~~must~~shall require that construction be completed within two years. Construction permits for treatment works and pretreatment works ~~must~~shall require that construction be completed within three years. In situations ~~in which~~where the magnitude and complexity of the project require it, the Agency may issue a construction permit, requiring completion within a period not to exceed five years.
- b) Except as indicated in subsection (c), nooperating permit shall have duration in excess of five years. ~~All operating permits other than those issued under Section 309.203 for newly constructed sewers shall have a duration not to exceed five years.~~The Agency may issue operating permits for as short a period of time as may be necessary in order to facilitate basin planning, to coordinate operating permits with future compliance deadlines, to maintain intensive control over new or experimental processes and to provide for emergency situations.

- 345 c) The Agency may issue operating permits under Section 309.203 for sewers,
 346 wastewater sources, and pretreatment works for the lifetime of the sewer or the
 347 pretreatment works.
- 348 d) Notwithstanding subsections (b) and (c), any operating permit subject to this
 349 Subpart must expire upon the issuance of a modified or renewed permit issued by
 350 the Agency.
- 351
- 352 e) A permittee may request termination of a permit by submitting the request in
 353 writing to the Agency on a form and in a format prescribed by the Agency. The
 354 Agency must send written confirmation of the termination to the permittee by
 355 certified or registered mail. Termination is effective on the date of written
 356 confirmation from the Agency.
- 357
- 358 f) A permit may be terminated by the Agency upon determination that a facility is
 359 no longer in operation or existence. The Agency must send written notice via
 360 certified or registered mail to the last known address on the permit stating that the
 361 permitted system appears no longer in operation or existence. The permit must
 362 terminate 60 days after the date of notification unless the permittee communicates
 363 the desire for the permit to stay in effect.
- 364

365 (Source: Amended at 40 Ill. Reg. _____, effective _____)

366

367 **Section 309.263 Modification or Renewal of Permits**

- 368
- 369 a) Any permit issued by the Agency under this Subpart B may be modified or
 370 renewed to make its provisions compatible with any new regulation adopted by
 371 the Board.
- 372
- 373 b) Persons with operating permits for pretreatment works subject to this Subpart
 374 must obtain a modified permit prior to any of the following changes at the facility:
- 375
- 376 1) A modification of permitted wastewater characteristics, quantity, or
 377 quality;
- 378
- 379 2) A change in facility ownership, name, or address, so that the application or
 380 existing permit is no longer accurate; or
- 381
- 382 3) A change in operations that will result in the permittee's noncompliance
 383 with the Act, a Board Regulation, or an existing permit condition.
- 384
- 385 c) The Agency may require the modification or renewal of any operating permit
 386 subject to this Subpart for reasons including, but not limited to:
- 387

- 388 1) A change in the requirements applicable to the permittee;
- 389
- 390 2) The information on the permittee's application is inaccurate; or
- 391
- 392 3) Information that the permittee may not be in compliance with the Act, a
- 393 Board regulation, or an existing permit condition.
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- 395

(Source: Amended at 40 Ill. Reg. _____, effective _____)