



**OFFICE OF THE SECRETARY OF STATE**

JESSE WHITE • Secretary of State

March 29, 2021

POLLUTION CONTROL BOARD  
DON BROWN  
100 W RANDOLPH ST  
STE 11-500  
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 45, Issue 14 of the Illinois Register, dated 4/2/2021.

**PROPOSED RULES**

Sewer Discharge Criteria	
35 Ill. Adm. Code 307	4212
Point of Contact: Michael McCambridge	
Pretreatment Programs	
35 Ill. Adm. Code 310	4238
Point of Contact: Michael McCambridge	

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) Section Number: 307.3301                      Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27.
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 18, 2021, proposing amendment in docket R21-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The docket R21-15 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 307 and 310 of the Illinois water pollution control rules. This notice provides explanation of the docket R21-15 amendments as they affect both 35 Ill. Adm. Code 307 and 310. The amendments to 35 Ill. Adm. Code 310 are included in a separate notice in this issue of the *Illinois Register*.

The docket R21-15 amendments would update the Illinois wastewater pretreatment requirements to correspond with amendments to the federal wastewater pretreatment standards that the United States Environmental Protection Agency (USEPA) adopted during the second half of 2020.

The general federal wastewater pretreatment requirements are codified at 40 C.F.R. 403. Federal categorical standards are in parts of 40 C.F.R. 405 through 471. During this period, USEPA amended implementation of its wastewater pretreatment standards as follows:

October 13, 2020  
(85 Fed. Reg. 64650)

USEPA adopted the Steam Electric Reconsideration Rule, reconsidering November 3, 2015 (80 Fed. Reg. 67838) revisions to wastewater discharge requirements applicable to sources in the Steam Electric Power Generating Point Source Category. The Board must incorporate these general reporting revisions into the Illinois rules.

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November 2, 2020  
(85 Fed. Reg. 69189)

USEPA extended the compliance date for Phase 2 of its October 22, 2015 (80 Fed. Reg. 64064) NPDES electronic reporting rule. The Board must incorporate these general reporting revisions into the Illinois rules.

Specifically, the amendments to Part 307 implement USEPA's Steam Electric Reconsideration Rule. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the changes in the Steam Electric Reconsideration Rule. The Board added text briefly explaining operation of USEPA's requirements. The Board also found that a limited number of stylistic and corrective revisions were necessary in the text of various rules.

Specifically, the amendments to Part 310 implement the extended compliance date for Phase 2 of USEPA's NPDES electronic reporting rule. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the NPDES electronic reporting requirements. Thus, updating the incorporations by reference includes the USEPA action. The Board also found that a limited number of stylistic and corrective revisions were necessary in the text of various rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-15 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R21-15.

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
- 7) Does this proposed rule replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does the proposed rule contain incorporations by reference? Yes
- 10) Are there any other rules 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)].
- 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 R21-15 and be addressed to:

Don A. Brown, 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 R21-15:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601

312-814-6924  
michael.mccambridge@illinois.gov

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.pcb.illinois.gov>.

- 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. 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) (2016)].

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- 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. 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) (2016)].
- 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. 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) (2016)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory agenda on which this rulemaking was summarized: January 2020

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

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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 Actions:</u>
310.106	Amendment
310.107	Amendment
310.605	Amendment
310.611	Amendment
310.612	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27.
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 18, 2021, proposing amendment in docket R21-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The docket R21-15 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 307 and 310 of the Illinois water pollution control rules. The amendments to 35 Ill. Adm. Code 307 are included in a separate notice in this issue of the *Illinois Register*. See the notice for Part 307, which provides a fuller explanation of the docket R21-15 amendments as they affect both 35 Ill. Adm. Code 307 and 310.

Specifically, the amendments to Part 310 implement the extended compliance date for Phase 2 of USEPA's NPDES electronic reporting rule. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the NPDES electronic reporting requirements. Thus, updating the incorporations by reference includes the USEPA action. The Board also found that a limited number of stylistic and corrective revisions were necessary in the text of various rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-15 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R21-15.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this proposed rule replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
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  - 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. 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) (2016)].
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