

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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) Effective date of rule: JUN 21 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted June 17, 2021 in docket R21-15, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: 45 Ill. Reg. 4212, April 2, 2021
- 10) Has JCAR issued a Statement of Objections to these rules? 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).
- 11) Differences between the proposal and the final version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to docket R21-15 summarizes the difference between the amendments adopted in the June 17, 2021 opinion and order and those proposed by the Board in an opinion and order dated March 18, 2021, in docket R21-15.

The differences are limited to minor stylistic revisions. The changes are intended to have no substantive effect. The Board updated the *Code of Federal Regulations* citations to the 2020 version in the incorporations by reference in 35 Ill. Adm. Code 307.3301(b), (c)(1), and (d)(1).
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415

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Since the Notices of Proposed Amendment appeared in the April 2, 2021 issue of the *Illinois Register*, the Board received suggestions for revision from JCAR. The Board changed the text as a result, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in docket R21-15 described in item 11 above. A table in the Identical-in-Substance Rulemaking Addendum (Final) in docket R21-15 lists the JCAR suggestion and the Board response.

- 13) Will this rulemaking replace emergency amendment currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and purpose of amendments: The following briefly describes the subjects and issues involved in the docket R21-15 rulemaking. A comprehensive description is contained in the Board's opinion and order of June 17, 2021, adopting amendments in docket R21-15, which opinion and order is available from the address below.

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. These 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.

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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 digital reporting rule.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than reproducing the text from USEPA's rules. Thus, updating the incorporation by reference includes the USEPA actions. The Board further made several non-substantive corrections and stylistic revisions, some of which were at the request of JCAR, and updated incorporations by reference to *Code of Federal Regulations* and *United States Code* provisions to the latest versions available.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to docket R21-15 that list the revisions to the text since the Board's March 18, 2021 proposal for public comment. 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 Identical-in-Substance Rulemaking Addendum (Final) in docket R21-15.

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- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference docket R21-15 and direct inquiries to the following person:

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 of June 17, 2021 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at pcb.illinois.gov.

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

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- 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
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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 Notice of Adopted Amendment for 35 Ill. Adm. Code 307 that also appears in this issue includes a fuller description of the rulemaking of which amendments to 35 Ill. Adm. Code 310 is a part.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to docket R21-15 that list the revisions to the text since the Board's March 18, 2021 proposal for public comment. 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 Identical-in-Substance Rulemaking Addendum (Final) in docket R21-15.

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