**Section 310.103 Federal Law**

a) The Board intends that this Part be identical in substance with the pretreatment requirements of the federal Clean Water Act (33 U.S.C. 1251 et seq.) and United States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 through 471.

b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize POTWs to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program under the federal Clean Water Act (33 U.S.C. 1251 et seq.). After authorization, the requirements of the Clean Water Act and 40 CFR 401 through 471. will continue to apply in Illinois. In particular, USEPA has stated that it will do the following:

1) Retain the right to request information under 40 CFR 403.8(f); and

2) Retain the right to inspect and take samples under 40 CFR 403.12(l).

c) This Part must not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations, and NPDES permit conditions.

d) POTW pretreatment programs that have been approved by USEPA under 40 CFR 403 are deemed approved under this Part unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.

1) The Agency must notify the POTW of any such determination within 60 days after approval of the program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.

2) If the Agency so notifies the POTW, the POTW will apply for program approval under Subpart E.

e) USEPA's access to Agency records and information in possession of the Agency will be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in Section 310.105.

(Source: Amended at 47 Ill. Reg. 5083, effective March 23, 2023)