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I. Legislative and Regulatory Developments

A. State Regulatory Developments

1. Wastewater Pretreatment

The legislature adopted new regulations on February 3, 2017¹ to update the Illinois wastewater pretreatment rules to correspond with amendments to Subpart C of 40 C.F.R. § 435 adopted by the United States Environmental Protection Agency. The new regulations apply to “facilities

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1. 41 Ill. Reg. 1129 (Feb. 3, 2017).

engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry that are not included within subpart F of 40 C.F.R. 435 (2016) (Stripper Subcategory),”² and provide that for unconventional oil and gas extraction “[t]here must be no discharge of wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (including, but not limited to, drilling muds, drill cuttings, produced sand, or produced water) into publicly owned treatment works.”³ The compliance deadline for, “[e]xisting sources lawfully discharging into publicly owned treatment works on or between April 7, 2015 and June 28, 2016 is August 29, 2019. All other existing sources must immediately comply.”⁴ The new regulations do not apply to conventional oil and gas extraction.⁵

2. ILL. ADMIN. CODE tit. 35, § 307.4503(a) (West 2017).

3. *Id.* §§ 307.4503(c)(1)(A); 307.4503(d)(1).

4. *Id.* § 307.4503(c)(1)(C).

5. *Id.* §§ 307.4503(c)(2); 307.4503(d)(2).