**Section 310.201 General Prohibitions**

a) No industrial user may introduce into a POTW any pollutant that causes pass through or interference.

b) Affirmative defenses. An industrial user has an affirmative defense in any action brought against it alleging a violation of subsection (a) or 35 Ill. Adm. Code 307.1101(b)(6) through (b)(9) or (b)(11) through (b)(12) if the industrial user demonstrates the following:

1) The industrial user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

2) Either of the following:

A) The POTW developed in accordance with Section 310.210 a local limit that was designed to prevent pass through or interference for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such local limit immediately before and during the pass through or interference; or

B) If the POTW has not developed local limits in accordance with Section 310.210 that are designed to prevent pass through or interference for the pollutants that caused the pass through or interference, the industrial user's discharge immediately before and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity during which the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, sludge requirements.

c) These general prohibitions and the specific prohibitions in Section 310.202 apply to each industrial user introducing pollutants into a POTW whether or not the industrial user is subject to other pretreatment standards or any national, State, or local pretreatment requirements.

BOARD NOTE: Derived from 40 CFR 403.5(a) (2003).

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