**Section 310.303 Conditions for Authorization to Grant Removal Credits**

The Agency must authorize a POTW to grant removal credits only if the following conditions are met:

a) The POTW applies for and receives authorization from the Agency to grant a removal credit in accordance with the requirements and procedures specified in Sections 310.330 and 310.340.

b) The POTW demonstrates and continues to achieve consistent removal of the pollutant.

c) The POTW has an approved pretreatment program in accordance with and to the extent required by this Part; but a POTW that does not have an approved pretreatment program may, pending approval of such a program, give removal credits conditionally as provided in Section 310.330.

d) The granting of removal credits will not cause the POTW to violate sludge requirements that apply to the sludge management method chosen by the POTW. ("Sludge requirements" is defined in Section 310.110.) Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable sludge requirements, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard as modified by the removal credit. Removal credits may be made available for any of the following pollutants:

1) For any pollutant listed in appendix G, section I of 40 CFR 403, incorporated by reference in Section 310.107, for the use or disposal practice employed by the POTW, when the requirements in 40 CFR 503, incorporated by reference in Section 310.107, for that practice are met;

2) For any pollutant listed in appendix G, section II of 40 CFR 403, incorporated by reference in Section 310.107, for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in appendix G, section II of 40 CFR 403 in the sewage sludge that is used or disposed of does not exceed the concentration for the pollutant in appendix G, section II of 40 CFR 403; or

3) For any pollutant in sewage sludge when the POTW disposes of all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 35 Ill. Adm. Code 810 through 813 that are derived from 40 CFR 258.

e) The granting of removal credits will not cause a violation of the POTW's NPDES permit limitations or conditions. Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard, as modified by the removal credit.

BOARD NOTE: Derived from 40 CFR 403.7(a)(3) (2005).

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