

From: [McGill, Richard](#)
To: [Brown, Don](#)
Subject: FW: 35-104 corrected amendments
Date: Wednesday, April 4, 2018 9:34:56 AM

Good morning, Mr. Clerk:

Please add this email chain to the R18-18 record and indicate the "Activity Type" as "JCAR".

If you have any questions, please let me know. Thank you.

From: Eastvold, Jonathan C. [mailto:JonathanE@ilga.gov]
Sent: Tuesday, April 3, 2018 4:41 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] RE: 35-104 corrected amendments

We agreed with all suggestions. Amended list of agreements below. Hopefully the rulemaking text will be to you tomorrow.

All the best,

Jonathan

SECOND NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Regulatory Relief Mechanisms (35 Ill. Adm. Code 104; 41 Ill. Reg. 11236)

Changes:

1. In line 75, after "STANDARDS" add "(TLWQS)".
2. In line 94, change "Reevaluation" to "Re-evaluation".
3. In line 119, after "STANDARDS" add "(TLWQS)".
4. In line 124, before the period add "(TLWQS)" and change "time-limited water quality standard" to "TLWQS".
5. In line 128, change "Where" to "When".

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6. In lines 131-132, change "In the event of a conflict between" to "If".
7. In line 133, after "Subpart" add "conflict".
8. In lines 139, 142 and 145, change "time-limited water quality standard" to "TLWQS".
9. In line 146, change "as specified in Section 104.565" to "(see Section 104.565)".
10. In lines 148, 151, 152, 154 and 157 change "time-limited water quality standard" to "TLWQS".
11. In line 172, after "Unless" add "otherwise" and change "Act" to "Environmental Protection Act (Act) [415 ILCS 5]".
12. After line 176, add "\"Act\" means the Environmental Protection Act [415 ILCS 5].".
13. In line 177, change "(BMPs) mean" to "or \"BMPs\" means".
14. In line 179, change the comma to "and".
15. In line 189, change "where" to "when".
16. In line 190, after "and" add "all".
17. In line 191, change "sub-categorizes" to "subcategories".
18. In line 193, capitalize "use".
19. In line 196, after the closing quotation mark and after "Part" add commas.
20. In line 202, before the period add "of this Part".
21. In line 204, change "\"Time-limited water quality standard\"" to "\"Time-Limited Water Quality Standard\" or \"TLWQS\"".
22. In lines 206-207, change "the time-limited water quality standard" to "that relief".
23. In lines 213 and 216-217, change "time-limited water quality standard" to "TLWQS".
24. In line 219, change "have" to "had".
25. In lines 221, 228 and 229, change "time-limited water quality standard" to "TLWQS".
26. In line 230, change "named" to "designated as".
27. In line 232, before "multiple" add "a" and change "and" to "or".
28. In lines 233 and 241, change "time-limited water quality standards" to "TLWQS".
29. In lines 234-235, 243-245 (twice), 246-247 and 255-256, change "time-limited water quality

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standard" to "TLWQS".

30. In line 236, change "time-limited water quality standard" to "TLWQS" and after "Board" delete the comma.
31. In line 237, change "provided" to "if" and delete "as".
32. In line 238, change "specified in" to "under".
33. In line 240, after "For" add "a" and after "body" add a comma.
34. In lines 262-263, delete "affected by the water quality standard requested in the petition or amended petition as".
35. In line 267, change "accordance" to "compliance".
36. In line 279, change "time-limited water quality standard" to "TLWQS".
37. In line 290, capitalize "any" and change "has" to "had".
38. In line 292, change "time-limited water quality standard" to "TLWQS".
39. In lines 294 and 298, capitalize "any" and change "time-limited water quality standard" to "TLWQS".
40. In line 300, change "who have" to "that has".
41. In line 301, change "time-limited water quality standard" to "TLWQS".
42. In line 302, change "have" to "that has".
43. In line 305, change "which" to "whom".
44. In line 308, capitalize "if" and delete "an".
45. In line 309, delete "a".
46. In line 310, change "provided in" to "described by".
47. In lines 317, 319 and 321, change "time-limited water quality standard" to "TLWQS".
48. In line 324, capitalize "if".
49. In line 326, change "provided in" to "described by".
50. In line 327, delete the comma and change "continues" to "will continue".
51. In line 330, capitalize "if" and after "petition" add "to address the Board's determination of non-substantial compliance under Section 104.545".

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52. In line 331, change "in" to "under".
53. In line 332, change "continues" to "will continue".
54. In line 336, change "time-limited water quality standard" to "TLWQS".
55. In line 337, change ", but" to ". However,".
56. In lines 338, 345 and 348, change "time-limited water quality standard" to "TLWQS".
57. In line 353, change "dischargers" to "discharger".
58. In lines 358 and 365, change "time-limited water quality standard" to "TLWQS".
59. In line 373, change "and" to ", as well as" and after "support" add "the".
60. In lines 374-375, change "standards regulation or regulations" to "standard or standards".
61. In line 375, change "any" to "the".
62. In line 378, change "use(s)" to "use or uses".
63. In lines 379-380, change "time-limited water quality standard" to "TLWQS".
64. In line 381, change the period to a semicolon.
65. In line 383, after "prior" add "TLWQS or".
66. In line 384, delete "/time-limited water quality standard".
67. In line 390, change "time-limited water quality standard" to "TLWQS".
68. In line 394, after "activity" add a semicolon.
69. In lines 403-404, change "time-limited water quality standard" to "TLWQS".
70. In line 410, change "time-limited water quality standard and" to "TLWQS, along with a".
71. In line 412, change ", which includes" to "and".
72. In line 415, change "reevaluation" to "re-evaluation" and "reevaluate" to "re-evaluate".
73. In line 416, change "time-limited water quality standard, if the" to "TLWQS if that".
74. In line 417, delete "of the time-limited water quality standard".
75. In line 418, change "under Section 104.580" to "(see Section 104.580)".
76. In line 421, after "demonstration" change "specified in" to "under".

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77. In line 424, after "attainment of" add "any".
78. In lines 425-426, 428-429, 434, 438-439, 441-442, 444-445 and 449-450, change "time-limited water quality standard" to "TLWQS".
79. In line 444, delete the 2nd "a".
80. In line 452, change "b" to "d" and before "multiple" add "a".
81. In lines 452-453, change "time-limited water quality standards" to "TLWQS".
82. In lines 460 and 463, change "will" to "must".
83. In line 473, change "time-limited water quality standard" to "TLWQS".
84. In line 479, after "compliance" add "with Section 104.530".
85. In lines 491, 492-493, 496 and 499, change "time-limited water quality standard" to "TLWQS".
86. In lines 496 and 499, delete the commas.
87. In line 504, delete "of this Part" and at the end add a period.
88. In line 515, change "will" to "must".
89. In line 524, after "compliance" add "with Section 104.530".
90. In line 530, change "determines" to "states".
91. In line 531, after "104.530" add a period.
92. In lines 541 and 545, change "will" to "must".
93. In line 547, change "The" to "An".
94. In line 549, change "as specified in" to "under".
95. In line 550, before "petitioner's" add "the".
96. In line 553, change "time-limited water quality standard" to "TLWQS".
97. In line 554, delete the comma.
98. In lines 562-563, change "time-limited water quality standard" to "TLWQS".
99. In lines 569, 571, and 573-575 (twice), change "time-limited water quality standard" to "TLWQS".
100. In line 581, change "will" to "must" and "including" to "along with".

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101. In lines 581-582, change "time-limited water quality standard" to "TLWQS".
102. In line 593, change "those individuals" to "persons" and "maintained by the" to "(see".
103. In line 594, delete "Board under" and before "at" add a closing parenthesis.
104. In line 599, after "located" add a comma.
105. In lines 605-606, change "time-limited water quality standard" to "TLWQS".
106. In line 606, delete "at a minimum," and change "Board's" to "Board".
107. In line 607, change "contacts" to "contact information" and delete "the identification and".
108. In line 608, change "of" to "can be found concerning".
109. In lines 608-609, change "best management practices" to "BMPs".
110. In line 609, after "controls" add "that the petition or amended petition identifies and" and delete "related to the pollutant".
111. Delete line 610.
112. In line 611, delete "in the petitioned time-limited water quality standard".
113. In line 613, delete "can be found".
114. In lines 623-624, change "time-limited water quality standard" to "TLWQS".
115. In line 624, change "the proposed best management practices" to "any proposed BMPs".
116. In line 641, change "time-limited water quality standard" to "TLWQS".
117. In line 643, before "Agency" add "The".
118. In line 645, change "will" to "must".
119. In line 646, change "availability of the hearing transcript" to "hearing transcript's availability" and delete "inform USEPA".
120. In line 652, change "time-limited water quality standard" to "TLWQS".
121. In line 655, change "throughout the" to "for the proposed" and change "time-limited water quality standard" to "TLWQS".
122. In line 661, after "intermittent" add a comma.
123. In line 662, change "may" to "can".

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124. In line 663, change "by the discharge of" to "to enable uses to be met by discharging a".
125. In line 664, delete "discharges".
126. In lines 664-665, delete "to enable uses to be met".
127. In line 667, hyphenate "Human caused".
128. In line 668, after "and" add "either".
129. In line 682, before "substantial" add "a" and before "economic" add "negative".
130. In line 683, after "impact" add "on the public".
131. In lines 690 and 692-693, change "time-limited water quality standard" to "TLWQS".
132. In line 691, before "how" add "of".
133. In line 693, change "(b)(1-7) of" to "subsections (a)(1) through (7)".
134. In line 694, delete "this subsection".
135. In lines 696-697, change "time-limited water quality standard is only as long as" to "TLWQS is the minimum".
136. In lines 698-699, change "time-limited water quality standard" to "TLWQS".
137. In line 699, after "activities" add "required".
138. In lines 707, 709, 713 and 714, change "time-limited water quality standard" to "TLWQS".
139. In line 713, change "may" to "will".
140. In line 718, change "may" to "will" and "time-limited water quality standard" to "TLWQS" and after "if" add "the".
141. In line 721, change "must" to "will".
142. In lines 721, 731, 736, 739-740, 745, 747-748, 750, 751, 755, 759-760 and 766-767, change "time-limited water quality standard" to "TLWQS".
143. In line 730, 734, 739, 744, and 747, capitalize the 1st word.
144. In lines 753 and 758, change "must" to "Will".
145. In line 763, change "waterbody or water" to "water body or waterbody".
146. In lines 778, 782, 791, 795-796, 797, 801, 804, 807-808, 810 and 813, change "time-limited water quality standard" to "TLWQS".

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147. In lines 778 and 791, delete the comma and after "and" add "with".
148. In line 783, delete "a".
149. In lines 798, 805, 806 and 812, change "reevaluation" to "re-evaluation".
150. In line 806, change "pursuant" to "under".
151. In line 807, after "both" add "the" and change "approval of" to "approve".
152. In lines 816-817, 825, 826, 832, 837-838, 841 853-854 and 857, change "time-limited water quality standard" to "TLWQS".
153. In lines 826, 830, 850 and 856, change "will" to "must".
154. In line 827, change the second "USEPA" to "USEPA's" and "accordance" to "compliance".
155. In line 832, hyphenate "Board adopted".
156. In line 833, change "Petition" and "Modify" to lowercase.
157. In lines 833-834, change "Time-limited Water Quality Standard" to "TLWQS".
158. In line 850, delete the 2nd "the".
159. In line 858, change "b" to "(b)".
160. In line 859, delete "of this Section", change "will" to "must" and delete the 2nd "the".
161. Change lines 860-861 to "The petitioner may file a petition to modify under this subsection (c) in response to any further USEPA disapproval.".
162. In lines 867, 868, 872, 874-875, 876, 879-880, 887 and 892-893, change "time-limited water quality standard" to "TLWQS".
163. In lines 880, 888, 891, 892 and 899, change "reevaluation" to "re-evaluation".
164. In line 885, change "**Reevaluation**" to "**Re-evaluation**".
165. In line 887, change "Reevaluation" to "Re-evaluation".
166. In line 895, after "For" add "a".
167. In line 896, change "time-limited water quality standards" to "TLWQS".
168. In 903, 906, 913, 920, 934, 935, 939 and 944, change "reevaluation" to "re-evaluation".
169. In line 917, change "reevaluate" to "re-evaluate".

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170. In lines 921-922, 927, 931-932, 936 and 942, change "time-limited water quality standard" to "TLWQS".
171. In lines 912, 914 and 939, change "will" to "must".
172. In line 924, change "Where" to "When" and "revelation" to "re-evaluation".
173. In line 925, change "must" to "will".
174. In line 928, change ".satisfy" to "satisfying".
175. In line 929, delete "rules under".
176. In line 931, change "USPEA" to "USEPA".
177. In lines 934-935, delete "filed under subsection (a)".
178. In line 945, delete the 2nd "the".
179. In line 966, after the 2nd "the" add "term of the".
180. In lines 966, 968, 971, 972, 978 and 981-982, change "time-limited water quality standard" to "TLWQS".
181. In line 973, change "accordance" to "compliance".
182. In lines 985, 988, 992 and 998, capitalize the 1st word.
183. In lines 993-994 and 998-999, change "time-limited water quality standard" to "TLWQS".
184. In line 999, change "in accordance" to ", in compliance".

jce 4/3/18

1:46 p.m.

From: McGill, Richard [<mailto:Richard.McGill@illinois.gov>]

Sent: Tuesday, April 03, 2018 2:41 PM

To: Eastvold, Jonathan C. <JonathanE@ilga.gov>

Subject: RE: 35-104 corrected amendments

I believe that items 4 through 8 do not require amending the agreements and that items 1, 2, 3, 9, and 10 are needed for internal consistency within the new subpart.

From: Eastvold, Jonathan C. [<mailto:JonathanE@ilga.gov>]

Sent: Tuesday, April 3, 2018 1:59 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] RE: 35-104 corrected amendments

Five of these are errors in our text that can be fixed without changing our agreements. Five are not, and so I amended that list and sent it to Vicki again. It's at the top of the pile currently. Will let you know if/when she agrees to revisions.

Thanks so much!

Jonathan

From: McGill, Richard [<mailto:Richard.McGill@illinois.gov>]
Sent: Tuesday, April 03, 2018 12:21 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: FW: 35-104 corrected amendments

Good afternoon, Jonathan:

I hope all is going well with you.

For Board docket R18-18 TLWQS, we finished systematically comparing JCAR Code with the Board's Part 104 text. Below is a list of all the corrections needed to remedy the discrepancies we identified in JCAR Code. The list references r02 line numbers to help pinpoint the rule text, but the changes would be to JCAR Code:

1. In line 204, capitalize the first "limited".
2. In line 240, add "a" before "multiple" and add a comma after "water body".
3. In line 415, change "reevaluate" to "re-evaluate".
4. In line 416, delete the comma (see Second Notice Changes #72).
5. In line 515, change "shall" to "must" (see Second Notice Changes #87).
6. In line 624, delete "the" (see Second Notice Changes #114).
7. In line 645, change "transcripts" to "transcript's" (see Second Notice Changes #118).
8. In line 745, add "applies" after "TLWQS" (note that "applies" does not appear in JCAR Code, but does appear in the r02 line-numbered version).
9. In line 763, change the second "water" to "waterbody" (note

that JCAR Code reads “water body or water segment” while the r02 line-numbered version reads “waterbody or water segment”).

10. In line 827, change the second “USEPA” to “USEPA’s”.

Please email to me an updated Second Notice Changes document, reflecting these additional corrections to the extent they are not already effectively captured by the most recent Second Notice Changes document, forwarded here. Though our systematic comparison is complete, if we happen across any additional discrepancies, I will alert you. The Board may proceed to final adoption as early as its April 12 meeting.

If you have any questions or concerns, please let me know. Thank you.

Best regards,

Richard

Richard R. McGill, Jr.
Illinois Pollution Control Board
Senior Attorney
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From: Bockewitz, Crystal K. [<mailto:crystalb@ilga.gov>]
Sent: Thursday, March 15, 2018 4:09 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] 35-104 corrected amendments

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