

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
AMENDMENTS TO 35 ILL. ADM. CODE)	R18-23
SUBTITLE C: WATER- RELATED)	Rulemaking - Water
POLLUTION)	

NOTICE OF FILING

TO: See Service List

PLEASE TAKE NOTICE that I have today filed with the Illinois Pollution Control Board, ILLINOIS EPA 'S POST HEARING COMMENTS, a copy of which is served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Nicholas Kondelis
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DATED: April 5, 2022

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AMENDMENTS TO 35 ILL. ADM. CODE)	R18-23
SUBTITLE C: WATER-RELATED)	Rulemaking - Water
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ILLINOIS EPA’S POST HEARING COMMENTS

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, ("Illinois EPA" or "Agency") by and through its counsel and hereby submits its Post Hearing Comments.

I. Background

On January 10, 2018, the Agency filed Clean-Up Amendments to various portions of Subtitle C, 35 Ill. Adm. Code Parts 301-310, 312. On November 4, 2021, the Board proposed amendments to Subtitle C for public comment and issued a list of questions to the Agency in response. On December 30, 2021, the Agency filed its answers to the Board’s questions. The Agency is now providing general comments to the changes proposed by the Board. The Agency has based its review of the Board’s proposed changes by reviewing the language proposed, and focusing on obsolete, repetitive, confusing or otherwise unnecessary changes. The Agency did not propose and does not support any substantive changes to Subtitle C at this time.

The Board held its first hearing in this matter on January 6, 2022. A second hearing was scheduled for February 3, 2022, but the hearing was cancelled due to severe winter weather and a weather-related disaster proclamation by the Governor. Said second hearing was rescheduled to March 17, 2022. On March 17, 2022, the second hearing was held, and the Board ordered the Agency to submit its Post-Hearing Comments on or before April 7, 2022. The Agency now submits a detailed line-by-line review of the proposed amendments to Subtitle C.

II. Proposed Amendments by the Board

In its November 4, 2021 Order, the Board also proposed to remove obsolete, repetitive, confusing or otherwise unnecessary rule language. The Agency believes that some of the Board's proposed amendments go beyond what the Agency proposed, leads to confusion or changes the meaning of the Sections, and therefore should not adopted at this time. The Agency provides the following comments with respect to the amendments proposed by the Board:

PART 301

Section 301.101:

Agency Comment: The Agency has proposed that this Section be repealed because it is unnecessary. See Illinois EPA January 10, 2018 Proposal, p.13.

Section 301.102:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 301.103:

Agency Comment: The Agency has proposed that this Section be repealed because it is unnecessary. Id. at 13.

Section 301.104:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 301.105:

Agency Comment : The Agency has proposed that this Section be repealed because it is unnecessary. Id. at 13.

Section 301.106(b):

Agency Comment: The Board's proposed amendment appears to contain a scrivener's error and should be modified. At the end of 301.106(b), the Board's proposal reads: "Document Number EPA/600/8-85/004F-A". Therefore, the Agency proposes the following: "Document Number EPA/600/8-85/004F004F-A.". While both the Board's version and the Agency's version arrive at the same result, the Board's version contains an incorrect strike-out reference.

Section 301.106(c):

Agency Comment: The Agency's proposal should be adopted. The Board's proposal, which is to list "40 CFR 122" above "Appendix F", instead of below it, as the Agency proposes, would lead to an incomplete list of cross-references under "Appendix F".

Section 301.107:

Agency Comment: As indicated in the Agency's filing of 12/30/2021 (response to Board Question #2), the Board's proposed revision of Sec. 301.107 is acceptable.

Section 301.108:

Agency Comment: The Agency has proposed This Section has been repealed because it is unnecessary. Id. at 13.

Section 301.200:

Agency Comment: The Board's proposed revisions add additional clarity to the Agency's proposed revision, and, as such, are acceptable to the Agency.

Section 301.210:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 301.221:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 301.231:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 301.260:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 301.275:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.280:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 301.290:

Agency Comment: This Section has been repealed, in accordance with the Agency's proposal.

Section 301.295:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.301:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 301.311:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.312:

Agency Comment: In addition to a revision proposed by the Agency, the Board's additional revision is acceptable to the Agency.

Section 301.325:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 301.331:

Agency Comment: This Section has been repealed, in accordance with the Agency's proposal.

Section 301.340:

Agency Comment: Consistent with the Agency's response to the Board's third question in the Agency's filing dated 12/30/21, the Board's proposed revision is acceptable to the Agency.

Section 301.341:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.346:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.350:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.365:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.370:

Agency Comment: The Board's revision is acceptable to the Agency.

Section 301.371:

Agency Comment: The Agency proposes to consolidate the incorporations by reference into a single section. The Agency proposes to repeal the reference to Section 302.510 and move the incorporation by reference section to Section 301.106. Section 301.106 will continue to list the documents incorporated by reference.

Section 301.372:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.373:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.395:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.400:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.411:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.421:

Agency Comment: The Board's proposed revision is acceptable to the Agency.

Section 301.441:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 301.442:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 301.443:

Agency Comment: The Board's revisions are acceptable to the Agency.

301: Appendix A:

Agency Comment: The Board's revisions are acceptable to the Agency.

PART 302

Section 302.101:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.102:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.105:

Agency Comment: In addition to the Agency's proposed changes, the Board's proposed revisions are acceptable to the Agency.

Section 302.201:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.202:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.203:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.204:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.205:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.206:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.207:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.209:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.210:

Agency Comment: In addition to the Agency's proposed revisions, the Board's proposed revisions are acceptable to the Agency.

Section 302.211:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.212:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.301:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.302:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.303:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.305:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.306:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.307:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.402:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.403:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.404:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.405:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.407(e):

Agency Comment: The Agency proposes the following: With regard to "ln(h)= natural logarithm of Hardness in ~~milligrams per liter~~," replace highlighted language with "mg/L as CaCO₃." This change will make this Section consistent with 302.208(e).

Section 302.407(g)(2):

Agency Comment: The Agency proposes to repeal this Section since the listed time periods of "July 1, 2015, until July 1, 2018" have passed.

Section 302.407(g)(3):

Agency Comment: The Board's revisions which are underlined below are acceptable to the Agency. In addition, the Agency proposes the following additional revisions to this Section:

"Beginning July 1, 2018, ~~the Chloride and Total Dissolved Solids standards in subsection(g)(2) of this Section are repealed and~~ the following concentration for chloride must not be exceeded except in waters for which mixing is allowed under pursuant to 35 Ill. Adm. Code 302.102 of this Part:"

The Agency proposes that the stricken language above, which refers to subsection(g)(2), be removed from this Section since the Agency is proposing that Section 302.407(g)(2) be repealed.

Section 302.407(h):

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.408(a):

Agency Comment: The Board's revisions are acceptable to the Agency, except for the following: Instead of the Board's proposed phrase "must never", the Agency proposes the phrase "must not". The Agency believes that the clarity and intent of this Section is enhanced with the phrase "must not", as opposed to "must never".

Section 302.408(b):

Agency Comment: The Board's revisions are acceptable to the Agency, except for the following: Instead of the Board's proposed phrase "must never", the Agency proposes the phrase "must not". The Agency believes that the clarity and intent of this Section is enhanced with the phrase "must not", as opposed to "must never".

Section 302.408(f):

Agency Comment: The Board's revisions are acceptable to the Agency, except for the following: Instead of the Board's proposed phrase "must never", the Agency proposes the phrase "must not". The Agency believes that the clarity and intent of this Section is enhanced with the phrase "must not", as opposed to "must never".

Section 302.408(g):

Agency Comment: The Board's revisions are acceptable to the Agency, except for the following: Instead of the Board's proposed phrase "must never", the Agency proposes the phrase "must not". The Agency believes that the clarity and intent of this Section is enhanced with the phrase "must not", as opposed to "must never".

Section 302.408(h):

Agency Comment: The Board's revisions are acceptable to the Agency, except for the following: Instead of the Board's proposed phrase "must never", the Agency proposes the phrase "must not". The Agency believes that the clarity and intent of this Section is enhanced with the phrase "must not", as opposed to "must never".

Section 302.408(i):

Agency Comment: The Board's revisions are acceptable to the Agency, except for the following: Instead of the Board's proposed phrase "must never", the Agency proposes the phrase "must not". The Agency believes that the clarity and intent of this Section is enhanced with the phrase "must not", as opposed to "must never".

Section 302.409:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.410:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.501:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.504(a):

Agency Comment: The Board's proposed revisions are acceptable to the Agency. In addition, the Agency proposes the following: With regard to the phrase "In(H) natural logarithm of Hardness", add "in mg/L as CaCO₃" after the word "Hardness". The Agency believes its revision is appropriate in order to be consistent with Section 302.208(e).

Section 302.506:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.507:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.508:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.509:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.510:

Agency Comment: The Board's proposed repeal of this Section is acceptable to the Agency.

Section 302.515:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.520:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 320.521:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.525:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.530:

Agency Recommendation: The Agency proposes to eliminate the following subsections: 302.530(a), 302.530(b), 302.530(c), and 302.530(d). In addition, the Agency proposes the following revision to the first paragraph of 302.530:

The General Provisions of 35 Ill. Adm. Code Section 302.102 (Allowed Mixing, Mixing Zones, and ZIDs) apply within the Lake Michigan Basin except as otherwise provided herein for substances defined as BCCs in 35 Ill. Adm. Code ~~Section 302.501~~.

The identified subsections above are outdated, since they refer to the time period of: December 24, 1997 to March 23, 2007.

Section 302.535:

Agency Comment: The Board's revisions are acceptable to the Agency. In addition, the Agency proposes to remove the following language from 302.540(b): "(as N: STORET Number 00612)". The Agency seeks the consistent removal of all references to STORET numbers throughout Subtitle C.

Section 302.540:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.545:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.550:

Agency Comment: The Board's revisions are acceptable to the Agency.

Section 302.553:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.555:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.560:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.563:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.565:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.570:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.575:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.580:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.585:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.590:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.595:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.601:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.603:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.604:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.606:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.612:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.615:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.618:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.621:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.627:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.630:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.633:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.645:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.648:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.651:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.654:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.657:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.658:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.663:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.666:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.669:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 302.Appendix A References to Previous Rules:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

PART 303

Section 303.100:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.101:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.200:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.201:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.202:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.203:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.205:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.206:

Agency Comment: The Agency proposes that the word "under" should be underlined. It is a new addition proposed by the Board to this Section.

Section 303.225:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.230:

Agency Comment: The Board's proposed revisions are acceptable to the Agency. In addition, the Agency recommends that the phrase "Such aquatic life" be replaced with "The aquatic life". This Agency suggested revision allows for consistency with the Board's proposed revisions in Section 303.235(a).

Section 303.235:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.240:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.300:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.311:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.321:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.322:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.323:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.326:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.331:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.341:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.351:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.352:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.353:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.361:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.400:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.410:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.430:

Agency Comment: The Agency has proposed that this Section be repealed.

Section 303.431:

Agency Comment: Since the named facility in this Section, Long Point Slough, no longer exists, the requested relief in this Section is moot. Therefore, the Agency proposes that this Section be repealed.

Section 303.442:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.444:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.445:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.446:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.447:

Agency Comment: The Board's repeal of this Section is acceptable to the Agency.

Section 303.448:

Agency Comment: The Board's repeal of this Section is acceptable to the Agency.

Section 303.449:

Agency Comment: The Board's revisions are acceptable to the Agency. In addition, the Agency proposes to add the phrase "for the protection of aquatic organisms" after "April 30", and then delete the same phrase after "numeric water quality standards". Furthermore, the Agency proposes that the phrase "for chloride" be deleted, after the phrase "acute water quality standard".

Section 303.500:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 303.502:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

303.APPENDIX A:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

303.APPENDIX B:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

PART 304

Section 304.101:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.102:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.103:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.104:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.105:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.106:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.120:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.121:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.122:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.123:

Agency Comment: The Board's proposed revisions are acceptable to the Agency. In addition, the Agency proposes the following: In Section 304.123(f)(1), delete the phrase "for secondary contact or indigenous aquatic life waters" and then after "302.405.)" insert:

- 302.405(a)—South Fork of the South Branch of the Chicago River (Bubbly Creek)
- 302.405(b)---Upper Dresden Island Pool Aquatic Life Use waters
- 302.405(c)---Chicago Area Waterway System Aquatic Life Use A waters
- 302.405(d)—Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

The Agency's proposal is based on the notion that in a prior rulemaking, R08-09, the Board replaced all the references to "secondary contact or indigenous aquatic life waters" with the above designations, except for "Bubbly Creek" in Section 302.405(a).

Section 304.124:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.125:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.126:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.140:

Agency Comment: This Section has been repealed.

Section 304.141:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.142:

Agency Comment: This Section has been repealed.

Section 304.201:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.202:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.203:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.204:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.205:

Agency Comment: This Section has been repealed.

Section 304.206:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.207:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.208:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.209:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.210:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.211:

Agency Comment: This Section has been repealed.

Section 304.212:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.213:

Agency Comment: This Section has been repealed.

Section 304.214:

Agency Comment: This Section has been repealed.

Section 304.215:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.216:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.218:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.219:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.220:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.221:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.222:

Agency Comment: With regard to the second sentence of this Section, the Agency proposes that the word "usage" be deleted. The second sentence is not grammatically correct as is. All other revisions by the Board are acceptable to the Agency.

Section 304.224:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 304.301:

Agency Comment: This Section has been repealed.

Section 304.302:

Agency Comment: This Section has been repealed.

Section 304.303:

Agency Comment: This Section has been repealed.

Section 304.APPENDIX:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

PART 305

Section 305.101:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 305.102:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 305.103:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 305.APPENDIX A:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

PART 306

Section 306.APPENDIX A:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.101:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.102:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.201:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.302:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.303:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.304:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.305:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.306:

Agency Comment: The Board's proposed revisions are acceptable to the Agency.

Section 306.350:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.351:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.352:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.360:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.361:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.362:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.363:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.364:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.370:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.371:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.372:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under this Section, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.373:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.374:

Agency Comment: The Agency proposes to repeal Sections 306.350-306.374, since under Section 306.372, the last day for the Board to accept a petition for an exception was January 1, 1986. Therefore, these Sections are moot and should be repealed.

Section 306.401:

Agency Comment: The Agency proposes to combine the “Publication of Lists” provisions in Section 306.401 and the “Notification to the Public” requirements in Section 392.402 into a revised Section 306.401, “without proposing any change to the current process...” Id. at 20.

Section 306.402:

Agency Comment: In order to eliminate duplicate requirements concerning the criteria for restricted status for sewers and lift stations, the Agency has proposed to combine the requirements of Sections: 306.402 (restricted status), 392.202 (criteria for placing sewage treatment plants on restricted status, and 392.203(criteria for placing sewers and lift stations on restricted status), into a single Section, without changes. The Agency has proposed this reorganization in order to “improve readability and usability by both the Agency and the regulated public.” Id. at 20.

Section 306.403:

Agency Comment: The Board’s proposed revisions are acceptable to the Agency.

Section 306.404:

Agency Comment: The Board’s proposed revisions are acceptable to the Agency.

Section 306.405:

Agency Comment: Similar to the Agency’s proposal for Section 306.402 above, the Agency proposes to combine the requirements concerning notification of restricted status or critical review in Sections 306.405 (notification of restricted status and critical review) and in Section 392.203 (criteria for placing sewers and lift stations in restricted status) into one Section, namely Section 306.405, in order to “improve readability and usability by both the Agency and the regulated public.” Id. at 21.

Section 306.406:

Agency Comment: The Agency proposes to revise the existing statutory reference to Title X of the Act to Section 5(d) of the Act, since Section 5(d) gives the Board authority to decide appeals such as those contesting IEPA decisions on restricted status. Id. at 21.

Section 306.407:

Agency Comment: The Agency has proposed that this Section be repealed because the Section is unnecessary. Id. at 21.

Section 306.501:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 306.502:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 306.503:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 306.Appendix A:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

PART 307

Section 307.1001:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1003:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1006:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1501:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1502:

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Section 307.1708:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1801:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section. 307.1815:

Agency Comment: Since this Section applies only to discharges outside of Illinois, the Board's proposal to strike this Section is acceptable to the Agency.

Section 307.1901:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1902:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.1903:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2001:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2002:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2003:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2004:

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Section 307.2005:

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Section 307.2006:

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Section 307.2007:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2008:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2009:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.2202:

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Section 307.5203:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5204:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5301:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5302:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5303:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5304:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5401:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5500:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5501:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5502:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5601:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.5701:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6500:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6501:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6502:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6503:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6505:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6801:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6802:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6803:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.6804:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7104:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7105:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7106:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7107:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7301:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7302:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7303:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7401:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7402:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7403:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7404:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7501:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7502:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7503:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7504:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7601:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7602:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7603:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7604:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7701:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7702:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7703:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7704:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7705:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7706:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7801:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7802:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7901:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7902:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7903:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.7904:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8104:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8105:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8106:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8107:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8108:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8109:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 307.8110:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

PART 308

Section 308.101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 308.102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 308.103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 308.104:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

PART 309

Section 309.101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.103:

Agency Comment: The Agency has proposed to clarify a cross reference to incorporations by reference by citing 35 Ill. Adm. Code 301.106. Id. at 21.

Section 309.104:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.105:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.106:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.107:

Agency Comment: With regard to Section 309.107(a), the Agency proposes that the reference to "navigation" in the second sentence be changed to "navigable". This change will make the second sentence consistent with the third sentence, in which "navigable" is used, instead of "navigation". With regard to Section 309.107(b), the Agency has proposed that only one copy of a complete NPDES permit application be sent to USEPA. The current requirement of two copies is unnecessary. Id. at 21.

Section 309.108:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.109:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.110:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.111:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.112:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.113:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.114:

Agency Comment: The Agency proposes to modify Section 309.114(c) as follows:

~~Unless otherwise agreed, in accordance with 40 CFR 124.34(c), send a copy of the fact sheet if one has been prepared, to the appropriate District Engineer of the Army of Engineers, for discharges (other than minor discharges) into navigable waters.~~

“Unless otherwise waived, and in accordance with 40 CFR 124.10(c)(1)(iii) and 40 CFR 124.10(c)(1)(iv), send a copy of the public notice and a copy of the fact sheet for NPDES Permit applications to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, to any other federal or state agency with jurisdiction over fish, shellfish, and wildlife resources, the Advisory Council on Historic Preservation, State Historic Preservation Offices, including any affected States (Indian Tribes), and provide the agencies an opportunity to respond, comment, or request a public hearing under 35 Ill. Adm. Code 309.115-309.119. The recipient agencies must also include the following:

- 1) The agency responsible for preparing the preparation an approved plan under Section 208(b) of the CWA, and
- 2) The State or interstate agency responsible for preparing the preparation of a plan under an approved, continuous planning process under Section 303(e) of the CWA.”

In addition, given the above proposed changes to 309.114(c), the Agency proposes that Section 309.114(e) be renumbered as 309.114(d).

Section 309.115:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 309.116:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 309.117:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 309.118:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 309.119:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 309.120:

Agency Comment: The Board’s proposed changes are acceptable to the Agency.

Section 309.141:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.142:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.143:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.144:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.145:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.146:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.147:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.148:

Agency Comment: Based on the outdated citation of 40 CFR 124.44(d), revisions of USEPA rules, and the availability of Agency documents through the Freedom of Information Act, the Agency has proposed to strike Section 309.148(e). Id. at 22. The Agency has also proposed to revise Section 309.148(f) by adding a reference to adjusted standards and time-limited water quality standards as an example of regulatory relief. Id. at 23.

Section 309.149:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.150:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.151:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.152:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.153:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.154:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.155:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.156:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.157:

Agency Comment: The Agency has proposed to strike the reference to adopting procedures because the guidance already listed in Section 309.157 is sufficient to determine site-specific translators. Id. at 23.

Section 309.158:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.181:

Agency Comment: The Agency has proposed that the permit appeal deadline be changed to 35 days, instead of the current 30 days, because that is what the Illinois Environmental Protection Act requires. Id. at 23.

Section 309.182:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.183:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.184:

Agency Comment: The Agency has proposed to add a reference to adjusted standards and time-limited water quality standards, which were not available when this Section was last amended. Id. at 23. Since this Section heading refers only to "variance", the Agency has proposed revising its heading to refer more generally to "Regulatory Relief".

Section 309.185:

Agency Comment: The Agency has proposed that this Section be repealed, since it merely restates the Agency's pre-existing obligation to comply with the Freedom of Information Act.

Section 309.191:

Agency Comment: The Agency has proposed that this Section be repealed because it is unnecessary. Id. at 23.

Section 309.201:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.202:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.203:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.204:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.205:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.206:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.207:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.208:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.221:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.222:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.223:

Agency Comment: In addition to the changes that the Agency has already proposed to this Section, the Agency also proposes to change the heading of this Section to: "Applications—Mailed or Delivered". This change, as well as the changes that were submitted in 2018, reflects the current practices used at the Agency.

Section 309.224:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.225:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.241:

Agency Comment: The Agency has proposed to delete subsection (b) because it contains a cross reference to Section 309.262, which the Agency has proposed to repeal.

Section 309.242:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.244:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.261:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.262:

Agency Comment: The Agency has proposed that this Section be repealed because it is unnecessary.

Section 309.263:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.264:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 309.265:

Agency Comment: The Agency has proposed to add references to adjusted standards and time-limited water quality standards as additional examples of regulatory relief. See IEPA Clean-Up at 24.

Section 309.266:

Agency Comment: The Agency has proposed to repeal this Section because it is unnecessary. Id. at 24.

Section 309.281:

Agency Comment: The Agency has proposed to repeal this Section because it is unnecessary. Id. at 24.

Section 309.282:

Agency Comment: The Agency has proposed to repeal this Section in light of the severability clause in Section 301.107.

PART 310

Section 310.101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.104:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.105:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.106:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.107:

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Section 310.110:

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Section 310.111:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.112:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.201:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.210:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.221:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.230:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.233:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.301:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.302:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.303:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.311:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.312:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.320:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.330:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.340:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.341:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.350:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.351:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.400:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.401:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.402:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.403:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.410:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.413:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.415:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.420:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.430:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.431:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.432:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.443:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.501:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.502:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.503:

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Section 310.505:

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Section 310.510:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.511:

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Section 310.521:

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Section 310.522:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.524:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.531:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.532:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.541:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.542:

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Section 310.543:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.602:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.603:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.604:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.605:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.606:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.610:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.611:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.612:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.613

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.621:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.631:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.632:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.633:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.634:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.635:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.636:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.637:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.703:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.705:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.706:

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Section 310.711:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.712:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.801:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.902:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.911:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.920:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.921:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.922:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 310.923:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

PART 312

Section 312.100:

Agency Comment: The Board's proposed repeal of this Section is acceptable to the Agency.

Section 312.101:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 312.102:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 312.103:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 312.104:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 312.105:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

Section 312.APPENDIX:

Agency Comment: The Board's proposed changes are acceptable to the Agency.

III. Conclusion

Wherefore, the Agency requests the Board accept its Post Hearing Comments.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Nicholas Kondelis
Nicholas Kondelis
Assistant Counsel
Division of Legal Counsel

DATE: April 5, 2022

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
AMENDMENTS TO 35 ILL. ADM. CODE)	R18-23
SUBTITLE C: WATER- RELATED)	Rulemaking - Water
POLLUTION)	

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 5, 2022, I served true and correct copies of the ILLINOIS EPA’S POST HEARING COMMENTS upon the persons and by the methods pursuant to the service list hereto attached.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Nicholas E. Kondelis
Nicholas E. Kondelis
Assistant Counsel
Division of Legal Counsel

DATED: April 5, 2022

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