

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
REGULATORY RELIEF MECHANISMS:) **PCB R18-018**
PROPOSED NEW 35 ILL. ADM. CODE) **(Rulemaking-Procedural)**
PART 104, SUBPART E)

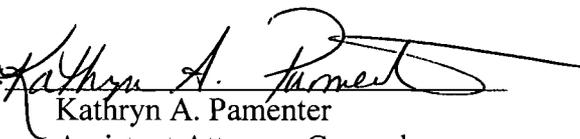
NOTICE OF FILING

To:

Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 don.brown@illinois.gov (via electronic mail)	Attached Service List
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PLEASE TAKE NOTICE that I have today caused to be electronically filed with the Office of the Clerk of the Pollution Control Board the Pre-Filed Questions of the Illinois Attorney General's Office, a copy of which is herewith served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois

By: 
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
REGULATORY RELIEF)
MECHANISMS: PROPOSED NEW) **R18-18**
35 ILL. ADM CODE PART 104,) **(Rulemaking-procedural)**
SUBPART E)

PRE-FILED QUESTIONS OF THE ILLINOIS ATTORNEY GENERAL'S OFFICE

Pursuant to 35 Ill. Adm. Code § 102, the Illinois Attorney General's Office, on behalf of the People of the State of Illinois (the "People"), hereby submit the following pre-filed questions to the Illinois Pollution Control Board (the "Board") for its consideration in the above-referenced matter.

1. On August 9, 2017, the Illinois Environmental Protection Agency (the "Illinois EPA") filed a procedural rulemaking regarding a proposed new 35 Ill. Adm. Code Part 104, Subpart E.

2. Section 104.570 of the proposed rulemaking entitled "USEPA Review" requires that the Illinois EPA submit the time-limited water quality standard to the United States Environmental Protection Agency ("USEPA") for review and approval before such standard becomes effective for Clean Water Act purposes.

- a. In Subsection b), what is the timeframe within which the Illinois EPA must submit the decision of the USEPA regarding a time-limited water quality standard to the Board?
- b. Subsection c) addresses the steps should USEPA disapprove of the Board's decision regarding a time-limited water quality standard. What are the steps should USEPA approve of the Board's decision? When does a time-limited

water quality standard become effective?

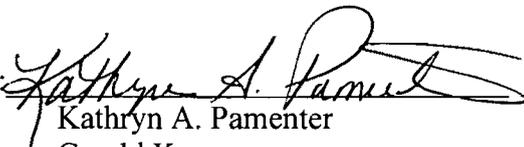
- c. Subsection c)6) provides that “[t]he Agency shall submit any order issued by the Board modifying a previously granted time-limited water quality standard to USEPA for review and approval.” What occurs if the USEPA (i) approves or (ii) disapproves the Board’s order modifying a previously granted time-limited water quality standard? When does the time-limited water quality standard become effective?

3. Section 104.580 of the proposed rulemaking entitled “Reevaluation” sets forth procedures when a time-limited water quality standard has a term greater than five years and the Board sets a schedule for reevaluation.

- a. Subsection e) provides that “[t]he Agency shall submit the Board’s reevaluation opinion and order to the United States Environmental Protection Agency for approval within 30 days of issuance of the Board’s order.” What occurs if the USEPA (i) approves or (ii) disapproves the Board’s reevaluation opinion and order? When does the time-limited water quality standard become effective?

WHEREFORE, the People respectfully request that as part of its general rulemaking authority, the Board include language within the final version of 35 Ill. Adm. Code Part 104, Subpart E that addresses the foregoing.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois

By: 
Kathryn A. Pamenter

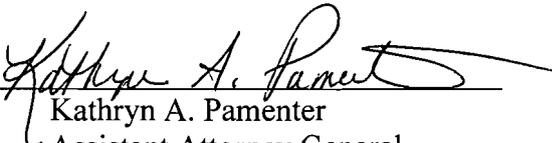
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Pre-Filed Questions of the Illinois Attorney General's Office were electronically filed on October 2, 2017 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
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and that copies were electronically sent on October 2, 2017 to the parties listed on the foregoing Service List.

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