

**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 )

**NOTICE OF FILING**

TO: Don Brown Marie E. Tipsord  
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Illinois Pollution Control Board Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500 100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601 Chicago, Illinois 60601  
(VIA ELECTRONIC MAIL) (VIA ELECTRONIC MAIL)

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **POST-HEARING COMMENTS OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**, a copy of which is herewith served upon you.

Respectfully submitted,  
METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO

Dated: December 5, 2017

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**CERTIFICATE OF SERVICE**

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**POST-HEARING COMMENTS OF THE METROPOLITAN WATER  
RECLAMATION DISTRICT OF GREATER CHICAGO**

The METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, by and through its attorneys, BARNES & THORNBURG LLP, and pursuant to the October 13, 2017 Hearing Officer Order, hereby submits these Post-Hearing Comments in the above captioned matter:

1. The definition of “Substantial Compliance” in Section 104.515 should be clarified. We are not sure what it means to comply with “substantial or essential requirements.” It would be clearer to state that “Substantial Compliance” means that the petition includes information as to each of the required elements of a petition that are specified in Section 104.530. A determination of “substantial compliance” should not involve judging the adequacy of the information presented to meet the demonstration requirements in Section 104.560.

2. In Section 104.520b)1)C), the references to the ability to “rejoin” a previously filed petition are confusing. We would view the previously filed petition as inactive unless and until the party that filed a petition decides to reactivate it. Therefore, we would suggest changing “rejoin” to “reactivate” wherever it appears.

3. Also in section 104.520b)1)C), the last sentence appears to be incomplete. It should read as follows: “A petitioner’s decision to withdraw from a collectively filed petition and file its own

individual petition or reactivate a previously-filed petition does not invalidate and otherwise valid stay granted under Section 104.525.”

4. Section 104.530d) states that for TLWQS other than single-discharger TLWQS, “discharger-specific information must be provided individually.” While we expect that most information specific to a discharger will be provided directly by that discharger, it may be the case in some situations that a group of similarly situated dischargers will provide a submittal that includes information specific to each of the group members. Therefore, we suggest that “must be provided individually” be changed to “may be provided individually.”

5. Section 1.4.530d) should also be revised to specifically state that a group of dischargers, seeking a multiple-discharge, watershed, waterbody or waterbody segment TLWQS, may choose to file some information together, and some information either individually or as part of a subgroup. While it appears that such a filing is allowed, the rules should clearly state that the petitioners may choose to submit their filings in that manner.

Respectfully submitted,  
METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO

Dated: December 5, 2017

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