**Section 104.208 Consistency with Federal Law**

a) All petitions for variances from Title II of the Act or from 35 Ill. Adm. Code.Subtitle B, Ch. I "Air Pollution", must indicate whether the Board may grant the requested relief consistent with the Clean Air Act (CAA) (42 USC 7401 et seq.) and the federal regulations adopted under the CAA (40 CFR 50 through 99). If granting a variance would require revising the State Implementation Plan, the petition must indicate whether the requirements of Section 110(a) of the CAA (42 USC 7410(a)) and 40 CFR 51 will be satisfied.

b) All petitions for variances from Title III of the Act, from 35 Ill. Adm. Code.Subtitle C, Ch. I "Water Pollution", or from water pollution related requirements of any other Title of the Act or Chapter of the Board's regulations, must indicate whether the Board may grant the relief consistent with the Clean Water Act (CWA) (33 USC 1251 et seq.), USEPA effluent guidelines and standards and any other federal regulations adopted under the CWA (40 CFR 110, 112, 117, 122, 125, 129, 136, 401 through 471, and 503), and any area-wide waste treatment management plan approved by the Administrator of USEPA under Section 208 of the CWA (33 USC 1288).

c) All petitions for variances from Title IV of the Act or from 35 Ill. Adm. Code.Subtitle F, Ch. I "Public Water Supplies", and to the extent applicable, from Title V of the Act or from 35 Ill. Adm. Code.Subtitle D, Ch. I "Mine Related Water Pollution", must indicate whether the Board may grant the relief consistent with the Safe Drinking Water Act (42 USC 300(f) et seq.), the federal National Primary Drinking Water Regulations (40 CFR 141), the UIC Program (42 USC 300h et seq.) and the federal regulations adopted under the UIC Program (40 CFR 144 through 148).

d) All petitions for variances from Title V of the Act or from 35 Ill. Adm. Code.Subtitle G, Ch. I "Waste Disposal" must indicate whether the Board may grant the requested relief consistent with RCRA (42 USC 6902 et seq.) and the federal regulations adopted under RCRA (40 CFR 256 through 258, 260 through 268, 273, 279, and 280).

e) For all petitions for RCRA variances, petitioner must consult the federal RCRA rules that contain procedures referred to as "Variances" (40 CFR 260). The petitioner must consult the comparable Board regulations to decide whether the variance procedures of this Part need to be followed.

(Source: Amended at 41 Ill. Reg. 10049, effective July 5, 2017)