**Section 104.570 USEPA Review**

a) Before a TLWQS becomes effective for Clean Water Act purposes, the Agency must submit the TLWQS to USEPA and obtain USEPA's approval in compliance with section 303(c) of the Clean Water Act and 40 CFR 131.20 and 131.21.

b) The Agency must file USEPA's decision with the Board as soon as practicable.

c) If USEPA disapproves of a Board-adopted TLWQS, the petitioner may file a petition to modify a TLWQS.

1) The petition to modify must address all deficiencies raised by USEPA and must be served on all parties to the Board's proceeding adopting the TLWQS.

2) The Board will automatically incorporate the record from the Board's proceeding adopting the TLWQS.

3) The Board will accept public comments for at least 21 days after a petition to modify is filed.

4) The Board may hold a hearing if it concludes, in its discretion, that a hearing would be advisable.

5) Unless otherwise ordered by the hearing officer or Board, the Agency must file a recommendation with the Board within 45 days after the petition to modify is filed with the Board.

6) Any order issued by the Board modifying a previously granted TLWQS is subject to Section 104.565.

7) The Agency must submit any order issued by the Board modifying a previously granted TLWQS to USEPA for review and approval as soon as practicable. As required in subsection (b), the Agency must file USEPA's decision with the Board. The petitioner may file a petition to modify under this subsection (c) in response to any further USEPA disapproval.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)