**Section 104.580 Re-evaluation**

a) Proposed Re-evaluation. When a TLWQS has a term greater than five years and the Board accordingly sets a schedule for re-evaluation:

1) The petitioner and any person granted coverage under Section 104.575 must file its proposed re-evaluation with the Board according to the re-evaluation frequency set forth in the Board's order adopting the TLWQS under Section 104.565(d)(7).

2) For a multiple discharger, watershed, water body, or waterbody segment TLWQS, discharger specific information must be provided individually.

3) Petitioner must serve one copy of the proposed re-evaluation on the Agency, each participant, and each member of the notice list maintained by the Board under Section 104.520(b)(4).

4) The proposed re-evaluation must assess the highest attainable condition using all existing and readily available information.

b) The Clerk will publicize notice of the proposed re-evaluation on the Board's website and in a newspaper of general circulation in the county where the facility or pollution source is located.

c) The Board will accept public comments for a period no less than 30 days.

d) The Agency must file a recommendation with the Board within 45 days after the petitioner files its proposed re-evaluation with the Board. At a minimum, the Agency must provide an analysis of the petitioner's proposed highest attainable condition.

e) The Board will re-evaluate the highest attainable conditions using all existing and readily available information.

1) If any re-evaluation yields a more stringent attainable condition, that condition becomes the applicable interim TLWQS without additional action.

2) When the re-evaluation identifies a condition less stringent than the highest attainable condition, the Board must:

A) revise the TLWQS consistent with applicable federal laws and regulations satisfying the requirements of Section 38.5 of the Act and this Part; and

B) obtain USEPA approval before the TLWQS becomes effective for Clean Water Act purposes.

f) The Board will adopt a final order on the proposed re-evaluation consistent with the re-evaluation frequency set forth in the Board's order adopting the TLWQS under Section 104.565(d)(7).

g) The Agency must submit the Board's re-evaluation opinion and order to USEPA within 30 days after issuance of the Board's order.

h) A TLWQS will no longer be the applicable water quality standard for purposes of the Clean Water Act if the petitioner does not conduct a re-evaluation consistent with the frequency specified in the Board's order under Section 104.565 or the results are not submitted to USEPA as required by this Section.

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