**Section 102.610 Adoption of Identical-in-Substance Regulation**

a) Prior to adopting identical-in-substance regulations, the Board will:

1) Make available to the public a proposed opinion and order containing the text of the rules at the Board's Chicago Office and on the Board's Web site;

2) Publish the proposed regulations in the Illinois Register;

3) Serve a copy of the proposed opinion and order on USEPA; and

4) Solicit comments from USEPA, the Agency, the Attorney General and the public for at least 45 days after the date of publication in the Illinois Register.

b) *After consideration of comments from USEPA, the Agency, the Attorney General and the public, the Board will adopt the verbatim text of the USEPA regulations as are necessary and appropriate for authorization of the program*. As provided in Section 7.2 of the Act, the Board may also make *changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations* [415 ILCS 5/7.2(a)]. Also, *wherever appropriate, the Board regulations* will *reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of the Act and Section 5-35 of the Illinois Administrative Procedure Act* [415 ILCS 5/7.2(a)(6)].

c) As provided by Sections 13(c), 13.3, 17.5, 22.4(a), 22.4(d), and 22.7(d) of the Act, the provisions of Title VII of the Act and Section 5-35 of the IAPA [5 ILCS 100/5-35] will not apply to identical-in-substance rulemakings.