**Section 310.705 Factors that are Not Fundamentally Different**

An FDF request or portion of such a request under this Subpart G must not be granted on any of the following grounds:

a) The feasibility of installing the required waste treatment equipment within the time the federal CWA (33 U.S.C. 1251 et seq.), incorporated by reference in Section 310.107(c), allows;

b) The assertion that the standards cannot be achieved with the appropriate waste treatment facilities installed, if that assertion is not based on factors listed in Section 310.704;

c) The industrial user's ability to pay for the required waste treatment; or

d) The impact of a discharge on the quality of the POTW's receiving waters.

BOARD NOTE: Derived from 40 CFR 403.13(e) (2005).

(Source: Amended at 47 Ill. Reg. 5083, effective March 23, 2023)