**Section 105.112 Burden of Proof**

Unless this Part provides otherwise:

a) *The burden of proof shall be on the petitioner* except as provided in subsection (b). [415 ILCS 5/40(a)(1), 40(b) and (e)(3), 40.2(a), and 40.3(a)(2)]

b) The burden of proof is on the Agency if *the Agency issues an NPDES permit that imposes limits which are based upon a criterion or denies a permit based upon application of a criterion, then the Agency shall have the burden of going forward with the basis for the derivation of those limits or criterion which were derived under the Board's rules.* [415 ILCS 5/40(a)(1)]

(Source: Amended at 44 Ill. Reg. 14897, effective September 4, 2020)