**Section 309.104 Renewal**

a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit must timely apply for reissuance of the permit.

1) A permittee has submitted a timely application for a new permit when:

A) The permittee submits:

i) an application 180 days before the expiration date of the existing permit; or

ii) a request for a waiver in writing to the Agency, the Agency grants a written waiver to apply less than 180 days before the expiration date of the existing permit, and the applicant applies within the timeframe listed in the waiver request. A waiver request must include the permittee's reasonably justifiable causes for not meeting the 180-day timeframe. A waiver of the 180-day submittal requirement must be filed a minimum of 60 days before the permit expires, and must include the date by which the permittee must apply.

B) The Agency must not grant a waiver for applications to be submitted later than the expiration date of the existing permit.

C) Any Agency decision to deny a waiver request must be made within 21 days after the Agency receives the waiver request.

2) The terms and conditions of an expiring permit remain effective and enforceable against the discharger until the Agency takes final action on the pending permit application, only if:

A) the permittee has submitted a timely application under subsection (a)(1); and

B) the Agency, through no fault of the permittee, does not issue a new permit on or before the expiration date of the previous permit.

b) All permittees that timely apply for an NPDES permit renewal must pay an annual NPDES discharge fee under Section 12.5 of the Act.

c) The Agency must circulate public notice and provide opportunity for public hearing, as provided for in this Subpart A, in the same manner as for a new permit application.

(Source: Amended at 47 Ill. Reg. 5017, effective March 23, 2023)