**Section 104.525 Stay**

a) The effectiveness of a water quality standard from which relief is sought is stayed as to the following persons from the effective date of the water quality standard until the stay is terminated as provided in this Section:

1) Any person who had a petition for a variance seeking relief from a water quality standard under Section 35 of the Act converted into a petition for a TLWQS under Section 38.5 of the Act;

2) Any person who files a petition for a TLWQS within 35 days after the effective date of the water quality standard from which relief is sought; and

3) Any person who files a petition for a TLWQS before the deadline established in a Board order under Section 104.540. This person must be a member of a class of dischargers that has filed a TLWQS petition under Section 104.525(a)(1) or (a)(2) and that has been identified in the Board's final order under Section 104.540.

b) For any person for whom the effectiveness of the water quality standard is stayed under subsection (a), the following applies:

1) If the person files a petition or amended petition by the deadline established by the Board in Section 104.540 and the petition or amended petition is in substantial compliance as described by Section 104.545, the stay continues until the Board:

A) denies the petition or amended petition and all rights to judicial review of the Board's order denying the petition or amended petition are exhausted; or

B) adopts the TLWQS and USEPA either:

i) approves the TLWQS; or

ii) disapproves the TLWQS for failure to comply with 40 CFR 131.14.

2) If the person files an amended petition by the deadline established by the Board in Section 104.540, but the amended petition is not in substantial compliance as described by Section 104.545, the Board will deny the amended petition and the stay will continue until all rights to judicial review are exhausted.

3) If the person fails to file an amended petition to address the Board's determination of non-substantial compliance under Section 104.545 by the deadline established by the Board under Section 104.540, the Board will dismiss the original petition and the stay will continue until all rights to judicial review are exhausted.

c) If a person other than a person described in subsection (a) files a petition for a TLWQS, the effectiveness of the water quality standard from which relief is sought is not stayed as to that person. However, the person may proceed with his or her petition for a TLWQS by complying with 40 CFR 131.14, Section 38.5 of the Act, and this Part.

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