**Section 106.1180 Renewal of Alternative Thermal Effluent Limitations**

a) The permittee may request continuation of an alternative thermal effluent limitation granted by the Board, as part of its NPDES permit renewal application.

b) Any application for renewal must include sufficient information for the Agency to compare the nature of the permittee's thermal discharge and the balanced, indigenous population of shellfish, fish, and wildlife at the time the Board granted the alternative thermal effluent limitation and the current nature of the petitioner's thermal discharge and the balanced, indigenous population of shellfish, fish, and wildlife.The permittee must be prepared to support this comparison with documentation based upon the discharger's actual operation experience during the previous permit term.

c) If the permittee demonstrates that the nature of the thermal discharge has not materially changed to cause appreciable harm to the balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, and the alternative thermal effluent limitation granted by the Board has not caused appreciable harm to a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, the Agency may include the alternative thermal effluent limitation in the permittee's renewed NPDES permit.

d) If the nature of the thermal discharge has materially changed to cause appreciable harm to the balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, or the alternative thermal effluent limitation granted by the Board has caused appreciable harm to a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, the Agency must not include the thermal relief granted by the Board in the permittee's renewed NPDES permit. The permittee must file a new petition and make the required demonstration under this Subpart before the alternative thermal effluent limitation may be included in the permittee's renewed NPDES permit.

(Source: Amended at 41 Ill. Reg. 10104, effective July 5, 2017)