**Section 187.416 Renewal of an EMSA**

a) An initial agreement may be renewed for additional appropriate periods if the Agency finds the EMSA continues to meet applicable requirements and the purposes of Section 52.3-1 of the Act.

b) In determining whether to renew an EMSA, the Agency shall consider all relevant factors, including but not limited to:

1) The environmental, regulatory and economic results of the pilot project during the initial term of the EMSA;

2) The likelihood that renewal of the EMSA will advance the purposes of Section 52.3-1 of the Act; and

3) Stakeholder satisfaction with the pilot project.

c) It shall be within the sole discretion of the Agency to renew an EMSA and its decision shall not be appealable. A sponsor may request that the Agency hold a public hearing on its decision to deny a renewal application, to be held at the sponsor's sole cost and expense; however, it is within the sole discretion of the Agency to hold a hearing on the denial of a renewal application.

d) Prior to renewing an EMSA under this Section, the Agency shall comply with the public notice, comment and hearing provisions of Section 187.404 of this Part.

e) A sponsor requesting to renew an EMSA shall submit its renewal application to the Agency no later than 6 months prior to the expiration of the initial EMSA. The Agency shall have 60 days after receipt to accept or reject a renewal application. The Agency's failure to notify an applicant that it has accepted a renewal application shall be deemed a rejection of the renewal application. If the Agency rejects the renewal application, the pilot project and its owner or operator shall be in compliance with all environmental laws, regulations and ordinances applicable to the pilot project and its owner or operator within 6 months after expiration of the initial EMSA.

(Source: Amended at 26 Ill. Reg. 17734, effective November 27, 2002)