**Section 309.108 Tentative Determination and Draft Permit**

After receiving a complete application for an NPDES Permit, the Agency must prepare a tentative determination. The determination must include at least the following:

a) A statement of whether an NPDES Permit is to be issued or denied; and

b) If the determination is to issue the permit, a draft permit containing:

1) Proposed effluent limitations, consistent with federal and State requirements;

2) If the applicant is not in compliance with applicable requirements, a proposed schedule of compliance for meeting the proposed effluent limitations, including interim dates and requirements consistent with the CWA and applicable regulations;

3) A brief description of any other proposed special conditions that will have a significant impact upon the discharge.

c) A brief description of the basis for each of the permit conditions listed in Section 309.108(b), including a brief description of any mixing zones, how the conditions of the draft permit were derived, and the statutory or regulatory provisions and appropriate supporting references.

d) Upon tentative determination to issue or deny an NPDES Permit:

1) If the determination is to issue the permit, the Agency must notify the applicant in writing of the content of the tentative determination and draft permit and of its intent to circulate public notice of issuance in compliance with Sections 309.108 through 309.112;

2) If the determination is to deny the permit, the Agency must notify the applicant in writing of the tentative determination and of its intent to circulate public notice of denial in compliance with Sections 309.108 through 309.112. For a denial, notice to the applicant must include a statement of the reasons for denial, as required by Section 39(a) of the Act.

e) For Title X of the Act [415 ILCS 5/Title X], the documents supporting the Agency's tentative decision to issue or deny an NPDES permit under this Section must be either identified in or made part of the Agency record.

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