**Section 309.148 Schedules of Compliance**

The Agency must establish schedules of compliance in NPDES Permits in the following manner:

a) For any discharge that is not in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements, the permittee must be required to take specific steps to achieve compliance in the shortest reasonable period consistent with the guidelines and requirements of CWA and the Act.

b) If the period for compliance specified in subsection (a) exceeds 9 months, the permit must specify a schedule of compliance with interim requirements and the dates for their achievement; more than 9 months must not elapse between interim dates. If the time necessary for completing any interim requirement is more than 9 months and not readily divisible into stages for completion, the permit must specify interim dates to submit progress reports on completing the interim requirement. For each NPDES Permit schedule of compliance, interim dates and the final date for compliance must, to the extent practicable, fall on the last day of March, June, September, and December.

c) Not later than 14 days after each interim date and the final date of compliance, the permittee must provide the Agency with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

d) Interim and final compliance dates in NPDES permits must be enforceable without otherwise showing a violation of an effluent limitation or injury to water quality.

e) The Agency may establish schedules of compliance in NPDES permits under applicable federal requirements that may be earlier or later than deadlines established by otherwise applicable Board rules but all schedules of compliance must require compliance at the earliest reasonable date. Further, the Agency must not issue an NPDES Permit containing a schedule of compliance beyond July 1, 1977, or any other compliance date established by federal law, to any applicant who is not in compliance with or has not obtained a variance, adjusted standard, or time-limited water quality standard from applicable Illinois water pollution rules, or has not been ordered to apply for and obtain all necessary permits in an appropriate Board enforcement action for which the deadline for compliance occurred before October 24, 1977.

f) If an NPDES permit includes a schedule of compliance, the Agency must include in its final determination a statement of the factual basis for such schedule.

g) Schedules of compliance established by the Agency in NPDES Permits must be subject to review by the Board under Sections 309.181 and 309.182.

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