**Section 309.206 Experimental Permits**

a) To promote developing water pollution control technology, the Agency may issue experimental permits for treatment processes or techniques that do not satisfy the standards for issuance in Section 309.241 if the applicant submits clear, cogent, and convincing proof that the process or technique has a reasonable and substantial chance for success.

b) The existence of a valid experimental permit constitutes a prima facie defense to any action brought against the permittee for a violation of this Chapter, but only to the extent that such action is based on the failure of the process or techniques, during the period of validity of the permit, to meet the effluent limitations of water quality standards of this Chapter.

c) An experimental permit may not be issued instead of an NPDES Permit when an NPDES Permit is required.

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