**Section 310.913 Prohibition of Bypass**

a) Bypass is prohibited unless the following are true:

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and

3) The industrial user submitted notices as required under Section 310.912.

b) The Control Authority may approve an anticipated bypass after considering its adverse effects, if the Control Authority determines that the bypass will meet the requirements of subsection (a).

BOARD NOTE: Derived from 40 CFR 403.17(d) (2003).

(Source: Amended at 47 Ill. Reg. 5083, effective March 23, 2023)