**Section 320.301 Permit Applications Containing the Entire Fee**

a) Applications received by the Agency will be logged in and assigned a receipt date and number. The application shall be accepted if the following conditions are met:

1) The application is complete in accordance with Title III of the Act and regulations adopted thereunder; and

2) The entire fee due under Section 320.201 is included with the application.

b) The *Agency shall, not later than 45 days following the receipt* date assigned under subsection (a), *either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit* in accordance with Sections 12.2 and 39(a) of the Act. *If the Agency takes*  *no final action within 45 days after the filing of the application for a permit, the applicant may deem the permit issued*. (Section 12.2(g) of the Act) This 45 day deadline for Agency action may be waived by the applicant in writing.

c) *Prior to a final Agency decision on a permit application for which a fee has been paid under this* Part, *the applicant may propose modification to the application in accordance with* the *Act and regulations adopted* under the Act *without any additional fee becoming due, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in* Section 320.201. *If the modifications cause such an increase or change the fee category and the increase results in additional fees being due under* Section 320.201, *the applicant shall submit the additional fee to the Agency with the proposed modifications*. (Section 12.2(d) of the Act) If the applicant proposes a modification prior to a final Agency decision on the permit application, the 45 day review period described in subsection (b) shall commence on the date that the modification and any required fee pursuant to the modification, as provided in this subsection, is received.

d) If modifications to the permit application are received by the Agency from the applicant within 90 days after the date of permit denial in accordance with subsection (b), and if the modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in Section 320.201. If the modifications cause such an increase or change the fee category additional fees will be due under Section 320.201, and the applicant shall submit the additional fee to the Agency with the modifications.

e) If modifications to an existing permit are proposed before the date specified in the permit for completion of construction in accordance with the Act and regulations adopted under the Act, or before the expiration of the time limits provided in 35 Ill. Adm. Code 309.242(a) or 35 Ill. Adm. Code 404.109 if not specified in the permit, and if the modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in Section 320.201. If the modifications cause such an increase, or change the fee category, additional fees will be due under Section 320.201, and the applicant shall submit the additional fee to the Agency with the modifications.

f) Requests for extensions of permit expiration dates or requests for modifications to an existing permit other than those specified in this Section shall be considered new applications subject to the fees specified in Section 320.201.

g) Except in those cases in which permit denial has been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, submissions received by the Agency more than 90 days after the date of permit denial in accordance with subsection (b) shall be considered new applications subject to the fees specified in Section 320.201.

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)