**Section 705.141 Draft Permits**

a) Once an application for permit is complete, the Agency must tentatively decide whether to prepare a draft permit or to deny the application.

b) If the Agency tentatively decides to deny the permit application, it must issue a notice of intent to deny. A notice of intent to deny must be subject to all of the procedural requirements applicable to draft permits under subsection (d). If the Agency's final decision made pursuant to Section 705.201 is that the tentative decision to deny the permit application was incorrect, it must withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c).

c) If the Agency decides to prepare a draft permit, it must prepare a draft permit that contains the following information:

1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;

2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;

3) All monitoring requirements under 35 Ill. Adm. Code 702.164; and

4) The following program-specific permit conditions:

A) For RCRA permits, standards for treatment, storage, or disposal and other permit conditions under Subpart F of 35 Ill. Adm. Code 703;

B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.

d) A draft permit or a notice of intent to deny prepared under this Section must be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, must be based on the administrative record pursuant to Section 705.144, must be publicly noticed pursuant to Subpart D, and must be made available for public comment pursuant to Section 705.181. The Agency must give notice of opportunity for a public hearing pursuant to Section 705.182, issue a final decision pursuant to Section 705.201, and respond to comments pursuant to Section 705.210. An appeal may be taken under Section 705.212.

BOARD NOTE: Derived from 40 CFR 124.6 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)