**Section 105.610 Board Standards for Granting Stays**

a) *If requested by the* permit *applicant, the Board may stay the effectiveness of any final Agency action on a PSD permit application during the pendency of the review process. In* these *cases, the Board shall stay the effectiveness of all the contested conditions of the PSD permit and may stay the effectiveness of any or all uncontested conditions only if the Board determines that the uncontested conditions would be affected by its review of contested conditions. Any stays granted by the Board shall be deemed effective upon the date of final Agency action appealed by the applicant.* [415 ILCS 5/40.3(d)(2)]

b) *If requested by a party other than the* permit *applicant, the Board may stay the effectiveness of any final Agency action on a PSD permit application during the pendency of the review process. In* these *cases, the Board may stay the effectiveness of all the contested conditions of the PSD permit and may stay the effectiveness of any or all uncontested conditions only if the Board determines that the uncontested conditions would be affected by its review of contested conditions. The party requesting the stay has the burden of demonstrating that an immediate stay is required in order to preserve the status quo without endangering the public, that it is not contrary to public policy, and that there is a reasonable likelihood of success on the merits. Any stays granted by the Board shall be deemed effective upon the date of final Agency action appealed under* Section 105.606 *and shall remain in effect until a decision is issued by the Board on the petition.* [415 ILCS 5/40.3(d)(3)]

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)