**Section 309.105 Authority to Deny NPDES Permits**

An NPDES Permit must not be issued if:

a) The permit would authorize the discharge of a radiological, chemical, or biological warfare agent or high-level radioactive waste;

b) The discharge would, in the judgment of the Secretary of the Army acting through the Chief of Engineers, result in the substantial impairment of anchorage and navigation;

c) The Administrator of the U.S. Environmental Protection Agency objects in writing to the proposed permit under any right to object given to the Administrator under Section 402(d) of the CWA;

d) The permit would authorize a discharge from a point source that conflicts with a plan approved under Section 208(b) of the CWA; or

e) The applicant has not provided proof to the Agency that the applicant will meet any schedule of compliance that may be established as a condition of the permit under the Act and Board rules.

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