**Section 502.402 Defenses**

a) Issuing or possessing a permit does not allow the permittee to violate the Act or Board rules and is not a defense to a violation other than an alleged violation for construction or operation without a permit.

b) Compliance with an NPDES permit must be considered compliance for purposes of Sections 42, 43, and 44 of the Act (Penalties), with the Act and applicable rules, to the extent that compliance would be a defense to enforcement action under the CWA.

c) Except for federally-imposed requirements for NPDES permits, complying with the rules the Board promulgates under the Act will be a prima facie defense to any action, legal, equitable, or criminal, or an administrative proceeding for a violation of the Act, brought by any person.

(Source: Amended at 48 Ill. Reg. 3196, effective February 15, 2024)