**Section 702.108 Variances and Adjusted Standards**

a) The Agency has no authority to issue any permit that is inconsistent with Board regulations. If an applicant seeks a permit that would authorize actions that are inconsistent with Board regulations, including delayed compliance dates, the applicant should file for either of the following two forms of relief:

1) A petition for a variance pursuant to Title IX of the Environmental Protection Act (Act) and Subtitle B of 35 Ill. Adm. Code 104; or

2) A petition for an adjusted standard pursuant to Section 28.2 of the Act and Subtitle D of 35 Ill. Adm. Code 104.

b) The Agency must file a recommendation within prescribed times following the filing of a petition for a variance or adjusted standard. The recommendation must include a draft of the language the Agency proposes to include in the permit if its recommendation is accepted.

c) If the Board grants a variance or adjusted standard, it will order the Agency to issue or modify the permit pursuant to the variance.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)