**Section 705.202 Stay of Permit Conditions upon Appeal**

An appeal pursuant to Section 705.212 has the following effect on permit conditions:

a) If a timely application was filed for renewal of an existing permit, the existing permit and all its conditions continue to apply during the pendency of the appeal of the renewal permit application, unless the Board orders otherwise.

b) If an application was filed for renewal of an existing permit after the expiration date of the existing permit, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal, and the facility is without a permit during that time, unless the Board orders otherwise.

c) If an application was filed for a permit for a new facility, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal.

d) Contested permit conditions and all permit conditions that are not separable from contested permit conditions are stayed during the pendency of the appeal. The Board may issue an order that identifies the conditions in a permit that are inseparable from contested permit conditions. Where the Board has issued an order that says some but not all the conditions of a new permit during the pendency of an appeal, compliance is required with those conditions of the existing permit that correspond with the stayed conditions of the new permit, unless compliance with the existing conditions is technologically incompatible with the conditions of the new permit that are not stayed.

BOARD NOTE: Derived from 40 CFR 124.16 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)