**Section 1422.127 Experimental Permits**

a) The Agency may issue Experimental Permits for processes or techniques that do not satisfy the standards in this Subpart if the applicant can provide proof that the process or technique has a reasonable chance for success and that the environmental hazards are minimal. The description must include the type of residuals anticipated and how they will be managed and disposed of.

b) A valid Experimental Permit is a prima facie defense to any action brought against the permit holder for a violation of the Act or regulations promulgated under the Act, but only to the extent that the action is based upon the failure of the process or technique.

c) All Experimental Permits have a duration not to exceed two years. These permits can only be renewed once. Original experimental permits and renewals granted to any person cannot exceed a total of four years.

d) Application for renewal of an experimental permit must be submitted to the Agency at least 90 days prior to the expiration of the existing permit. The applicant must note in its renewal application whether the information to be supplied for renewal is identical with that contained in the prior permit application. The Agency may not require the resubmittal of data and information previously supplied to it.

e) A report must be submitted at the end of the experimental permit period, or as required by the Agency, which must include the following:

1) A summary of operating data, including results of the Initial Efficacy Tests or Periodic Verification Tests;

2) A discussion of how the equipment performed;

3) A discussion of how residuals were managed; and

4) A demonstration that the infectious potential has been eliminated.

(Source: Amended at 43 Ill. Reg. 10072, effective August 30, 2019)