**Section 101.628 Statements from Participants**

a) Oral Statements. The hearing officer may permit a participant to make oral statements on the record when time, facilities, and concerns for a clear and concise hearing record so allow. The oral statements must be made under oath and are subject to cross-examination. (See Sections 101.110 and 101.114.)

b) Written Statements. Any participant may submit written statements relevant to the subject matter at any time before hearing or at hearing. The participant submitting the statement will be subject to cross-examination by any party. Written statements submitted without the availability of cross-examination will be treated as public comment in compliance with subsection (c) and will be afforded lesser weight than evidence subject to cross-examination.

c) Public Comments or Amicus Curiae Briefs. Oral public comment may be made on the record at a hearing and is not subject to cross-examination. Additionally, participants may file written public comments subject to the requirements of this Section and the hearing officer's schedule for completing the record. The Board also allows for the filing of amicus curiae briefs by non-party participants. Amicus curiae briefs will be allowed in compliance with Section 101.110.

1) Written public comments must be filed within 14 days after the close of the last hearing unless the hearing officer specifies a different date for submission of post-hearing comments. However, all public comments must be filed with the Board no later than 30 days before the decision date, unless the hearing officer orders otherwise to prevent material prejudice. Consistent with the burden of proof in an adjudicatory proceeding or with the designation of the proponent in a rulemaking or the petitioner in a TLWQS proceeding, the hearing officer may provide for differing filing deadlines regarding post-hearing comments by different persons. Under hearing officer order, rebuttal public comments may be submitted.

2) All public comments must present arguments or comments based on evidence in the record. The comments may also present legal argument citing legal authorities.

3) Comments must be filed with the Board.

(Source: Amended at 43 Ill. Reg. 9674, effective August 22, 2019)