**Section 105.604 Who May File a Petition for Review**

a) *If the Agency refused to grant or grants with conditions a PSD permit* under Section 9.1(d) of the Act and 35 Ill. Adm. Code Part 204, *the applicant may petition for a hearing before the Board to contest the decision of the Agency.* [415 ILCS 5/40.3(a)(1)]

b) *If the Agency fails to act on an application for a PSD permit within the time frame specified* in Section 39(f)(3) of the Act, *the applicant may petition for a hearing before the Board to compel the Agency to act on the application in a time that is deemed reasonable* by the Board. [415 ILCS 5/40.3(a)(1)]

c) *Any person who participated in the* Agency *public comment process* for a PSD permit *and is either aggrieved or has an interest that is or may be adversely affected by the PSD permit may petition for a hearing before the Board to contest the decision of the Agency. If the petitioner failed to participate in the Agency's public comment process, the person may still petition for a hearing, but only upon issues where the final permit conditions reflect changes from the proposed draft permit* that was made available during the Agency public comment process. [415 ILCS 5/40.3(a)(2)]

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)