**Section 309.120 Reopening the Record to Receive Additional Written Comment**

a) The Agency must order the public comment period reopened to receive additional written comments when the Agency significantly modifies the draft permit and the final permit is not a logical outgrowth of the proposed draft permit. In determining if the final permit is a logical outgrowth of the draft permit, the Agency must consider whether any of the following circumstances exist:

1) The interested parties could not have reasonably anticipated the final permit from the draft permit;

2) A new round of notice and comment would provide interested parties the first opportunity to offer comments on the issue; or

3) The provisions in the final permit deviate sharply from the concepts included in the draft permit or suggested by the commenters.

b) The public notice of any comment period extended under this Section must identify the issues for which the public comment period is being reopened. Comments filed during the reopened period must be limited to the substantial new issues that caused its reopening.

c) For the notification required by subsection (b), the Agency must follow the public notice requirements of Section 309.109.

(Source: Amended at 47 Ill. Reg. 5017, effective March 23, 2023)