**Section 602.118 Appeal of Final Agency Action on a Permit Application**

a) If the Agency denies a permit required under this Part, the applicant may petition the Board to appeal the Agency's final decision under Section 40 of the Act.

b) An applicant may consider any condition imposed by the Agency in a permit as the Agency's refusal to grant a permit, which entitles the applicant to appeal the Agency's decision to the Board under Section 40 of the Act.

c) All appeals must be filed with the Board within 35 days after the date on which the Agency served its decision on the applicant. *However, the 35-day period* to appeal *may be extended for an additional period not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period.* [415 ILCS 5/40(a)(1)]

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)