**Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny**

a) The provisions of a draft permit or notice of intent to deny the application must be based on the administrative record, as defined in this Section.

b) The administrative record must consist of the following:

1) The application and any supporting data furnished by the applicant;

2) The draft permit or notice of intent to deny the application;

3) The statement of basis, as provided in Section 705.142, or fact sheet, as provided in Section 705.143;

4) All documents cited in the statement of basis or fact sheet;

5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and

6) An index of all documents or items included in the record, by location in the record.

c) Published material that is generally available, and which is included in the administrative record under subsection (b), need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the fact sheet.

d) This Section applies to all draft permits or notices of intent to deny.

BOARD NOTE: Derived from 40 CFR 124.9 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)