**Section 705.184 Reopening of Public Comment Period**

a) The Agency may reopen the public comment period under this Section if doing so could expedite the decisionmaking process.

1) If the public comment period is reopened under this subsection (a), any person, including the applicant, who believes any condition of a draft permit is inappropriate or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, before a date, not less than 60 days after public notice given under subsection (a)(2), set by the Agency. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material (as set forth in the preceding sentence), set by the Agency.

2) Public notice of any comment period under this subsection (a) must identify the issues to which the requirements of this subsection (a) will apply.

3) On its own motion or on the request of any person, the Agency may direct that the requirements of subsection (a)(1) will apply during the initial public comment period where the Agency determines that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) will substantially expedite the decisionmaking process. The notice of the draft permit must state whenever this has been done.

4) A comment period of longer than 60 days may be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this Section. A commenter may request a longer comment period, and one must be granted under Subpart D to the extent that the Agency determines that a longer comment period is necessary.

b) If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may undertake one or more of the following actions:

1) It may prepare a new draft permit, appropriately modified, under Section 705.141;

2) It may prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (b)(3);

3) It may reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

c) Comments filed during the reopened comment period must be limited to the substantial new questions that caused its reopening. The public notice under Subpart D must define the scope of the reopening.

d) After an extended comment period, the Agency may undertake final action under Section 705.201 that it deems appropriate based on the record.

e) Public notice of any of the above actions must be issued under Subpart D.

BOARD NOTE: Derived from 40 CFR 124.14 (2017).

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