**Section 705.212 Appeal of Agency Permit Determinations**

a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the following persons may petition the Board to review any condition of the permit decision:

1) The permit applicant, and

2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.

b) Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.

c) A petition for review must include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this Part; in all other respects, the petition must comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.

d) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally will govern appeals of RCRA and UIC permits under this Section. References in the procedural rules to the Agency permit application record will mean, for purposes of this Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

e) An appeal under subsection (a) or (b) is a prerequisite to the seeking of judicial review of the final agency action under the administrative review provisions of Article III of the Code of Civil Procedure.

BOARD NOTE: This Section corresponds with 40 CFR 124.19(a) (2017).

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