**Section 845.270 Final Permit Determination and Appeal**

a) The Agency must not make a final permit determination until the public participation process in Section 845.260 has concluded.

b) After the consideration of any comments that may have been received, the Agency may either issue or deny the permit.

c) The Agency must provide a notice of the issuance or denial of the permit to the applicant, to any person who provides comments or an email address to the Agency during the public notice period or a public hearing, and to any person on the Agency's listserv for the facility. The Agency must post its final permit determination and, if a public hearing was held, the responsiveness summary, to the Agency's website. The notice must briefly indicate any significant changes that were made from the terms and conditions of the draft permit.

d) In the case of denial, the Agency must inform the applicant of the reasons for denial, as required by Section 39(a) of the Act.

e) Appeal

1) If the Agency refuses to grant, or grants with conditions, a permit under this Part, the applicant may petition the Board to appeal the Agency's final decision under Section 40 of the Act.

2) *If the Agency grants or denies a permit under this Part, a third party, other than the permit applicant or Agency, may appeal the Agency's decision as provided under federal law for CCR surface impoundment permits.* [415 ILCS 5/40(g)]

3) All appeals must be filed with the Board within 35 days after the final action is served on the applicant.