**Section 1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans**

a) The Agency has 30 days from receipt of a notice, contact list, fact sheet, CRP, or related updates to conduct a review approving, approving with conditions or modifications, or disapproving the documents. All reviews must be based on the standards for review set forth in subsection (b).

1) The Agency's record of the date it received a notice, contact list, fact sheet, or CRP will be deemed conclusive unless a contrary date is proved by a signed, dated receipt from the Agency or certified mail or registered mail.

2) An authorized party may waive the period for review.

b) When reviewing documents under this Section, the Agency must consider:

1) Whether the notice complies with Section 1600.310(b)(1) or Section 1600.315(b)(1);

2) Whether the CRP contains the elements required by Section 1600.315(b)(2);

3) Whether the fact sheet contains the elements required by Section 1600.310(b)(3) or Section 1600.315(b)(3);

4) Whether the information in the notice, contact list, fact sheet, or CRP is consistent with the information contained in the Agency's records and any field observations; and

5) Whether the authorized party has clearly defined:

A) Persons required to be included in the contact list for notices and fact sheets under Section 1600.310(b) or Section 1600.315(b); or

B) The demographics of nearby populations potentially affected by or concerned about site activities for notification purposes under the CRP, including residences, businesses, day care centers, schools, nursing homes, hospitals and clinics.

c) Upon completing the review, the Agency must notify the authorized party in writing whether the notice, contact list, fact sheet, or CRP is approved, approved with conditions or modifications, or disapproved. The notification must be made by certified mail or registered mail postmarked with a date stamp and with return receipt requested, or by email with consent of the recipient. If the Agency disapproves a document, or approves a document with conditions or modifications, the notification must contain the following information, as applicable:

1) An explanation of the specific information or documentation that the Agency determines is lacking, missing, or inconsistent with the information contained in the Agency's records and any field observations;

2) A list of the provisions of this Part that may be violated if the document is approved as submitted;

3) A statement of the reasons why the provisions cited in subsection (c)(2) may be violated if the document is approved as submitted; and

4) An explanation justifying the inclusion of any conditions or modifications.

d) If the Agency disapproves of a document under this Section or approves it with conditions or modifications, the authorized party must submit a revised version of the document to the Agency within ten days after receiving the Agency's decision.

e) If a revised notice, contact list, fact sheet, or CRP is not received by the Agency within ten days, or if a revised document is not approved on the second Agency review, the Agency, in addition to other remedies that may be available, may provide notice to the public and seek cost recovery from the authorized party under Title VI-D of the Act, or pursue an enforcement action against the authorized party for failure to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP.

1) In addition to any other defenses that may be available to the authorized party, it is a defense to an Agency action to obtain cost recovery for notification or for an alleged violation of the requirement to develop and implement an Agency-approved notice, contact list, fact sheet, or CRP that the document submitted to and rejected by the Agency satisfies the requirements of Sections 1600.310 or 1600.315.

2) The defense described in subsection (e)(1) does not limit the use of this defense in other circumstances where appropriate.

f) To the extent consistent with review deadlines, the Agency will provide the authorized party with a reasonable opportunity to correct deficiencies within a notice, contact list, fact sheet, or CRP prior to sending a disapproval or an approval with conditions or modifications of these documents. However, resubmitting a document to correct deficiencies may, in the sole discretion of the Agency, restart the time for review.

g) If the Agency does not issue its final determination on the notice, contact list, fact sheet, CRP, or updates of these documents within 30 days after receiving the document, the document will be deemed approved as submitted.

(Source: Amended at 43 Ill. Reg. 11637, effective September 25, 2019)