**Section 104.416 Agency Recommendation and Petitioner Response**

a) Unless otherwise ordered by the hearing officer or the Board, the recommendation must be filed with the Board within 45 days after the filing of the petition or amended petition, or where a hearing has been scheduled, at least 30 days before hearing, whichever is earlier. The recommendation must set forth the rationale for the Agency's position and may present any information which the Agency believes is relevant to the Board's consideration of the proposed adjusted standard. If the Agency recommends a denial of the petition due to informational deficiencies within the petition, the recommendation must identify the types of information needed to correct the deficiencies.

b) At a minimum, the Agency must address and respond to the petition with respect to each issue raised by the requirements of Section 104.406(a) through (j).

c) The recommendation must cite to supporting documents or legal authorities whenever they are used as a basis for the Agency's conclusion. Relevant portions of the documents and legal authorities other than Board decisions, State regulations, statutes and reported cases must be appended to the recommendation if not already in the record of the proceeding.

d) The petitioner may file a response to the recommendation within 14 days after the date of service of the recommendation.

(Source: Amended at 41 Ill. Reg. 10049, effective July 5, 2017)