**Section 105.608 Petition Content Requirements**

a) All petitions under Section 105.604 must comply with 35 Ill. Adm. Code 101.Subpart C.

b) A petition under Section 105.604(a) or (c) must contain, within the body of the petition, all pertinent information in support of each issue raised for review. The Board will not consider arguments, assertions, claims, or other information incorporated into the petition by reference. *The petition must include*:

1) The Agency's final decision or issued PSD permit;

2) A statement as to how the petitioner participated in the Agency public comment process;

3) All *facts as necessary to demonstrate that the petitioner is aggrieved or has an interest that is or may be adversely affected;*

4) *The issues proposed for review,* citing to a specific permit term or condition when applicable and to the Agency *record where those issues were raised*, citing to any relevant page numbers in the public comments submitted to the Agency and attaching this public comment to the petition. If the issues proposed for review were not raised with reasonable specificity during the public comment period, the petition must explain *why* those *issues were not required to be raised during the* Agency *public comment process;* and

5)An explanation *why the Agency's previous response, if any, to those issues* proposed for review was:

A) *Clearly erroneous; or*

B) *An exercise of discretion or an important policy consideration that the Board should, in its discretion, review.* [415 ILCS 5/40.3(a)(2)]

c) A petition under Section 105.604(b) must include the date that a complete permit application for a PSD permit was submitted to the Agency and an explanation as to why the submittal made on that date made the application complete.

d) A petition under Section 105.604(a) or (c) may include a request to stay the effectiveness of any final Agency action on a PSD permit application until final action is taken by the Board under Section 40.3 of the Act. Any stay request must include a clear delineation of all the contested conditions of the PSD permit. To the extent that a stay of any or all of the uncontested conditions of the permit is sought, any stay request must indicate how these uncontested conditions would be affected by the Board's review of the contested conditions.

e) For petitions under Section 105.604(c), any stay request must also demonstrate:

1) *That an immediate stay is required in order to preserve the status quo without endangering the public*;

2) *That it is not contrary to public policy; and*

3) *That there is a reasonable likelihood of success on the merits*. [415 ILCS 5/40.3(d)(3)]

(Source: Added at 44 Ill. Reg. 14897, effective September 4, 2020)