**Section 270.503 Reopenings Initiated by the Agency**

a) The Agency shall reopen and revise a CAAPP permit for any of the following reasons:

1) *Additional requirements under the Clean Air Act become applicable to a major CAAPP source for which three or more years remain on the original term of the permit. Such a reopening shall be completed not later than 18 months after the promulgation of the applicable requirement. No such revision is required if the effective date of the requirement is later than the date on which the permit is due to expire* (See Section 39.5(16)(a)(i) of the Act)

2) *Additional requirements (including excess emissions requirements) become applicable to an affected source for acid deposition under the acid rain program. Excess emissions offset plans shall be deemed to be incorporated into the permit upon approval by USEPA* (See Section 39.5(16)(a)(ii) of the Act);

3) *The Agency or USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards, limitations, or other terms or conditions of the permit* (See Section 39.5(16)(a)(iii) of the Act); *or*

4) *The Agency or USEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements* (See Section 39.5(16)(a)(iv) of the Act).

b) Notice to reopen

1) The Agency shall provide written notice to the owner or operator of the CAAPP source of its intent to reopen a CAAPP permit at least 30 days prior to the date the permit is to be reopened, except that the Agency may provide a shorter time period in the case of an emergency.

2) The notice shall include the grounds for the reopening and revision, including the terms and conditions that the Agency proposes to change, delete or add to the permit, and the information relied upon to make such determination. If the Agency deems it necessary, the notice shall include a request for the CAAPP source to update and resubmit those parts of the CAAPP permit application subject to the reopening within a reasonable time frame.

c) Response

1) The CAAPP source may submit to the Agency a written response to the notice to reopen and revise the CAAPP permit within 30 days after receipt of the Agency's notice.

2) The response shall include the following, as applicable:

A) Details as to immediate plans for compliance with applicable requirements, including a proposed compliance plan and schedule of compliance;

B) Any explanation of the source's current failure to comply with applicable requirements;

C) An explanation for and correction of any inaccurate statements made in the CAAPP application that were used to establish the emission standards, limitations, or other terms or conditions in the CAAPP permit; and

D) An assessment of the Agency's proposed correction of any material mistake found in the CAAPP permit.

3) If requested in the notice, the owner or operator of the CAAPP source shall submit to the Agency, within a reasonable time frame specified in the notice, a revised CAAPP application.

d) Draft permit or statement

1) Within 90 days after receipt of the source's response or revised CAAPP application, whichever is later, the Agency shall prepare a draft CAAPP permit and statement of basis in compliance with the requirements of Section 39.5(8) of the Act and 35 Ill. Adm. Code 252 or a statement that the CAAPP permit does not need to be reopened and revised.

2) The Agency shall include in the draft CAAPP permit such conditions as the Agency determines are necessary to assure compliance with all applicable requirements and correct any material mistakes or inaccurate statements described in the notice.

3) The Agency may, to the extent practicable, provide the owner or operator of the CAAPP source with a reasonable opportunity to review and comment on the draft CAAPP permit prior to public notice.

4) The Agency shall give notice of the draft CAAPP permit to the public, the owner or operator of the CAAPP source and affected states in accordance with the requirements of Section 39.5(8) of the Act and 35 Ill. Adm. Code 252.

e) The requirements of Section 39.5(9) of the Act and 35 Ill. Adm. Code 252 regarding USEPA notice and objection shall apply to this Subpart.

f) The Agency shall reissue the CAAPP only if all the requirements of Section 39.5(10) of the Act have been met.