**Section 106.1145 Recommendation and Response**

a) Unless otherwise ordered by the hearing officer or the Board, the Agency must file with the Board a recommendation within 45 days after the filing of a petition or amended petition for an alternative thermal effluent limitation, or when a hearing has been scheduled, at least 30 days before hearing, whichever is earlier.

b) The recommendation must state the following:

1) Whether the Board should grant the petitioner's requested alternative thermal effluent limitation;

2) The rationale for the Agency's position;

3) Whether the plan of study sufficiently addresses the Agency's response pursuant to Section 106.1120(f);

4) Whether the petition has met the requirements of this Part;

5) Any information the Agency believes is relevant to the Board's consideration of the proposed alternative thermal effluent limitation; and

6) Whether the Agency communicated with or received comments from DNR, the United States Fish and Wildlife Service, or USEPA, and the content of those communications.

c) The petitioner, any party to the proceeding, or any interested person may file a response to the Agency recommendation within 21 days after the Agency files its recommendation.

(Source: Amended at 41 Ill. Reg. 10104, effective July 5, 2017)