**Section 2175.600 Adjudicatory Proceedings**

a) The Board is authorized to hear the following types of adjudicatory cases (See 35 Ill. Adm. Code 101-130 for procedural rules governing the processing of these cases):

1) Enforcement Action. The Illinois Attorney General, any State's Attorney, or any person may initiate an enforcement action by filing a complaint under Section 31 of the Act [415 ILCS 5/31]. (See 35 Ill. Adm. Code 103.)

2) Permit Appeal. Any person who, under Section 39 of the Act [415 ILCS 5/39], has been denied a permit by the Agency, or issued a permit by the Agency with one or more conditions to which that person objects, may file a petition with the Board for review of the Agency's action. If the Agency grants a RCRA permit for a hazardous waste disposal site or grants or denies a National Pollutant Discharge Elimination System (NPDES) permit, certain third parties may petition the Board for a hearing to contest the decision of the Agency [415 ILCS 5/40(b), (e)(1)]. (See 35 Ill. Adm. Code 105.)

3) Pollution Control Facility Siting Review. An applicant for local siting approval of a pollution control facility who has been denied this approval or granted conditional approval by a county board or the governing body of a municipality may contest that decision by filing a petition for hearing under Section 40.1(a) of the Act [415 ILCS 5/40.1(a)]. A third party who participated in the public hearing conducted by a county board or the governing body of a municipality may contest a grant of local siting approval by filing a petition for hearing under Section 40.1(b) of the Act [415 ILCS 5/40.1(b)]. (See 35 Ill. Adm. Code 107.)

4) Variances/Adjusted Standards. Any person adversely affected by a Board rule or order may file a petition for a variance under Section 37 of the Act [415 ILCS 5/37] or a petition for an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1]. (See 35 Ill. Adm. Code 104.)

5) Trade Secret Determination. Any person who is adversely affected by a trade secret determination made by the Agency or the Department may contest that determination before the Board. (See 35 Ill. Adm. Code 130.)

6) Appeal of Office of the State Fire Marshal (OSFM) UST Fund Eligibility or Deductibility Determination. Owners or operators of USTs who have been denied eligibility by the OSFM to access the UST reimbursement fund, or who disagree with an OSFM determination of the applicable deductible for UST Fund reimbursement, may petition for review under Section 57.9(c) of the Act [415 ILCS 5/57.9(c)]. (See 35 Ill. Adm. Code 105.)

7) Appeal of Agency Decisions Regarding UST Program. Owners or operators of USTs who have been denied requested UST Fund reimbursement or UST cleanup approvals by the Agency may petition for review under Section 40 of the Act [415 ILCS 5/40]. (See 35 Ill. Adm. Code 105.)

8) Appeal of Agency Decisions Regarding Drycleaner Environmental Response Trust Fund. Under the Drycleaner Response Trust Fund Act, decisions of the Agency may be reviewed by the Board under Section 40 of the Act [415 ILCS 5/40].

9) Tax Certifications. Under the Property Tax Code, the Board may issue a certificate finding that a facility is a "pollution control facility" or that a device is a "low sulfur dioxide emission coal fueled device" for property tax purposes [35 ILCS 200/11-10, 11-40]. A person seeking a tax certificate must first submit an application to the Agency. The Agency is then required to file with the Board a recommendation on whether the Board should issue the certificate. An applicant who wishes to contest an Agency recommendation that the Board deny tax certification may file a petition with the Board. (See 35 Ill. Adm. Code 125.)

10) Administrative Citations. The Agency or a unit of local government delegated authority by the Agency may issue administrative citations for violations of Sections 21(o), (p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) of the Act [415 ILCS 5/21(o), (p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k)]. These citations are enforceable by filing copies with the Board under Section 31.1 of the Act [415 ILCS 5/31.1]. The respondent named in the administrative citation may file a petition for review with the Board. (See 35 Ill. Adm. Code 108.)

11) Water Well Setback Exceptions. A water well owner may petition the Board for an exception from the water well setback requirements of the Act by filing a petition with the Board under Section 14.2 of the Act [415 ILCS 5/14.2.]. (See 35 Ill. Adm. Code 106.)

12) Other. Any other proceedings authorized by the Act or the Board's procedural rules may be brought before the Board under statutory authority and any Board regulations adopted thereunder.

(Source: Amended at 46 Ill. Reg. 9973, effective May 26, 2022)