**Section 101.108 Board Proceedings**

a) Board proceedings can generally be divided into two categories: rulemakings and adjudicatory proceedings. However, a time-limited water quality standard proceeding (35 Ill. Adm. Code 104.Subtitle E) is a non-adjudicatory proceeding that is not subject to the procedural requirements for rulemakings. (See 415 ILCS 5/38.5(a), (l)).

b) The following are examples of Board rulemakings: Identical-in-Substance, Clean Air Act/Fast Track, Federally Required Rulemaking, General Rulemaking, and Site-Specific Rulemaking. Procedural rules for these types of proceedings can be found at 35 Ill. Adm. Code 102.

c) The following are examples of Board adjudicatory proceedings: Enforcement Proceedings (35 Ill. Adm. Code 103), Variance Petitions (35 Ill. Adm. Code 104), Adjusted Standard Petitions (35 Ill. Adm. Code 104), Permit Appeals (35 Ill. Adm. Code 105), Leaking Underground Storage Tank Appeals (35 Ill. Adm. Code 105), Pollution Control Facility Siting Appeals (35 Ill. Adm. Code 107), and Administrative Citations (35 Ill. Adm. Code 108).

d) Board decisions will be made at meetings open to the public. Except as provided in subsection (e), three members of the Board form a quorum, and three affirmative votes are required to adopt a Board decision.

e) At a hearing under Section 34(d) of the Act to determine whether a seal should be removed, *at least one Board member shall be present, and those Board members present may render a final decision without regard to the requirements of Section 5(a) of the Act.* [415 ILCS 5/34(d)]

(Source: Amended at 43 Ill. Reg. 9674, effective August 22, 2019)