**Section 105.614 Board Hearing**

Except as provided in subsections (a) and (b), the Board will conduct a public hearing, in accordance with 35 Ill. Adm. Code 101.Subpart F, upon an appropriately filed petition for review under this Subpart. *The* hearing and *decision of the Board shall be based exclusively on the* Agency *record* at the time the permit or decision was issued, *unless the parties agree to supplement the* Agency *record*. Any PSD permit issued by the Agency must be upheld by the Board if the technical decisions contained in the permit reflect considered judgment by the Agency. [415 ILCS 5/40.3(d)(1)]

a) The Board will not hold a hearing on a petition for review under this Subpart if the Board disposes of the petition on a motion for summary judgment brought under 35 Ill. Adm. Code 101.516.

b) The Board will not hold a hearing on a petition for review under this Subpart if the Board determines that:

1) The petition is *frivolous*; or

2) The petition lacks *facially adequate factual statements* as required by Section 105.608 [415 ILCS 5/40.3(a)(2)].

c) If the Board determines to hold a hearing, the Clerk will give notice of the hearing under 35 Ill. Adm. Code 101.602.

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