**Section 107.106 Description**

Under Section 39(c) of the Act, any new pollution control facility, prior to receiving a permit from the Agency to construct and operate, must first receive siting approval from the *County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located.* [415 ILCS 5/39(c)] The siting approval can only be given under Section 39.2 of the Act and only after the unit of local government conducts a public hearing that comports with the requirements of Section 39.2(d) and with general standards of fundamental fairness. Under Section 40.1 of the Act, a decision of a unit of local government to site or deny siting of a new pollution control facility is reviewable by the Board. The decision of the Board is appealable to the Illinois appellate court.

(Source: Amended at 41 Ill. Reg. 10162, effective July 5, 2017)