**Section 702.107 Permit Appeals and Review of Agency Determinations**

Unless the contrary intention is indicated, all actions taken by the Agency pursuant to 35 Ill. Adm. Code 702 through 704, 721 through 728, 730, 733, 738, or 739 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705.

a) Any final Agency action on an original permit application, a proceeding for modification of an issued permit, or any action for review of a final Agency determination required by these regulations may be appealed to the Board pursuant to Title X of the Environmental Protection Act and 35 Ill. Adm. Code 105 and 705.212.

b) Other actions that are not required by these regulations, whether undertaken by the Agency gratuitously or pursuant to a statutory authorization, such as one taken to enforce a bond, insurance policy, or similar instrument of a contractual nature or one intended to guide a regulated person in seeking compliance with the regulations, may not be permit modifications reviewable by the Board. The affected person may seek review of an Agency determination that is not a permit determination in any court of competent jurisdiction.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)