**Section 808.542 Appeal**

a) Within 35 days after the Agency's final action, the applicant may appeal a wastestream classification determination to the Board. Appeals under this Section shall be subject to the requirments of 35 Ill. Adm. Code 105.

b) The record before the Board consists of the data base which was considered by the Agency at the time the Agency took final action. The applicant may supplement the record before the Board only under one or more of the following conditions:

1) If the applicant attempted to submit the information into the data base before the Agency prior to filing its appeal to the Board; or

BOARD NOTE: This provision is intended to prevent the use of appeals to challenge the validity of degree of hazard data through the introduction of new information without the Agency having the opportunity to reconsider its determination based on that new information.

2) If the data base filed by the Agency is not complete with respect to materials identified in Section 808.302(b)(3).