**Section 3730.202 Authorization of Hearings**

a) Allocation Hearing: Except in the case of an emergency allocation, the Department shall hold allocation hearing(s) as authorized by the Act within 90 days of submission to the Department of an application for allocation or on the motion of the Department, the purpose of which shall be publicly stated to be contemplation of allocations of Lake Michigan water. The burden of proof in an allocation proceeding will lie with each applicant for an allocation.

b) Enforcement Proceeding: The Department may hold hearing(s) as authorized by the Act within 90 days of submission to the Department by any entity of a complaint for misuse of allocation, or on the motion of the Department for the purpose of gathering information with reference to abuse or misuse of any allocation and of entering an order presenting findings and directing a course of action, including changes in allocations previously made. Hearings will be held on all complaints which comply with Section 3730.205(a), are not plainly devoid of merit or frivolous, and do not deal with a subject on which a hearing has been held within the preceding six months.

c) Petitions for Modification: The Department may hold hearing(s) on a petition for modification of an allocation permit. The burden of proof in a modification proceeding will lie with the petitioner/applicant. Hearings will be held on all petitions which comply with Section 3730.310(a).

d) Petitions for Emergency Allocation: The Department shall within 60 days of issuing and entering an order for an emergency allocation give notice and conduct a hearing regarding such emergency allocation.

e) Designation of Hearing Officer: If the Department authorizes a hearing under any of the above sections, the Director shall designate a Hearing Officer to preside over such hearing.

(Source: Amended at 9 Ill. Reg. 386, effective January 1, 1985)