**Section 240.251 Revocation of Permit to Drill**

a) The Department may revoke a permit if:

1) The permittee fails to meet permit conditions; or

2) The permit was issued in error; or

3) The permittee is not in compliance with Section 240.250(b).

b) The Department shall notify the permittee of the Department's intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (c).

c) If a written objection to the permit revocation is filed within 30 days after the date of the notice:

1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:

i) Simplify the factual and legal issues presented by the hearing request;

ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;

iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;

iv) Set a hearing date; and

v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.

B) Pre-hearing conferences may be held by telephone conference if that procedure is acceptable to all parties.

2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois by a Hearing Officer designated by the Director and conducted in accordance with Article 10 of the Illinois Administrative Procedure Act.

d) At the hearing, the Department shall present evidence in support of its determination under subsection (a). The permittee may present evidence contesting the Department's determination under subsection (a). The Hearing Officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

e) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a final administrative decision.

f) The permittee's failure to request a hearing in accordance with subsection (c) to reinstate the permit or require the well to be plugged shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)