**Section 240.1490 Transfer Hearings**

a) A current or new permittee may request a hearing to challenge a permit transfer or denial decision if that hearing is requested in writing within 30 days after the date of the transfer or denial notice. All requests for hearing must be accompanied by documents evidencing basis for objection. If no hearing is requested in this time period, the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee:

1) A pre-hearing conference may be held within 30 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 N shall be conducted by an impartial hearing officer not employed by the Department and shall be held in the Department's offices located in Springfield, Illinois.

b) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (a). Both the current and the new 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.

c) Within 30 days after the close of the record for the permit transfer hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law, and recommendations as to the disposition of the case.

d) The person's or permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit transfer decision. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

e) If, after a hearing, the Department finds that a transfer of wells from the current permittee to the new permittee was invalid, the Department shall transfer the wells back to the current permittee's well list and the current permittee shall be responsible for all Annual Well Fees, as prescribed in Subpart Q, and for compliance with all aspects of the Act and all rules and regulations promulgated pursuant to the Act associated with those wells.

f) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law, and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

(Source: Amended at 42 Ill. Reg. 5811, effective March 14, 2018)