**Section 240.1860 Temporary Relief Hearings**

a) Pending the holding of a hearing in accordance with Section 240.1859 relating to an EAO issued under Section 240.1859, the person or gas storage operator affected by the Department's action may file a written request for temporary relief from the EAO, together with a detailed statement giving reasons for granting that relief. The person or gas storage operator shall serve the request for temporary relief within 14 days after service of the EAO to the Department's offices located in Springfield, Illinois.

b) The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant that relief, under such conditions as it may prescribe, if the person or gas storage operator requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to the gas storage operator and the relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property.

c) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.

d) At the hearing, the gas storage operator shall have the burden of proving that temporary relief from the EAO will not adversely affect the health or safety of the public or cause environmental harm or significant damage to property. The Hearing Officer shall conduct the hearing, hear the evidence, and, at the conclusion of the hearing, render findings of fact and conclusions of law, and shall make recommendations to the DNR Director regarding the disposition of the case.

e) The DNR Director shall issue a final administrative decision, under Section 10 of the Illinois Oil and Gas Act, granting or denying temporary relief from the EAO within 7 days after the close of the administrative record. Temporary relief shall not extend for more than 90 days, after which the EAO shall be reinstated pending the outcome of the EAO and pending a resolution of the violations of the Act specified in the EAO.

(Source: Amended at 43 Ill. Reg. 11524, effective September 24, 2019)