**Section 1773.14 Opportunity for Public Hearing**

a) If no informal conference is requested, or if the issues in question are not resolved by the informal conference, any interested person or county board may request a public hearing within eighty (80) days after the first newspaper notice required by Section 1773.13(a). Any person who requests the Department to hold a public hearing with respect to an application must claim, in the request for a public hearing, an interest which is or may be adversely affected by the Department's decision, and shall identify the interest(s) claimed and shall state how the Department's decision may or will adversely affect the interest(s) specified. If a hearing is requested, the Department shall hold at least one (1) hearing in the locality affected by the permit, and shall hold a hearing in each county to be affected under the proposed permit in which a county board has requested a hearing. Nothing in this Section shall bar any interested person from requesting a public hearing if that person did not request an informal conference.

b) If a public hearing is held pursuant to this Section, the Department shall send notice of any hearing to be held to the applicant, the county board, all interested persons who have requested, in writing, notice with respect to a particular parcel of land to be affected by the proposed surface coal mining and reclamation operation, and to the principal newspaper, television, and radio stations serving the area. The Department shall publish notice of the hearing in a newspaper of general circulation within the county. Such notice shall be published by the Department at least two (2) weeks prior to the scheduled hearing date.

c) The Department shall appoint a hearing officer to conduct the hearing. The hearing officer shall be a licensed attorney or an employee of the Department. The hearing officer shall conduct a fair hearing and shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record. He or she shall have all powers necessary to these ends, including but not limited to the power to change the time and place of the hearing and adjourn the hearing from time to time or from place to place within the county of the proposed surface coal mining and reclamation operation and to give due notice of such action consistent with the notice requirement of subsection (a).

d) The hearing shall be informal. The applicant shall appear at any hearing held pursuant to Section 1773.14.

1) All participants in the public hearing shall have the right to be represented by counsel, or by some other authorized representative.

2) The hearing officer shall allow the county board, the applicant, and any interested persons to present data, views, or arguments.

3) Where necessary in order to prevent undue prolongation of the hearing, the hearing officer shall establish a time period during which the participants shall be heard. Every effort will be made to allow all persons who wish to make a statement to do so.

4) A verbatim transcript of the hearing shall be maintained by a court reporter appointed by the Department, and shall constitute a part of the record. Copies of the transcript shall be furnished, at cost, upon request to the court reporter. Such record shall be maintained by the Department and shall be accessible to the public at the Department's Springfield Office until final release of the applicant's reclamation performance bond.

5) The record shall remain open for additional written statements responsive to statements or other documents for ten (10) days following the close of the hearing, or for such other reasonable time as the hearing officer may direct. A time for responsive oral statements may be set by the hearing officer.

e) If the hearing request is withdrawn, the hearing need not be held.

f) Public hearings held in accordance with Section 1773.14 may be used by the Department as the public hearing required under 62 Ill. Adm. Code 1761.12(c) on proposed use or relocation of public roads.