**Section 1774.11 Department Review of Permits**

a) The Illinois Department of Natural Resources (Department) shall review each permit issued and outstanding under the regulatory program during the term of the permit. This review shall occur not later than the middle of each permit term and as follows:

1) Permits with a term longer than five years shall be reviewed no less frequently than the permit midterm or every five years, whichever is more frequent.

2) Permits with variances granted in accordance with 62 Ill. Adm. Code 1785.14 (mountaintop removal) and 62 Ill. Adm. Code 1785.18 (variance for delay in contemporaneous reclamation requirement in combined surface and underground mining operations) shall be reviewed no later than three years from the date of issuance of the permit unless, for variances issued in accordance with 62 Ill. Adm. Code 1785.14, the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the permit.

3) Permits containing experimental practices issued in accordance with 62 Ill. Adm. Code 1785.13 and permits with a variance from approximate original contour requirements in accordance with 62 Ill. Adm. Code 1785.16 shall be reviewed as set forth in the permit or at least every 2½ years from the date of issuance as required by the Department, in accordance with 62 Ill. Adm. Code 1785.13(g) and 1785.16(c), respectively.

b) After the review required by subsection (a) above, or at any time, the Department may, by order, require revision of a permit in accordance with Section 1774.13 to ensure compliance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (federal Act) and the regulatory program.

c) Any order of the Department requiring revision of a permit shall be based upon written findings and shall be subject to the provisions for administrative and judicial review in 62 Ill. Adm. Code 1847.3. Copies of the order shall be sent to the permittee within five working days after issuance.

d) Permits may be suspended or revoked in accordance with 62 Ill. Adm. Code 1840 through 1845.

(Source: Amended at 22 Ill. Reg. 20280, effective November 5, 1998)