**Section 530.310 Obligation to Remove, Relocate, or Modify**

a) The permittee shall remove, relocate, or otherwise modify its facility, including the removal of bridge attachments, as specified by Section 9-113 of the Code, when required to do so in accordance with Sections 530.810, 530.820 and 530.830. Section 9-113 of the Code gives sole authority to the Department, and no other administrative agency or commission may review or overrule a permit-related decision or direction of the Department. The failure of a permittee to comply with the directions of the Department may cause the sanctions, set forth in Subpart H, to be imposed on it.

b) The Department may also give written notice that the permittee shall remove, relocate, or otherwise modify its facility.

1) If, within 60 days after receipt of such written notice, satisfactory arrangements are not made, the Department may undertake the requested actions itself and may bill the permittee for the total cost thereof.

2) Notice shall be considered to have been received if:

A) Either the Department receives from the U.S. Postal Service a signed return receipt or a notice that the permittee has refused to accept a notice by mail, or

B) The Department obtains such other reliable evidence of receipt as it may find to be appropriate. For example, the receipt of a hand-delivered notice might be evidenced by a statement by the messenger that the notice was delivered. A receipt from an express message service would also suffice.

3) If notice of receipt is not received within 10 days or the Department receives a notice of undeliverability, the notice shall be posted as a sign in a conspicuous place in the area of the permit. If, within 60 days after posting of such written notice as a sign, satisfactory arrangements are not made, the Department may undertake the requested actions itself and may bill the permittee for the total cost thereof.

c) The Permittee, by use of its permit, agrees to the following:

1) To pay the Department's costs incurred under this Section,

2) If the full amount of the bill is not paid by the date specified on the billing statement, to pay all costs of collection, including attorneys' fees, litigation expenses, and fees (including contingency and percentage fees) paid to collection agencies, and

3) That any attorney at law is authorized, on behalf of permittee, to do the following:

A) Appear before any court of competent jurisdiction in Illinois, upon complaint made by the Department, and enter permittee's appearance;

B) waive process and service;

C) confess judgment for the full amount billed under this Section, for all attorneys' fees and costs incurred by the State of Illinois associated with attempt(s) to collect the amount billed under this Section;

D) accept the release and indemnification provisions stated in Section 530.225 of this Part;

E) waive all errors and all right of appeal from said judgment(s); and

F) provide such other consents or cooperation as may be helpful to complete the collection process so that the Department may be fully paid.