

62 Ill. Adm. Code 240.1040

240.1040 Notice and Hearing

a) On or before the date of filing a Vacuum Permit application with the Department, the applicant shall notify, by certified mail, return receipt requested, all permittees whose wells or leases are within a  $\frac{1}{4}$  mile radius of the well. The applicant shall post a general notice, by publication in a newspaper of general circulation in the county where the well is located.

b) The notice shall contain:

- 1) name and depths of the ~~formations~~ pools on which vacuum will be applied;
- 2) the exact location of the well or wells to be affected by the use of the vacuum;
- 3) the address and telephone number of the Office of Oil and Gas Resource Management of the Department; and
- 4) a statement that the public has 15 days, from the date postmarked on the notice, to comment on the application and that comments must be made in writing to the Department.

c) Objections

If a written objection to the application is filed within 15 days after the date postmarked on the notice, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a factual or legal question regarding the sufficiency of the application in meeting the requirements for a permit or presents data indicating correlative rights may not be protected, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

d) Public Hearing

- 1) Any public hearing held pursuant to subsection (c) shall be conducted by the Department solely for the purpose of resolving the factual, legal or correlative rights questions raised by the objection;
- 2) Notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing the notice by United States mail, postage prepaid, addressed to their last known home address;
- 3) A certified court reporter shall record the hearing at the Department's expense;
- 4) A Hearing Officer designated by the Director shall conduct the hearing. The Hearing Officer shall allow all parties to the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determined the evidence is irrelevant, immaterial, unduly repetitious, or of such nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs;

- 5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence;
- 6) After receipt of the transcript of the hearing, the Department shall render a decision on the objection.