**Section 240.250 Issuance of Permit to Drill or Operate**

a) If the applicant satisfies requirements of the Act and this Part, the Department shall issue a permit.

b) A permit shall not be issued to an applicant if:

1) *the applicant has falsified or otherwise misstated any information on or relative to the permit application;*

2) *the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;*

3) *an officer, director,* agent, power of attorney or *partner* in the applicant*, or* a *person with an interest in the applicant exceeding 5%* was or is an officer, director, partner, agent, power of attorney or person with an interest exceeding 5% in another entity that *failed to abate a violation of the Act specified in a final administrative decision of the Department;*

4) *the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5%* *in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department* (Section 8a of the Act);

5) funds have been expended and remain outstanding from the PRF to plug wells, under Subpart P, for which the applicant was a previous permittee; or the applicant was or is an officer, director, agent, power of attorney partner, or person with an interest exceeding 5% in a permittee for which funds were expended; or *an officer, director,* agent, power of attorney or *partner* in the applicant, *or* a *person with an interest in the applicant exceeding 5%,* was or is an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee for which funds were expended; or

6) the applicant is delinquent in the payment of Annual Well Fees; or the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5% in another permittee who is delinquent in payment of Annual Well Fees; or *an officer, director,* agent, power of attorney or *partner* in the applicant, *or person with an interest in the applicant exceeding 5%,* was or is an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.

c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed 2 years from date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set or conversion operations completed.

d) Permits are not transferable prior to the drilling of the well.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)