**Section 245.300 Permit Decision**

a) *The Department shall have no more than 60 calendar days from the date it receives the permit application to approve, with any conditions the Department may find necessary, or reject the application for the high volume horizontal hydraulic fracturing permit. The applicant may waive, in writing, the 60-day deadline upon its own initiative or in response to a request by the Department.* (Section 1-35(i) of the Act)

b) *For the purpose of determining whether to issue a permit, the Department shall consider and the Department's record of decision shall include* (Section 1-53(b) of the Act):

1) *the application for the high volume horizontal hydraulic fracturing permit, including all documentation required by Section* 245.210 (Section 1-53(b)(1) of the Act);

2) *all written comments received during the public comment periods and, if applicable, the complete record from the public hearing held under Section* 245.270 (Section 1-53(b)(2) of the Act), and specifically including the recommended findings;

3) *all* supplemental *information provided by the applicant in response to*:

A) *any public comments* (Section 1-53(b)(3) of the Act);

B) recommended findings of the Hearing Officer if a public hearing was held;

C) the requirements of this Part; and

D) Department requests for information, including any information required or requested to demonstrate preparation against the risk of earthquake, flood or other natural disaster;

4) *any information known to the Department as the public entity responsible for regulating high volume horizontal hydraulic fracturing operations* and oil and gas operations, *including, but not limited to, inspections of the proposed well site as necessary to ensure adequate review of the application* (Section 1-53(b)(4) of the Act).

c) *The Department shall issue a high volume horizontal hydraulic fracturing permit, with any conditions the Department may find necessary, only if the record of decision demonstrates that* (Section 1-53(a) of the Act):

1) *the well* site *location restrictions of Section* 245.400 *have been satisfied* (Section 1-53(a)(1) of the Act);

2) *the application meets the requirements of Section* 245.210 (Section 1-53(a)(2) of the Act);

3) *the plans required to be submitted with the application under Section* 245.210 *are adequate and effective* (Section 1-53(a)(3) of the Act) to comply with the Act, this Part, the Illinois Oil and Gas Act, and the administrative rules promulgated under that Act;

4) the high volume horizontal *hydraulic fracturing operations will be conducted in a manner that will protect the public health,* public *safety*, property, wildlife, aquatic life and environment, *and* will *prevent pollution or diminution of any water source* (Section 1-53(a)(4) of the Act);

5) *the* water quality monitoring *work plan required under Section* 245.600 *has been submitted to* and approved by *the Department* (Section 1-53(a)(5) of the Act);

6) *the applicant or any parent, subsidiary, or affiliate* of the applicant *has not failed to abate a violation of* the *Act*, this Part, *the Illinois Oil and Gas Act* (Section 1-53(a)(6) of the Act), or the administrative rules promulgated under that Act specified in a final administrative decision of the Department or any court decisions related to that decision;

7) *the Class II injection wells to be used for disposal of hydraulic fracturing flowback comply with all applicable requirements for* internal and external *mechanical integrity testing* as required in 62 Ill. Adm. Code 240.760 and 240.770, *including that the well has been tested within the previous 5 years.* (Section 1-53(a)(7) of the Act) The Class II injection wells to be used for disposal of hydraulic fracturing flowback must be shown to be in compliance with 62 Ill. Adm. Code 240.360 at the time of the issuance of the high volume horizontal hydraulic fracturing permit;

8) *there is no good cause to deny the permit under Section* 245.310 (Section 1-53(a)(8) of the Act); and

9) The registration and permitting procedures set forth in Subpart B have been satisfied.

d) *The Department shall, by U.S. Mail and electronic transmission, provide the applicant with a copy of the high volume horizontal hydraulic fracturing permit as issued or its final administrative decision denying the permit to the applicant and shall, by U.S. Mail or electronic transmission, provide a copy of the permit as issued or the final administrative decision* denying the permit *to any person or unit of local government who received specific public notice under Section* 245.240 or 245.250 *or participated in any public hearing under Section* 245.270. (Section 1-53(c) of the Act)

e) *The Department's decision to approve or deny a high volume horizontal hydraulic fracturing permit shall be considered a final administrative decision subject to judicial review under the Administrative Review Law* [735 ILCS 5/Art. III] *and the rules adopted under that Law* (Section 1-53(d) of the Act).

f) *Following completion of the Department's review process, the Department's website shall indicate whether an individual high volume horizontal hydraulic fracturing permit was approved or denied and provide a copy of the approval or denial* (Section 1-53(e) of the Act).

g) *The complete* administrative *record* of the permit decision *shall be maintained and shall be accessible to the public on the Department's website until final release of the applicant's bond* pursuant to Section 245.220(d) (Section 1-50(c) of the Act).