**Section 1847.9 Bond Release** **Public** **Hearings**

a) A hearing requested pursuant to 62 Ill. Adm. Code 1800.40(d) shall be held within 30 days after receipt of the request for hearing.

b) Bond release public hearings shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State capital, at the option of the objector.

c) Notice of hearing. All parties shall be given written notice of the hearing at least 5 working days prior to the hearing. The Department shall advertise the date, time and location of the hearing in a newspaper of general circulation in the locality of the surface coal mining operation for 2 consecutive weeks.

d) The Department shall appoint a hearing officer to conduct the hearing. The hearing officer shall be a licensed attorney or an employee of the Department. The hearing officer shall conduct a fair hearing and shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record. He or she shall have all powers necessary to these ends, including but not limited to the power to change the time and place of the hearing and adjourn the hearing from time to time or from place to place within the county of the surface coal mining and reclamation operation and to give due notice of that action consistent with the notice requirement of subsection (c).

e) The hearing shall be informal.

1) All participants in the public hearing shall have the right to be represented by counsel or by some other authorized representative.

2) The hearing officer shall allow the applicant and any interested persons to present data, views or arguments relevant to the bond release application.

3) Where necessary in order to prevent undue prolongation of the hearing, the hearing officer shall establish a time period during which the participants shall be heard. Every effort will be made to allow all persons who wish to make a statement to do so.

4) A verbatim transcript of the hearing shall be maintained by a court reporter appointed by the Department and shall constitute a part of the record. Copies of the transcript shall be furnished, at cost, upon request to the court reporter. The record shall be maintained by the Department and shall be accessible to the public at the Department's Springfield Office until final release of the applicant's reclamation performance bond.

5) The record shall remain open for additional written statements responsive to statements or other documents for 10 days following the close of the hearing, or for such other reasonable time as the hearing officer may direct.

f) If the hearing request is withdrawn, the hearing need not be held.

g) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. The record shall be maintained and shall be available to the public until at least 60 days after the Department's final decision on the bond release application.

h) The Department shall issue and serve, by certified mail, each party who participated in the hearing with the Department's bond release decision.

i) Any person with a valid legal interest who either filed written objections to the bond release or were a party to the public hearing may request an administrative hearing on the Department's final decision on the bond release application by filing a request for hearing in accordance with the procedures set forth in Section 1847.3.

(Source: Amended at 27 Ill. Reg. 4703, effective February 26, 2003)