**Section 3702.170 Permit, Enforcement, Dam Classification, Existing Dam Spillway Design Variation, and Non-Compliance Hearing Procedures**

Permit, enforcement, dam classification, existing dam spillway design variation and non-compliance hearings shall be held in accordance with the procedures established in contested cases under Article 10 of the Illinois Administrative Procedure Act. In addition, for all hearings held by the Director or OWR under this section, the following procedures shall apply:

a) All affected parties shall be afforded an opportunity for hearing after reasonable notice is served personally or by certified or registered mail upon the parties or their agents.

b) The Director may issue subpoenas for the attendance of witnesses or to produce books and papers.

c) The record of hearing shall include verbatim all written testimony and evidence, as well as all oral proceedings recorded stenographically or otherwise.

d) A final decision or order shall be in writing including findings and the rationale for the decision; and the parties or their agents shall be notified personally or by registered or certified mail of the decision.

e) A decision or order to require breaching or modification of a dam shall include:

1) A detailed and specific list of defects discovered by inspection of the dam and

2) A statement of the requirements with which the owner must comply pursuant to this Part.

f) In any hearing held pursuant to Section 3702.30(d) of this Part, the burden of proof shall lie with the party requesting the hearing. In any hearing held pursuant to Section 3702.150 or 3702.160, the burden of proof shall lie with OWR.

(Source: Amended at 11 Ill. Reg. 1941, effective January 13, 1987)