**Section 3730.310 Petitions for Modification**

a) Petitions for modification of an allocation permit may be filed by any entity at any time. Petitions for modification must comply with Section 3730.204(c). If the Department finds that any such petition is supported by an adequate statement of reasons, is not plainly devoid of merit or frivolous, and does not deal with a subject on which a hearing has been held within the preceding six months, a hearing shall be held pursuant to Sections 3730.201 through 3730.215. Copies of each petition for modification shall be served upon all parties to the allocation proceedings. A copy of the service list may be obtained from the Department.

b) Bases for modification of an allocation permit include, but are not limited to:

1) Evidence of a substantial change in circumstances that results in a change in water needs of the entity;

2) Violation of a permit condition and/or failure or neglect to properly utilize an allocation;

3) Determination by the Department that a total reallocation is necessary to best utilize the Lake Michigan diversion to preserve the health, safety and welfare of the Northeastern Illinois Metropolitan Region; or

4) Notification received by the Department from the Illinois Environmental Protection Agency stating that pollution abatement facilities affecting the water quality of the Chicago Area Waterway System have become operational or that standards affecting the water quality of the Chicago Area Waterway System have been changed.

c) In the Department's determination of the outcome of a modification proceeding, the Department shall determine the effect of a modification on any outstanding securities, debt obligations or contractual obligations of any permittee whose allocation is the subject of the modification proceeding and shall endeavor to avoid any material adverse effect on these obligations.

d) The Department may, in its discretion, schedule a hearing upon any petition without regard to the existence of the factors listed in subsection (b) if it deems holding the hearing to be in the public interest.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)