**Section 1500.60 Appeals**

a) Only a person who is the owner or operator of a drycleaning facility as defined by the Act or a person who engages in the business of selling drycleaning solvents as defined by the Act shall have standing to appeal final decisions under the Act. Any written decision issued by the Administrator of the Council shall be considered a final decision. Any written decision issued by the Administrator may be appealed to the Council. Any decision by the Council may be appealed to the Council's administrative law judge (see subsection (h)). *Any decision not timely appealed shall become a final administrative decision without the necessity of a final administrative decision being issued and shall be deemed to be a final administrative decision.* (Section 20(g) of the Act)

b) The person who has standing to appeal final decisions under the Act shall notify the Administrator in writing of his/her intention to appeal a decision of the Administrator within 60 days after receipt of the written action that is to be appealed.

c) The Administrator will review the appeal and respond in writing to the person who has standing to appeal final decisions under the Act within 30 days after receipt of the appeal.

d) If the person who has standing to appeal final decisions under the Act still disagrees with the Administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days after the written action of the Administrator that is to be appealed. The notice shall be delivered to the Administrator for delivery to the Council. *Notice of the hearing shall be given not less than 7 days before the day fixed for the hearing.* (Section 20(g) of the Act)

e) The person who has standing to appeal final decisions under the Act shall notify the Council of his/her intention to appeal the Council decision within 60 days after receipt of the written action of the Council that is to be appealed.

f) The Council shall deliver notice of the appeal to the person who has standing to appeal final decisions under the Act and the Council's administrative law judge within 30 days after receipt of notice of the appeal by that person.

g) The appeal shall be with an administrative law judge as determined by the Council. The administrative law judge may be the Council's legal counsel or an attorney licensed to practice law in Illinois. The administrative law judge may be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

h) A hearing with the administrative law judge shall be held within 180 days after the filing of the notice of the appeal. Notice of the hearing shall be given not less than 7 days before the day fixed for the hearing.

i) A final decision by the administrative law judge shall be issued no later than 120 days following the close of the hearing before the administrative law judge.

j) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.

k) The decision of the administrative law judge shall be subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

l) Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] shall apply.

m) Recordkeeping. Books, records, documents or other evidence relating to an appeal, litigation or other dispute must be maintained for 3 years after the expiration date of the final disposition of the appeal, litigation or other dispute.

(Source: Amended at 35 Ill. Reg. 1619, effective January 18, 2011)