**Section 200.106 Refusal to Issue** **Individual Explosives License or Temporary Explosives License**

If, after the Department's investigation of the application, the Department intends to refuse to issue a license, the Department shall notify the applicant in writing of the grounds upon which the intended refusal is based and of the applicant's right to a hearing pursuant to Section 200.1000.

a) The grounds for refusal to issue an individual explosives license or temporary explosives license or to renew an individual explosives license include, but are not limited to, the following:

1) Possession, use, acquisition, transfer, handling, disposal or storage of explosive materials in a manner that endangers the public health, safety or welfare. In making this determination, the Department will consider information in aggravation or mitigation of the occurrence, including, but not necessarily limited to, security precautions utilized, whether commonly accepted industry safety standards were followed, and whether the occurrence was due to conditions beyond the control of the licensee, such as a natural disaster, product defect or sabotage;

2) Refusal to produce records or reports or permit any inspection lawfully requested by the Department;

3) Failure to make, keep or submit any record or report required by the Act or this Part, or making, keeping or submitting a false record or report; or

4) Failure to comply with the licensing requirements of Section 200.98.

b) Whenever the Department intends to refuse to issue an individual explosives license or a temporary explosives license, it shall give written notice to the applicant personally or by certified mail sent to the applicant's last known address. The notice shall include:

1) The specific grounds upon which the Department's refusal to issue the explosives license or temporary explosives license is based;

2) A statement that the applicant may request a hearing to contest the Department's intended action by filing a written request for hearing within 30 days after the date the Department's notice is mailed.

A) All requests for hearing shall be mailed or delivered to:

Illinois Department of Natural Resources

Office of Mines and Minerals

Explosives and Aggregate Division

One Natural Resources Way

Springfield IL 62702-1271

B) Requests for hearing must be filed in accordance with Section 200.930(d)(3).

C) Filing of the request for hearing shall be deemed complete upon its receipt by the Department, as evidenced by the date upon which the Department's mail receipt stamp appears on the request for hearing;

3) A statement that the applicant's failure to make a written request for hearing, in accordance with Section 200.930(d)(4), within 30 days after the Department's notice is mailed will constitute a waiver of the applicant's rights to contest that action and will result in the entry of a final administrative decision affirming the Department's refusal to issue the explosives license or temporary explosives license, which shall be conclusively presumed to be correct.

(Source: Amended at 45 Ill. Reg. 4490, effective March 26, 2021)