**Section 1774.17 Transfer, Assignment, or Sale of Permit Rights**

a) No transfer, assignment, or sale of rights granted by a permit shall be made without the prior written approval of the Department.

b) An applicant for approval of the transfer, assignment, or sale of permit rights shall:

1) Provide the Department with an application for approval of the proposed transfer, assignment, or sale including:

A) The name and address of the existing permittee and permit number or other identifier;

B) A brief description of the proposed action requiring approval; and

C) The legal, financial, compliance, and related information required by 62 Ill Adm. Code 1778 for the applicant for approval of the transfer, assignment, or sale of permit rights.

2) Advertise the filing of the application in a newspaper of general circulation in the locality of the operations involved, indicating the name and address of the applicant, the permittee, the permit number or other identifier, the geographic location of the permit, and the address to which written comments may be sent. The advertisement shall be published at least once a week for two (2) consecutive weeks. A copy of the advertisement shall be submitted to the Department.

3) Obtain appropriate performance bond coverage in an amount sufficient to cover the proposed operations, as required under 62 Ill. Adm. Code 1800.

c) Any person having an interest which is or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, including an official of any Federal, State, or local government agency, may submit written comments on the application to the Department within thirty (30) days of the public notice required under subsection (b)(2).

d) The Department shall allow a permittee to transfer, assign, or sell permit rights to a successor, if it finds in writing, within sixty (60) days of the close of the public comment period in subsection (c), that the successor:

1) Is eligible to receive a permit in accordance with 62 Ill. Adm. Code 1773.15(b) and (c);

2) Has submitted a performance bond or other guarantee, or obtained the bond coverage of the original permittee, as required by 62 Ill. Adm. Code 1800; and

3) Meets any other requirements specified by the Department.

e) Notification.

1) Within five (5) working days of issuance, the Department shall notify the permittee, the successor, commenters, and OSMRE of its findings.

2) The successor shall immediately provide notice to the Department of the consummation of the transfer, assignment, or sale of permit rights.

f) The successor in interest shall assume the liability and reclamation responsibilities of the existing permit and shall conduct the surface coal mining and reclamation operations in full compliance with the Act, the regulatory program, and the terms and conditions of the existing permit, unless the applicant has obtained a new or revised permit as provided in this Part.

(Source: Amended at 14 Ill. Reg. 11900, effective January 1, 1991)