**Section 3702.160 Dam Owner Non-Compliance**

a) OWR will review all instances of alleged non-compliance with this Part or conditions of a permit or order issued under this Part. OWR will provide the owner reasonable opportunity to submit all relevant information concerning the issue of compliance.

b) If OWR finds non-compliance, OWR may issue a notice of non-compliance to the dam owner, specifying the nature of the non-compliance, the nature of the dam deficiencies if known, and the hazards which may result if known. OWR may issue a notice of non-compliance if the non-compliance is not a substantial risk to human life, and that continued non-compliance is not likely to result in a hazard to human life.

c) OWR may request that the Director hold a hearing pursuant to Section 3702.170 on the issue of non-compliance, if it finds that there are issues of fact or law for which a hearing is the most appropriate means of receiving information.

d) If the Director finds non-compliance, the Director may issue an order, and if necessary seek judicial enforcement, pursuant to Section 3702.150.

e) OWR will send orders issued by the Director and notices of significant non-compliance, related dam deficiencies, and the hazards which may result, to: the appropriate officials of the affected city or county, the State's Attorney of the county in which the dam is located, IEMA, and all known downstream property owners and residents who might be threatened as a result of the deficiencies.

f) OWR will also provide general information concerning the defective dam or other non-compliance, as appropriate, to concerned officials, property owners and users, and other interested persons.

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