**Section 200.925 Notice of Violation**

a) An authorized representative of the Department shall issue a notice of violation if it is determined that any person is in violation of the Act, this Part or any term or condition of any explosives license or storage certificate.

b) A notice of violation issued under this Section shall be in writing, shall be signed by the authorized representative who issued it, and shall set forth with reasonable specificity:

1) The nature of the violation;

2) Statutory citations and/or administrative regulations violated;

3) If any remedial action is required or possible, any interim steps;

4) If remedial action is required, a reasonable time for abatement, including time for accomplishment of interim steps and for completion of all actions necessary to address the violation;

5) A reasonable description of the statutory provisions to which the notice of violation applies.

c) A notice of violation shall be served upon the person or an agent of the person, if either is present on site. If the person, or person's agent, is not present, the notice of violation shall be sent by certified mail to the person's address. The notice of violation shall be considered served when personally delivered or mailed.

d) The person issued the notice of violation may provide the Department a written response to the violations within 14 days after the delivery or mailing of the notice. The written response may include a proposed alternative to the Department's specified remedial action, if any, needed to abate the violations. The Department shall consider any information submitted in determining the facts surrounding the violation and the amount of the penalty.

1) The written response shall be submitted to the:

Illinois Department of Natural Resources

Office of Mines and Minerals

Explosives and Aggregate Division

One Natural Resources Way

Springfield IL 62702-1271

2) The response must be postmarked or hand delivered by the 14th day after delivery or mailing of the notice of violation.

e) A notice of violation issued under this Section shall continue in effect until modified, vacated or terminated by the Department. Termination shall not affect the right of the Department to assess civil penalties for those violations in accordance with Section 200.930(b)(2). A notice of violation can only be terminated when all abatement action required by the Department has been completed.

f) A notice of violation may be modified, vacated or terminated in writing by either:

1) An authorized representative of the Department;

2) The issuance of a Decision by the Director, or designee, (see Section 200.930(d)); or

3) The issuance of a final administrative decision by the Director in accordance with Subpart K.

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