**Section 240.155 Civil Complaint**

a) The Department may elect to file an action with the Attorney General with or without issuing a notice of violation pursuant to Section 240.150.

b) In accordance with Section 11 of the Act, the Department through the Attorney General shall *bring an action in the name of the People of the State of Illinois against such person in the circuit court of the county wherein any part of the land or any activity which is the subject matter of such action is located, or a final administrative order was entered, to restrain such person from continuing such violation or from carrying out the threat of violation. In such action the Department, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, or other enforcement orders as the facts may warrant,* including but not limited to:

1) *an assessment of civil penalties not to exceed $1,000 per day for each and every act of violation* documented in the previous 2 years; and/or

2) submission of a bond in accordance with Subpart O; and/or

3) denial of new drilling and/or operating permits.

c) The provisions of this Section apply to the following:

1) violations of any requirement of the Act that the Department determines creates a substantial and imminent danger to the health or safety of the public; or

2) violations of the Act that pose an imminent danger of substantial environmental harm or cause environmental damage to property or contamination of surface or ground waters of the State as a result of improper disposal, release, or discharge of produced fluid; or

3) the permittee has shown a pattern of documented events involving improper disposal, release, or discharge of produced fluids within the previous 2 years from the date of the most recent event.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)