**Section 280.80 Enforcement Procedures**

The regulations of this Part set forth the general procedures governing issuance of permit suspensions, notices of violation and orders to show cause pursuant to Section 17(g) of the Act.

a) Notices and Orders. All Notices and Orders issued pursuant to this Part shall set forth with reasonable specificity:

1) the nature of the violation and the remedial action required;

2) the period of time established for abatement; and

3) a reasonable description of the portion of the surface coal mining operation to which the Notice or Order applies.

b) Imminent Dangers and Harms

1) If the Director receives information of conditions or practices, or of violations of applicable performance standards, including Federal and State Regulations, or of violations of conditions contained in any permit which create an imminent danger to the health or safety of the public, the Director may immediately order suspension of a permit of a surface coal mining operation or that portion of the operation relevant to the condition, practice, or violation.

2) If the Director receives information of conditions or practices, or of violations of applicable performance standards, including Federal and State Regulations, or of violations of conditions contained in any permit, which are causing or can be reasonably expected to cause significant, imminent environmental harm to land, air, or water resources, the Director may immediately order suspension of a permit of a surface coal mining operation or that portion of the operation relevant to the condition, practice or violation.

3) The Regulatory Authority may impose affirmative obligations on the operator which the Authority deems necessary to abate the condition, practice, or violations if;

A) a permit suspension order is issued under paragraph (a) or (b) of this section; and

B) the permit suspension and resulting cessation of mining or reclamation activities will not completely abate the imminent danger or harm, or eliminate the practices or conditions that contributed to the imminent danger or harm.

4) When imposing affirmative obligations under this Part, the Regulatory Authority shall require abatement of the imminent danger or harm in the most expeditious manner physically possible. The affirmative obligation shall include a time by which abatement shall be accomplished and may include, among other things, the use of existing or additional personnel and equipment.

5) Reclamation operations not directly the subject of the order of suspension or affirmative obligation may continue during any permit suspension order.

6) The Regulatory Authority shall terminate its permit suspension order issued under paragraph (a) or paragraph (b) of this section by written notice when the Regulatory Authority determines that the conditions or practices or violations that contributed to the imminent danger to life, or the environment have been eliminated.

c) Non-Imminent Danger or Harm

1) If the Regulatory Authority finds conditions or practices, or violations of applicable performance standards, including Federal and State Regulations or violations of conditions included in any permit which do not create an imminent danger to life or the environment the Regulatory Authority may issue a notice of violation fixing a reasonable time for abatement.

2) The Regulatory Authority may extend the time to abate a violation by written notice if the failure to abate within the time set was not caused by the permittee's lack of diligence.

3) The Regulatory Authority may establish interim steps in an abatement period. If the permittee fails to meet any interim step within the time set, the Regulatory Authority may extend the time set for meeting the interim step, by written notice or may issue a permit suspension order pursuant to (d) of this Section.

4) The total time for abatement as originally fixed and subsequently extended shall not exceed ninety days.

d) Failure to Abate. The Director may suspend, modify, or revoke the permit if a coal mining operation, or the portion relevant to the violation, when a notice of violation has been issued under (c) of this Section and the permittee fails to abate the violation within the time originally fixed or subsequently extended. In a suspension, modification, or revocation order issued under this Section, the Regulatory Authority shall impose affirmative obligations to abate the violations in the manner provided in (b) of the Section. Reclamation operations not directly subject to the affirmative obligations imposed may be allowed to continue during a suspension, modification, or revocation order. Any order issued under this Section may be terminated when the Regulatory Authority determines that the conditions or practices, or violations have been abated.

e) Service of Notice. Notices and orders issued under this Part shall be given to the permittee or his designated agent. If no designated agent is found at the mine site, service will be made on the person who, based on reasonable inquiry by the Regulatory Authority, appears to be in charge of the surface coal mining operation. The person receiving service shall be responsible for any immediate compliance actions required by the notice or order. If no person is present or available to receive service, service may be made by posting a copy of the notice of violation at the mine. Service is complete on posting at the mine; however, a copy of each notice or order shall be mailed to the permittee at the address listed on the records of the Regulatory Authority.

f) Hearings – Permit Suspension, Modification, or Revocation

1) Within 10 days after the permittees has received any permit suspension, modification, or revocation order under this Part the Regulatory Authority may conduct a hearing at the mine site or within such reasonable proximity to the mine that it may be visited during the hearing. No hearing will be required if the condition, practice, or violation in question has been abated or if the permittee waives the hearing.

2) All hearings held in connection with a permit suspension, modification, or revocation order shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-5 et seq.) provided that Section 10-45 shall not apply to those hearings where the Director is present at the hearing.

3) Notices of the time, place and subject matter of the hearing shall be given to the permittee, any citizen who filed a report which led to the order to be reviewed and the Federal Office of Surface Mining. Notice of the hearing also shall be posted at the appropriate district or field office, at the mine site, and to the extent possible in a newspaper in the area of the mine.

4) Within 15 days of the close of the hearing, the Regulatory Authority shall affirm, modify, or vacate the order. The decision shall be in writing and shall be sent to the permittee, any citizen who filed a report which led to issuance of the order and the Federal Office of Surface Mining.

5) The Director may appoint an employee of the Regulatory Authority or an attorney licensed to practice law in Illinois to conduct hearings under this Part.

g) Hearings – Notice of Violation

1) Within 30 days after the permittee has received a notice of violation under this Part the Regulatory Authority may conduct a hearing at the mine site or within such reasonable proximity to the mine that it may be visited during the hearing. Unless the permittee files a request for a hearing within 15 days after receipt of the notice of violation or within the time fixed for abatement of the violation, whichever comes first, its right to a hearing shall be deemed waived, and the citation shall stand as admitted.

2) All hearings held under this Section shall be conducted in the same manner as hearings held under Section (f), except that the 15-day period for decision contained in (f) (d) shall not apply.