**Section 300.170 Violations and Forfeiture**

a) Notice of Violation

The Department shall give written notice by registered or certified mail to the operator of any violation of the Act or noncompliance with any of this Part. The operator shall have forty-five (45) days to correct the deficiency or deficiencies set forth in the notice.

b) Forfeiture Proceedings

If corrective measures, approved by the Department, are not commenced within forty-five (45) days, the Department may initiate forfeiture proceedings against the operator in the amount of the bond or security in effect at the time of default for every acre or portion thereof with respect to which the operator has defaulted. Prior to initiating forfeiture proceedings against the operator, the Department shall notify the operator in writing of the alleged violation or noncompliance and shall afford the operator the right to appear before the Department at a hearing to be held not less than thirty (30) days after the receipt of such notice by the operator. At the hearing the operator may present for the consideration of the Department statements, documents and other information with respect to the alleged violation. After the conclusion of the hearing, the Department shall either withdraw the notice of violation or shall request the Attorney General to institute proceedings to have the bond of the operator forfeited as to the land involved.

c) Penalty for Forfeiture

Any operator against whom forfeiture proceedings have been required shall not be issued a permit for further surface mining in Illinois except if he provides additional assurances satisfactory to the Director that such proceedings shall not again become necessary.

d) Penalties – Injunction

1) Any person required by this Act to have a permit who engages in surface mining without previously securing a permit to do so as prescribed by this Act, is guilty of a business offense and shall be fined not less than $50 nor more than $1,000. Each day of operation without the permit required by this Act shall be deemed a separate violation.

2) Authorized representatives of the Department shall by injunctive procedures close down at once any operator found to be surface mining without a permit or in violation of this Act. No liability whatsoever shall accrue to the Department or its authorized representative in closing down any operator pursuant to this Section.