**Section 300.245 Notices of Violation**

a) An authorized representative of the Department shall issue a notice of violation if, on the basis of an inspection, the authorized representative finds a violation (of this Part) for which a cessation order may not be issued under Section 300.246.

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

1) The nature of the violation;

2) Statute Sections or regulations violated;

3) The remedial action required, which may include interim steps;

4) A reasonable time for abatement, which may include time for accomplishment of interim steps; and

5) A reasonable description of the portion of the blasting area to which it applies.

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

d) The operator 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. Such written response may include a proposed alternative to the Department's specified remedial action needed to abate the violations. The Department shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty. 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, Illinois 62702.

e) The notice of violation shall provide that the operator named in the notice has the right to request a hearing to contest the facts of the violations alleged by the Department, as well as the civil penalty assessed, after the issuance of the Office of Mines and Minerals Decision, pursuant to Sections 300.247 and 300.248.

f) 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 240.247(d). A notice of violation can only be terminated when all abatement action required by the Department has been completed.

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

1) An authorized representative of the Department; or

2) The issuance of an Office of Mines and Minerals Decision pursuant to Section 300.247.

(Source: Amended at 48 Ill. Reg. 9650, effective June 24, 2024)