**Section 300.246 Cessation Orders**

a) Standards for Issuance

1) An authorized representative of the Department shall immediately order a cessation of blasting operations if the authorized representative finds, on the basis of any State inspection, any condition or practice, or any violation of Section 6.5 of the Act, which may cause injury to persons or damage to public or private property outside the blasting zone.

2) If the cessation order will not completely abate the imminent danger or harm in the most expeditious manner possible, the authorized representative of the Department shall impose affirmative obligations on the operator to whom it is issued to abate the condition, practice or violation. The order shall specify the time by which abatement shall be accomplished and may require, among other things, the use of existing or additional personnel and equipment.

3) Third and subsequent violations of the same rule within a one year period from the date of issuance of the first violation or the date of the final administrative or judicial decision may result in a cessation of blasting operations.

b) A cessation order shall be in writing, signed by the authorized representative who issued it, and shall set forth with reasonable specificity:

1) The nature of the condition, practice or violation;

2) The remedial action or affirmative obligation required, if any, including interim steps, if appropriate;

3) The time established for abatement, if appropriate, including the time for meeting any interim steps; and

4) A reasonable description of the portion of the blasting zone to which it applies.

c) A cessation order 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 cessation order shall be sent to the operator's address by certified mail, return receipt requested. The cessation order shall be considered served when personally delivered or mailed.

d) Mining operations and other activities intended to protect public health and safety and the environment may continue during the period of any cessation order unless otherwise provided in such order.

e) The operator issued the cessation order may provide the Department a written response to the violations cited on or before 14 days after the delivery or mailing of the order. Such written response may include a proposed alternative to the Department's specified remedial action needed to abate the violation. 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.

f) The cessation order shall provide that the person or operator named in the order has the right to request a hearing to contest the fact of the violation 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. In addition, the cessation order shall provide that the operator named in the order has the right to request a hearing for temporary relief from the cessation of blasting operations, in accordance with Section 300.249.

g) A cessation order 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 cessation order can only be terminated when all abatement action required by the Department has been completed.

h) A cessation order 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.

i) The filing of a request for a hearing under Section 300.248 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 300.249.

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