**Section 1843.11 Cessation Orders**

a) Imminent harm and danger

1) An authorized representative of the Illinois Department of Natural Resources (Department) shall immediately order a cessation of surface coal mining and reclamation operations or of the relevant portion thereof, if he finds, on the basis of any State inspection, any condition or practice, or any violation of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Federal Act), the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] (State Act), 62 Ill. Adm. Code 1700-1850 or any condition of an exploration approval or permit imposed under the Federal Act, the State Act or 62 Ill. Adm. Code 1700-1850 which:

A) Creates an imminent danger to the health or safety of the public; or

B) Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

2) Surface coal mining operations conducted by any person without a valid surface coal mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations:

A) Are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations; or

B) Were conducted lawfully without a permit under the interim regulatory program because no permit has been required for such operations by the State of Illinois.

3) If the cessation order under subsection (a)(1) will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the authorized representative of the Department shall impose affirmative obligations on the person 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.

b) Failure to abate

1) An authorized representative of the Department shall immediately order a cessation of coal exploration or surface coal mining and reclamation operations, or of the relevant portion thereof, when a notice of violation has been issued under Section 1843.12(a) and the person to whom it was issued fails to abate the violation within the abatement period fixed or subsequently extended by the authorized representative.

2) A cessation order issued under subsection (b)(1) shall require the person to whom it is issued to take all steps the authorized representative of the Department deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

c) A cessation order issued under subsections (a) or (b) shall be in writing, signed by the authorized representative who issues 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 coal exploration or surface coal mining and reclamation operation to which it applies. The order shall remain in effect until the condition, practice, or violation has been abated or until vacated, modified, or terminated in writing by an authorized representative of the Department or until the order expires pursuant to Section 1843.15.

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

e) An authorized representative of the Department may modify, terminate, or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

f) An authorized representative of the Department shall terminate a cessation order, by written notice to the person to whom the order was issued, when he determines that all conditions, practices, or violations listed in the order have been abated. Termination shall not affect the right of the Department to assess civil penalties for those violations under 62 Ill. Adm. Code 1845.

g) Within sixty (60) days after issuing a cessation order, the Department shall notify in writing any person who has been identified under 62 Ill. Adm. Code 1773.17(h) and 1778.13(c) and (d) as owning or controlling the permittee, that the cessation order was issued and that the person has been identified as an owner or controller.

(Source: Amended at 14 Ill. Reg. 11906, effective January 1, 1991)