**Section 240.140 Notice of Noncompliance**

a) When an inspector or other authorized employee or agent of the Department determines that any permittee has not fully complied with any requirement of the Act or this Part or any permit condition, and the inspector or other authorized employee or agent also finds that the noncompliance was not caused by the permittee's deliberate action; that any action necessary to return the permittee to compliance is able to be completed within a specified date certain, as established by the Department representative, not to exceed 180 days from the date of the determination that the permittee is not in compliance; and that the noncompliance has not caused, and cannot reasonably be expected to cause, significant environmental harm or damage to property, the noncompliant conditions shall be documented by the Department on a notice of noncompliance without the need for the issuance of a notice of violation pursuant to Section 240.150. The notice of noncompliance shall indicate the nature and circumstances of the noncompliance, the amount of time granted to permittee, and the abatement activities required to return the permittee to compliance. A copy of the notice of noncompliance shall be delivered to the permittee or his or her representative at the time it is prepared, and the original shall be forwarded to the Director. If the permittee is unable to abate the noncompliance in the time indicated in the notice, permittee may provide a written request for an extension to the District Office that issued the notice. If the District Office denies the request, the permittee may submit the request to the Director. All extension requests must be received by the District Office or Director prior to the expiration of the initial deadline or any extensions. Upon reasonable cause, the time to abate may be extended by the Department but shall not exceed 180 days from the date the noncompliance was determined.

b) If the abatement activities required under subsection (a) are not completed as specified in the notice of noncompliance, the inspector or other authorized employee or agent of the Department shall issue a notice of violation in accordance with Section 240.150 and/or a cessation order in accordance with Section 240.185.

c) The provisions of this Section shall not apply to the following instances of noncompliance:

1) Drilling or operating, without a permit or completed permit transfer from the Department, a well required to be permitted under the Act;

2) Operating an annular or casing injection/disposal well or a well with pressure on the annulus;

3) Failure to maintain required performance bond or pay annual well fees for wells under permit;

4) Failure to renew Temporary Abandonment status on a well or secure approved Temporary Abandonment status following a denial of Temporary Abandonment status on a well;

5) Failure to establish mechanical integrity on a Class II well or repair a Class II well following failure of mechanical integrity;

6) Operating a well that has been placed in the Plugging and Restoration Program;

7) Failure to provide emergency response for a crude oil or saltwater spill;

8) Improper discharge or disposal of produced fluids;

9) Operating a well in violation of spacing requirements or permit conditions; and

10) Failure to restore a well site after plugging.

(Source: Amended at 43 Ill. Reg. 10459, effective September 6, 2019)