**Section 240.150 Notice of Violation**

a) *When an inspector or other authorized employee or agent of the Department determines that any permittee, or any person engaged in conduct or activities required to be permitted under the Act is in violation of any requirement of the Act or* this Part *or any permit condition, or has falsified or otherwise misstated any information on or relative to the permit application, a notice of violation shall be completed and delivered to the Director* (Section 8 of the Act). If the inspector or other authorized employee or agent of the Department observes conditions that require immediate attention, the inspector shall comply with the requirements of Section 240.185.

b) The notice of violation shall contain:

1) A statement regarding the nature of the violation, including a citation to the specific Section of the Department's rules or Section of the Act alleged to have been violated;

2) *The action needed to abate the violation, including any appropriate remedial measures to prevent future violations, such as replacement, repair, testing, and reworking a well and any appurtenances and equipment;*

3) *The time within which the violation is to be abated*; and

4) *Any factors known to the person completing the notice of violation in aggravation or mitigation of the violation and the existence of any factors indicating that the permit should be conditioned or modified.* (Section 8 of the Act).

c) Aggravating factors may include, but are not limited to, documented evidence that:

1) violation resulted from permittee's or person's deliberate conduct;

2) permittee or person failed to make reasonable efforts to maintain equipment;

3) violation resulted in threatened or actual damage to soil and/or the land surface, vegetation or crops, surface water, groundwater, livestock or wildlife;

4) violation created a hazard to the safety of any person;

5) permittee or person failed to comply with notice of noncompliance related to violation;

6) permittee or person received warning of potential adverse conditions, resulting in violation, prior to violation occurring;

7) permittee or person failed to provide reasonable response to condition creating the violations.

d) Mitigating factors may include, but are not limited to, documented evidence that:

1) person or permittee provided proactive response to conditions creating the violation;

2) violation did not result in threatened or actual damage to soil and/or the land surface, vegetation or crops, surface water, groundwater, livestock or wildlife;

3) violation was caused by circumstances outside of the control of the person or permittee;

4) person or permittee voluntarily reported the violation to the Department.

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