**Section 240.1854 Notice of Probable Violation, Complaints, Hearings and Civil Penalties**

When an inspector or authorized employee or agent of the Department determines, after investigation, 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, the Illinois Oil and Gas 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 probable violation shall be completed and delivered to the Director.

a) *A notice of probable violation shall include:*

1) *the date the notice of probable violation was issued and served;*

2) *a description of the violation or violations alleged, including a citation of the specific Section of the Department's rules or Section of the Act alleged to have been violated;*

3) *the date and location of the safety incident, if applicable, related to each alleged violation;*

4) *a detailed description of the circumstances that support the determination of each proposed violation;*

5) *a detailed description of the corrective action required with respect to each proposed violation;*

6) *the amount of the penalty, if any, recommended with respect to each proposed violation;*

7) *the applicable recommended deadline for payment of each proposed penalty and completion of each proposed corrective action;*

8) *notification that any such recommended deadline may be extended by mutual agreement of the parties for the purpose of facilitating settlement or compromise; and*

9) *a brief description of the procedures by which any recommended penalty or proposed corrective action may be challenged at the Department or approved pursuant to Section 30(f) of the Act.* (Section 35 of the Act)

b) Unless otherwise specified in this Subpart, all notices of violations, Director's Decisions or hearing shall be created or conducted pursuant to Subpart A.

c) Failure of the owner to timely request a hearing within 30 days after notice or, if a civil penalty has been assessed, to timely tender the assessed civil penalty to the Department shall constitute a waiver of all legal rights to contest the notice of probable violation, including the amount of the civil penalty.

d) Any underground natural gas storage facility or gas storage operator that violates the Act or this Part regarding an underground natural gas storage facility is subject to a civil penalty not to exceed the maximum penalties established by 49 USC 60122(a)(1) for each day the violation persists.

e) Whenever the Department is required to serve upon a gas storage operator a notice of probable violation, the Department shall give that notice:

1) personally;

2) by first class U.S. Mail sent to the operator's last known address; or

3) by email sent to the email address filed with the Department (see Section 240.1835 or 240.1853).

f) Any notice of probable violation issued and served as described in this Section may also be posted on the Department's website as a public document.

g) All such notices of probable violation sent to the gas storage operator by email shall be deemed to be served on the gas storage operator once the notice is sent by the Department to the most recent email address that has been submitted to the Department.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)