**Section 245.1110 Notice of Violation**

a) When the Department determines to suspend or revoke a permit issued pursuant to this Part, orders actions to remediate, or issues administrative penalties under this Subpart, a Notice of Violation shall be completed and delivered to the Permittee and to the Director or the Director's designee.

b) The Notice of Violation shall contain:

1) The name and permit number for the well at issue;

2) The provision of Section 245.1100 that applies, a statement specifying the factual nature of the violation, the action the Department will be taking and, as applicable, a citation to the specific permit condition alleged to have been violated or to the specific Section of this Part, the Act, the Illinois Oil and Gas Act or the administrative rules promulgated under that Act alleged to have been violated;

3) A statement as to whether a remedial action is needed to address the violation and, if so, identification of the remedial action and the time within which the remedial action is required to be completed;

4) A statement as to whether probationary or permanent modification or conditions on the permit will be recommended and, if so, the substance of the recommended probationary or permanent modification or conditions; and

5) 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.

c) The permittee charged with the Notice of Violation may provide the Department, in writing, any information in mitigation of the Notice of Violation within 14 days after the date of receiving the Notice of Violation. The written information may include a proposed alternative to the Department's suggested remedial action needed to address the violation.

d) If a Notice of Violation includes an immediate permit suspension, the suspension *may be stayed*, at any time, by the Department, *if requested by the permittee and evidence is submitted demonstrating that there is no significant threat to the public health, aquatic life, wildlife, or the environment if the operation is allowed to continue* (Section 1-60(d) of the Act). Requests for stay must be made in writing to the Department and shall provide the basis for the requested stay and be accompanied by any supporting documents. All requests for stay shall be delivered to the Department's Office of Oil and Gas Resource Management located in Springfield, Illinois or mailed to the Department at Illinois Department of Natural Resources, Attention: Office of Oil and Gas Resource Management, One Natural Resources Way, Springfield IL 62702. A request for stay shall be decided by the Director or the Director's designee within 5 business days after its receipt.