**Section 1702.17 Revocation and Enforcement**

a) Department responsibility. The Department shall conduct an annual compliance review of the mining area, utilizing the annual report submitted pursuant to Section 1702.18, an on-site inspection and any other information available to the Department.

b) If the Department has reason to believe that a specific mining area was not exempt under the provisions of this Part at the end of the previous reporting period, is not exempt, or will be unable to satisfy the exemption criteria at the end of the current reporting period, the Department shall notify the operator that the exemption may be revoked unless the operator demonstrates to the Department within thirty (30) days that the mining area in question should continue to be exempt.

c) Exemption revocation.

1) If the Department finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption, the Department shall revoke the exemption and immediately notify the operator and any person having an interest which is or may be adversely affected by the revocation and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d). If a decision is made not to revoke an exemption, the Department shall immediately notify the operator and any person having an interest which is or may be adversely affected by the decision and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d).

2) Any person having an interest which is or may be adversely affected may request administrative hearing of a decision whether to revoke an exemption within thirty (30) days of the notification of such decision in accordance with procedures established under 62 Ill. Adm. Code 1847.3.

3) A petition for administrative hearing filed under 62 Ill. Adm. Code 1847.3 shall not suspend the effect of a decision whether to revoke an exemption.

d) Direct enforcement.

1) An operator mining in accordance with the terms of an approved exemption shall not be cited for violations of the regulatory program which occurred prior to the revocation of the exemption.

2) An operator who does not conduct activities in accordance with the terms of an approved exemption shall be subject to direct enforcement action for violations of the regulatory program which occur during the period of such activities.

3) Upon revocation of an exemption or denial of an exemption application, an operator shall stop conducting surface coal mining operations until a permit is obtained and shall comply with the reclamation standards of 62 Ill. Adm. Code 1800 through 1850 with regard to conditions, areas and activities existing at the time of revocation or denial.

(Source: Amended at 17 Ill. Reg. 10936, effective July 1, 1993)