**Section 240.185 Cessation of** **Operations Orders**

a) *If, at the expiration of the period of time originally fixed in a Director's decision* issued pursuant to Section 240.180 *or in any subsequent extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order the cessation of operations or the portions thereof relevant to the violation.* (Section 8a of the Act)

b) *If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or* this Part *or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations.* (Section 19.1 of the Act)

c) Upon observation of any conditions listed in subsection (b), and prior to issuing a cessation of operations order, the authorized employee or agent of the Department shall make reasonable efforts to locate the responsible party, notify that party of the conditions, and allow them an opportunity to immediately abate the conditions. Reasonable efforts include contacting a permittee at the address required to be submitted in compliance with Section 240.1710. *If a responsible party cannot be readily located in the judgment of the employee or agent issuing the order, the employee or agent may take any action he or she deems necessary to cause a cessation of operations and abatement of any condition.*  (Section 19.1 of the Act). If the responsible party is located and does not take immediate action to abate the conditions, the employee or agent may take any action he or she deems necessary to cause a cessation of operations and abatement of any condition.

d) The Department may issue orders requiring the cessation of operations, with or without issuing a notice of violation in accordance with Section 240.150.

e) If a responsible party cannot be located, or if the responsible party is located and does not take immediate action to abate the conditions, a *cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance.* (Section 19.1 of the Act)

f) The cessation order shall contain a date for a hearing that shall be held within 30 days after the issuance of the cessation order. The hearing shall be conducted in accordance with the requirements of Section 240.180(b).

g) The cessation order shall also provide that the person or permittee named in the order has the right to request a temporary relief hearing, within 14 days from the date of issuance of the cessation order, in accordance with Section 240.190. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed by certified mail, return receipt requested, to the person or permittee at his or her last known address.

h) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. The filing of a request for temporary relief under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.

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