**Section 1778.14 Violation Information**

a) The applicant must state in the permit application whether it, the operator or any subsidiary, affiliate or entity that it or the operator owns or controls, or that is under common control with the applicant or the operator, has:

1) had a federal or State permit for surface coal mining suspended or revoked during the five-year period preceding the date of submission of theapplication; or

2) forfeited a performance bond, or similar security deposited in lieu of bond, in connection with surface coal mining and reclamation operations during the five-year period preceding the date of submission of the application.

b) For each suspension, revocation or forfeiture identified under subsection (a), the applicant must provide a brief explanation of the facts involved, including the:

1) permit number;

2) date of suspension, revocation or forfeiture and, when applicable, the amount of bond or similar security forfeited;

3) regulatory authority that suspended or revoked the permit or forfeited the bond and the stated reasons for that action;

4) the current status of the permit, bond or similar security involved; and

5) the date, location, type and current status of any administrative or judicial proceedings concerning the suspension, revocation or forfeiture.

c) A list of all violation notices the applicant or the operator received for any surface coal mining and reclamation operation during the three-year period preceding the date of submission of the application. In addition, the applicant must submit a list of all unabated or uncorrected violation notices incurred in connection with any surface coal mining and reclamation operation that the applicant or the operator own or control on that date. For each violation notice reported, the applicant shall include the following information as applicable:

1) the permit number and associated MSHA number;

2) the issue date, identification number and current status of the violation notice;

3) the name of the person to whom the violation notice was issued;

4) the name of the regulatory authority or agency that issued the violation notice;

5) a brief description of the violation alleged in the notice;

6) the date, location, type and current status of any administrative or judicial proceedings concerning the violation notice;

7) if the abatement period for a violation in a notice of violation issued under 62 Ill. Adm. Code 1843.12 has not expired, certification that the violation is being abated or corrected to the satisfaction of the agency with jurisdiction over the violation; and

8) for all violations not covered by subsection (c)(7), the actions taken to abate or correct the violation.

d) An application shall contain information about the applicant's present financial condition that would provide assurance to the Department that no further forfeiture would be expected.

e) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under this Section. Information submitted as a change shall be evaluated in the same manner as the original application.

(Source: Amended at 43 Ill. Reg. 12916, effective October 16, 2019)