**Section 1843.13 Suspension or Revocation of Permits**

a) Requirements.

1) The Department shall issue an order to a permittee requiring him to show cause why his permit and right to mine under the State Act should not be suspended or revoked, if the Department determines that a pattern of violations of any requirements of the Federal Act, the State Act, or 62 Ill. Adm. Code 1700 through 1850 or any permit condition exists or has existed, and that the violations were caused by the permittee willfully or through unwarranted failure to comply with those requirements or conditions. Violations by any person conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

2) The Department may determine that a pattern of violations exists or has existed, based upon 2 or more inspections of the permit area within any 12 month period, after considering the circumstances, including:

A) The number of violations, cited on more than one occasion, of the same or related requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 through 1850 or the permit;

B) The number of violations, cited on more than one occasion of different requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 through 1850 or the permit; and

C) The extent to which the violations were isolated departures from lawful conduct.

3) The Department shall promptly review the history of violations of any permittee who has been cited for violations of the same or related requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 through 1850 or the permit during 3 or more State inspections of the permit area within any 12 month period. If, after such review, the Department determines that a pattern of violations exists or has existed, an order to show cause as provided in subsection (a)(1) above shall be issued.

4) Considerations.

A) In determining the number of violations within any 12 month period, the Department shall consider only violations issued as a result of a State inspection carried out:

i) During the permanent regulatory program; or

ii) During the interim regulatory program and before the applicable State program was approved, pursuant to Section 502 or 504 of the Federal Act.

B) The Department may not consider violations issued as a result of inspections other than those mentioned in subsection (a)(4)(A)(i) above in determining whether to exercise discretion under subsection (a)(2) above.

b) Whenever a permittee fails to abate a violation contained in a notice of violation or a cessation order within the abatement period set in the notice or order or as subsequently extended, the Director or his or her designee shall review the permittee's history of violations to determine whether a pattern of violations exists pursuant to this Section, and shall issue as appropriate an order to show cause, which shall be subject to a hearing under 62 Ill. Adm. Code 1847.6.

c) At the same time as the issuance of the order, the Department shall:

1) If practicable, publish notice of the order, including a brief statement of the procedure for intervention in the proceeding, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations;

2) Post the notice at the regional, district or field office closest to the area of the surface coal mining and reclamation operation; and

3) Notify in writing the surety or other bond holder of the issuance of the order.

d) The permittee shall have 30 days from the completion of service of a show cause order in which to file an answer and request a hearing in accordance with 62 Ill. Adm. Code 1847.6.

e) If the Department revokes or suspends the permit and the permittee's right to mine the permittee shall immediately cease surface coal mining operations on the permit area and shall:

1) If the permit and the right to mine are revoked, complete reclamation within the time specified in the order; or

2) If the permit and the right to mine are suspended, complete all affirmative obligations to abate all conditions, practices, or violations, as specified in the order.

(Source: Amended at 26 Ill. Reg. 4367, effective March 6, 2002)