**Section 108.200 Administrative Citation under the Act**

a) An administrative citation (AC) under the Act may be issued by either:

1) The Agency under Section 31.1 of the Act; or

2) A Delegated Unit of Local Government under Section 31.1 of the Act. The Agency, under Section 4(r) of the Act, may by agreement delegate its AC authority to a unit of local government, which may then issue an AC. All Delegated Units must submit to the Clerk a copy of the delegation agreement on or before July 1 of every year.

b) In accordance with Section 31.1 of the Act, the Agency or Delegated Unit may serve an AC upon any person believed, through direct observation, to have violated Section 21(o), 21(p), 22.51, 22.51a, or 55(k) of the Act.

1) The AC must be issued and served upon the AC Recipient *not more than 60 days after the date of the observed violation* and must contain *the following information*:

A) *A statement specifying the provisions of Section 21(o), 21(p), 22.51, 22.51a, or 55(k) of the Act* *that* the AC Recipient was observed to have violated;

B) *A copy of the inspection report in which the Agency or* Delegated Unit *recorded the violation*. The report must *include the date and time of inspection and weather conditions prevailing during the inspection*;

C) *The penalty imposed by Section 42(b)(4) or (b)(4-5)* of the Act for the violations;

D) *An affidavit by the personnel observing the violation, attesting to their material actions and observations*; and

E) *Instructions for contesting the* AC *findings, including notification that the* AC Recipient *has 35 days within which to file a petition to contest the* AC and, if an appeal is filed and the Board finds a violation, the AC Recipient may have to pay hearing costs under Section 108.500. [415 ILCS 5/31.1(b)]

2) The Agency or Delegated Unit must serve the AC upon the AC Recipient as follows:

A) Personal service;

B) U.S. Mail with a recipient's signature recorded by the U.S. Postal Service upon delivery; or

C) Third-party commercial carrier with a recipient's signature recorded by the third-party commercial carrier upon delivery.

3) The Agency or Delegated Unit must file the AC with the Board *no later than 10 days after the date of service* upon the AC Recipient. [415 ILCS 5/31.1(c)]

(Source: Amended at 41 Ill. Reg. 10172, effective July 5, 2017)