**Section 108.202 Administrative Citation under the EPRR Act**

a) An AC under the Electronic Products Recycling and Reuse Act [415 ILCS 150] may be issued by either:

1) The Agency under Section 20(k) of the EPRR Act; or

2) A Delegated Unit under Section 20(k) of the EPRR Act. The Agency, under Section 4(r) of the Act, may delegate its AC authority to a unit of local government, which may then issue an AC. Under Section 20(k) of the EPRR Act, a Delegated Unit must be a county. 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 20(k) of the EPRR Act, the Agency or Delegated Unit may serve an AC upon any person believed, based on direct observation, to have violated any provision of the EPRR Act or the entity employing that person.

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

A) *A statement specifying the provisions of* the EPRR *Act that the* person or the entity employing the person has 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*;

C) *The penalty imposed* by Section 80 of the EPRR 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. [415 ILCS 150/20(k)]

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.

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