**Section 276.803 Agency Investigation**

a) The Director of the Agency or the Director's designee shall appoint an Agency employee to investigate every grievance regarding the failure of an emissions test or the denial of a waiver submitted to the Agency in accordance with this Part.

b) The Agency's investigation shall be concluded within 45 days after the receipt of the grievance petition.

c) Within the 45 day investigation period, the Agency shall submit to the petitioner*,* and affected inspector or station, its written determination indicating the correctness or incorrectness of the decision that precipitated the grievance. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.

d) The Agency's written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determinations.

e) The Agency's written determination may also require that an employee of the Agency or its designee:

1) Issue an emissions compliance certificate;

2) Reinspect the vehicle;

3) Apply the standards that the Agency has determined to be applicable; or

4) Take any other action that the Agency deems to be appropriate.

f) If the Agency's investigation determines that a part needed to complete the necessary and appropriate repairs is unavailable after contacting at least 3 independent sources, one of which shall be the original equipment manufacturer, a waiver may be granted.

(Source: Amended at 35 Ill. Reg. 11268, effective June 28, 2011)