**Section 380.605 Procedures**

a) Filing of Documents. All documents filed in a sanctions proceeding under this Subpart shall be filed with the Docket Clerk, Division of Legal Counsel, Illinois EPA. Filing by electronic transmission or facsimile will only be allowed with the prior approval of the Docket Clerk or Hearing Officer assigned to the proceeding.

b) Complaint

1) The Agency may initiate sanction proceedings on the basis of any written complaint or on its own motion.

2) To initiate a sanction proceeding, the Agency shall prepare and serve the following documents on the operator by certified mail or personal delivery:

A) A Complaint for Sanctions that states the alleged causes for sanctions and sets forth facts that constitute alleged violations of a statute or Board rule.

B) A Notice to Operator that informs the operator of commencement of the sanction proceedings, the right to be represented by an attorney, the right to request a hearing, and the consequences for failing to respond to the Complaint for Sanctions.

c) Response

1) A written response to the Complaint for Sanctions may be filed by the operator and must be served on all parties within 21 days after receipt of the Complaint for Sanctions.

2) Within 21 days after receipt of the Complaint for Sanctions, the operator may request a hearing by filing a written request.

3) If an operator fails to file a written response or a hearing request within 21 days from receipt of the Complaint for Sanctions, all facts alleged in the Complaint for Sanctions shall be deemed to have been admitted.

d) Service

1) All documents filed in the sanction proceedings must be served on the Hearing Officer, the Agency and the operator.

2) Except for service upon the operator of the Complaint for Sanctions, the Notice to Operator, and Director's decision, service may be effectuated by U.S. Mail or other mail delivery service, in person, by messenger, or as otherwise approved by the Hearing Officer.

3) An affidavit of service or certificate of service must accompany all filings.

e) Except as otherwise provided by this Part, the procedures for contested case hearings in 35 Ill. Adm. Code 168 shall apply to sanction proceedings.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)