**Section 1700.13 Notice of Citizen Suits**

a) A person who intends to initiate a civil action under Section 8.05 of the State Act shall give notice of intent to do so, according to this Section.

b) Notice shall be given by certified mail to the Director, the alleged violator and when federal lands or actions of the Office of Surface Mining Reclamation and Enforcement are involved, to the Secretary of the U.S. Department of the Interior and the Director or Acting Director of the Office of Surface Mining Reclamation and Enforcement within the U.S. Department of the Interior. The notice shall be sent by first class mail to the Field Office Director of the Office of Surface Mining Reclamation and Enforcement in Springfield.

c) Service of notice under this Section is complete upon mailing to the last known address of each person being notified.

d) A person giving notice regarding an alleged violation shall state, to the extent known:

1) Sufficient information to identify the provision of the State Act, regulation, order, or permit allegedly violated;

2) The act or omission alleged to constitute a violation;

3) The name, address, and telephone numbers of the person or persons responsible for the alleged violation;

4) The date, time, and location of the alleged violation;

5) The name, address, and telephone number of the person giving notice; and

6) The name, address, and telephone number of legal counsel, if any, of the person giving notice.

e) A person giving notice of an alleged failure of the Department to perform a mandatory act or duty under the State Act shall state, to the extent known:

1) The provision of the State Act containing the mandatory act allegedly omitted;

2) Sufficient information to identify the omission alleged to constitute the failure to perform a mandatory act under the State Act;

3) The name, address, and telephone number of the person giving notice; and

4) The name, address, and telephone number of legal counsel, if any, of the person giving notice.

(Source: Amended at 11 Ill. Reg. 8051, effective July 1, 1987)