**Section 187.402 Development of an EMSA**

a) The Agency and the sponsor shall decide upon an acceptable development schedule for the EMSA and the proposed pilot project.

b) A sponsor shall submit to the Director a draft EMSA. At a minimum, the draft EMSA shall include:

1) Identification of the sponsors;

2) Identification of all State and federal environmental statutes and regulations applicable to the proposed pilot project and the owner or operator of the proposed pilot project;

3) Identification of any State or federal environmental statutes and regulations which are inconsistent with the terms of the draft EMSA and would cease to be applicable should the EMSA be approved;

4) A description of the innovative environmental measures being proposed as part of the pilot project;

5) An explanation of the manner in which the proposed pilot project will achieve the stated purposes in subsection (b) of Section 52.3-1 of the Act;

6) Identification of those members of the general public, representatives of local communities, and environmental groups who have an interest in the proposed pilot project;

7) A description of the manner in which the EMSA will provide for productive involvement by the stakeholder group in the design and implementation of the proposed pilot project;

8) A description of the measures or techniques that will be used to demonstrate ongoing compliance with the EMSA, including, at a minimum, an annual evaluation of the pilot project;

9) Terms and conditions for voluntary termination of the pilot project; and

10) An explanation of the process by which statutory or regulatory environmental requirements that become applicable to the pilot project or its sponsor, owner or operator after the effective date of the EMSA shall be addressed.

c) Upon submittal of the initial draft EMSA, a sponsor shall provide an executive summary of the initial draft EMSA and proposed pilot project described and submitted in accordance with subsection (b) of this Section to the following persons and inform them that they may obtain the complete document from either the Agency or the sponsor:

1) Members of the Illinois General Assembly representing the legislative districts in which the pilot project is located;

2) The Illinois Attorney General; and

3) The State's Attorney of the county in which the pilot project is located.

d) A sponsor shall provide notice, by publication on a single date in a newspaper of general circulation in the area in which the proposed pilot project is located, that it has submitted an initial draft EMSA for consideration by the Agency. Such notice shall include a statement that interested persons may contact the sponsor to request that they be named to the stakeholder group in the development and implementation of the proposed pilot project. The notice shall be provided within 7 calendar days from the date the initial draft EMSA has been submitted to the Agency in accordance with subsection (b) of this Section.

e) The Agency shall give preference to and allow greater incentives in an EMSA for pilot projects that include provisions for operating sustainably through continuous improvements in products and processes. Desirable components of a pilot project include, but are not limited to, the following:

1) Incorporating source reduction into core business practices;

2) Avoiding the production of waste and pollution in products and processes;

3) Accounting for total environmental impact throughout the life cycle of products and services;

4) Improving efficiency in the use of raw materials, energy, water or other resources;

5) Employing planning processes or techniques to identify source reduction and product stewardship opportunities;

6) Training and encouraging employees to identify opportunities for environmental improvement;

7) Protecting and enhancing natural resources; and

8) Ensuring that information and reporting systems track progress toward goals and document improvements.

f) The Agency shall encourage the development and use of Environmental Management Systems as part of a pilot project.

g) The Agency shall reject proposed pilot projects that generate adverse environmental consequences, particularly those stimulating intermedia pollutant transfers without providing a net environmental gain.