**Section 740.900 General**

a) This Subpart sets forth the procedures an RA must follow to obtain Agency review, a final determination and payment of remediation costs under the Brownfields Site Restoration Program. It contains procedures for preliminary reviews of estimated remediation costs and final reviews of remediation costs actually incurred, establishes fees for the Agency's reviews, provides for appeals of Agency determinations, and includes listings of eligible and ineligible costs.

b) *For each State fiscal year in which funds are made available to the Agency for payment under this* *Subpart,* *the Agency must, subject to the availability of funds, allocate 20% of the funds to be available to Remediation Applicants within counties with populations over 2,000,000. The remaining funds must be made available to all other Remediation Applicants in the State*. [415 ILCS 5/58.15(B)(a)(2)] Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all the requirements of this Subpart.

c) *The total payment to be made to an applicant must not exceed an amount equal to 20% of the capital investment at the site*. [415 ILCS 5/58.15(B)(a)(3)]

d) *Only those remediation projects for which a No Further Remediation Letter is issued after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites for which a No Further Remediation Letter is issued on* or *prior to December 31, 2001 or to costs incurred prior to DCEO approving a site eligible for the Brownfields Site Restoration Program*. [415 ILCS 5/58.15(B)(a)(4)]

e) *Except as provided in* *Section 740.911*, *an application for review of remediation costs must not be submitted until:*

1) *A No Further Remediation Letter has been issued by the Agency* or has issued by operation of law; *and*

2) *The No Further Remediation Letter*, or an affidavit under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law, *has been* *recorded in the chain of title for the site in accordance with* Subpart F of this Part. [415 ILCS 5/58.15(B)(e)]

f) *The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site.* [415 ILCS 5/58.15(B)(a)(3)]

g) *Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all applicable requirements as set forth in* the Act and this Part*.* [415 ILCS 5/58.15(B)(a)(5)]

(Source: Added at 28 Ill. Reg. 3870, effective February 17, 2003)