**Section 740.911 Application for Review and Payment of Remediation Costs Prior to Perfection of No Further Remediation Letter**

a) *An application for review of remediation costs may be submitted to the Agency prior to the issuance of a 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) *if the Remediation Applicant has a Remedial Action Plan approved by the Agency* under Section 740.450 of this Part *under the terms of which the Remediation Applicant will remediate groundwater for more than one year.* [415 ILCS 5/58.15(B)(f)]

b) The application must be on forms prescribed and provided by the Agency, shall be accompanied by the applicable fee for review as provided in Section 740.920(b) of this Subpart, and must include, at a minimum, the following information:

1) Identification of RA and remediation site, including:

A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;

B) The address, site name, tax parcel identification number(s) and Illinois inventory identification number for the remediation site;

C) The date of acceptance of the remediation site into the Site Remediation Program; and

D) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA;

2) A true and correct *copy of the Agency letter approving the Remedial Action Plan*  [415 ILCS 5/58.15(B)(f)(2)];

3) *A* true and correct *copy of* DCEO’s *letter approving eligibility, including the net economic benefit of the remediation project* [415 ILCS 5/58.15(B)(f)(4)]*;*

4) Itemization and documentation of remediation activities for which payment is sought and of remediation costs incurred, including invoices, billings and dated, legible receipts with canceled checks or other Agency-approved methods of proof of payment;

5) A certification, signed by the RA or authorized agent and notarized, as follows:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [name of RA, if individual, or authorized agent of RA], hereby certify that:

The site for which this application for payment is submitted is the site for which the Remedial Action Plan referenced in subsection (a) of this Section was approved;

All the costs included in this application were incurred at the site for which the Remedial Action Plan referenced in subsection (a) of this Section was approved;

The costs incurred are remediation costs as defined in the Act and rules adopted thereunder;

The costs submitted were paid by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_["me" if RA is certifying or name of RA if authorized agent is certifying] and are accurate to the best of my knowledge and belief;

None of the costs were incurred before approval of the site by DCEO as eligible for the Brownfields Site Restoration Program; and

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_["I" if RA is certifying or name of RA if authorized agent is certifying] did not cause or contribute in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) for which the Remedial Action Plan was approved.

6) The original signature of the RA or of the authorized agent acting on behalf of the RA.

c) *Until the Agency issues a No Further Remediation Letter for the site* (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)*, no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a 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) *for the site* [415 ILCS 5/58.15(B)(g)]*.*

d) The Agency's acceptance of a certification that the RA did not cause or contribute in any material respect to the release or substantial threat of a release for which the payment is requested shall not bind the Agency or the State and shall not be used as a defense with regard to any enforcement or cost recovery actions that may be initiated by the State or any other party.

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