**Section 741.305 Initiation of Voluntary Allocation Proceeding**

a) Participants that agree to accept 100 percent of liability to perform or pay for a response that results from a release or substantial threat of a release of regulated substances or pesticides on, in, under or from a site, whether or not they stipulate to specific shares of such liability, may initiate a voluntary allocation proceeding by filing a petition with the Board if:

1) There is an Agency-approved Remedial Action Plan for the site under 35 Ill. Adm. Code 740; or

2) There is a written agreement with the Agency regarding the performance of a response at the site following the issuance of a notice under Section 4(q) or Section 58.9(b) of the Act.

b) The petition under subsection (a) of this Section must include the following information:

1) The location and identity of the site for which an allocation of proportionate shares is requested;

2) The identity of all participants;

3) The stipulated shares of specific participants, if any;

4) Certification that the participants agree to allocate among themselves 100 percent of the performance or costs of the response under the Remedial Action Plan or written agreement with the Agency; and

5) A statement that the participants choose to engage in either mediation under Sections 741.320 and 741.325 of this Subpart or to proceed with the Board's allocation proceedings under Sections 741.310 and 741.315 of this Subpart.

c) Upon determination that the petition contains the required information, the Board will issue an order accepting the petition and assigning a hearing officer as necessary.

d) The nature of any response agreed to as part of a Remedial Action Plan or written agreement with the Agency cannot be contested during the allocation proceeding.

e) No person may file a petition under Subpart C of this Part when a complaint has been filed in any forum that addresses the same release or substantial threat of a release. If the Agency, the State, or any person files a complaint in any forum that involves the same release or substantial threat of a release, the Board may, upon motion by any participant or at its discretion, stay the proceedings under this Subpart pending the outcome of the other proceeding. The State, the Agency or any party to the other proceeding also may appear specially to move the Board to stay the proceedings under this Subpart.