**Section 885.300 Agency Action for Noncompliance with Grant Conditions**

a) In addition to such other remedies as may be provided by law, in the event of noncompliance with any condition imposed pursuant to a municipal brownfields redevelopment grant or other violation of this Part, the Agency may:

1) Revoke the grant and recover all grant funds disbursed;

2) Take no action on reimbursement requests;

3) Terminate the grant;

4) Suspend all project work; or

5) Take such other action as the Agency is authorized to take.

b) Noncompliance includes, but is not limited to:

1) Failure to submit a quarterly report or a final report;

2) Failure to deliver or act upon any grant commitment, such as a commitment to enter into the Site Remediation Program as the Remediation Applicant;

3) Failure to provide local matching funds, as required under Section 885.200(c);

4) Failure to limit use of the brownfields site to uses consistent with the end use designated in the grant application; or

5) Failure to remediate the brownfields site consistent with the end use designated in the grant application, such as failure to remediate a site with a residential end use to residential cleanup levels.

c) No action shall be taken under this Section without prior oral or written consultation with the grantee.

d) In determining whether to take action and which action to take under this Section, the Agency shall consider factors including, but not limited to:

1) The severity of the violation(s);

2) The number of violations by the grantee;

3) Whether the violation is a continuing one;

4) Whether the grantee can remedy the violation; and

5) Whether the grantee and any contractor or subcontractor remain capable of complying with the approved work project.

e) Recovery actions under this Section shall be taken pursuant to the Illinois Grant Funds Recovery Act [30 ILCS 705].

(Source: Amended at 31 Ill. Reg. 5774, effective March 30, 2007)