

1 AN ACT concerning environmental law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended
5 by changing Sections 58.13 and 58.15 as follows:

6 (415 ILCS 5/58.13)

7 Sec. 58.13. ~~Municipal~~ Brownfields Redevelopment Grant
8 Program.

9 (a)(1) The Agency shall establish and administer a
10 program of grants to be known as the ~~Municipal~~
11 Brownfields Redevelopment Grant Program to provide
12 municipalities and counties in Illinois with financial
13 assistance to be used for coordination of activities
14 related to brownfields redevelopment, including but not
15 limited to identification of brownfields sites, site
16 investigation and determination of remediation objectives
17 and related plans and reports, and development of
18 remedial action plans, but not including the
19 implementation of remedial action plans and remedial
20 action completion reports. The plans and reports shall be
21 developed in accordance with Title XVII of this Act.

22 (2) Grants shall be awarded on a competitive basis
23 subject to availability of funding. Criteria for
24 awarding grants shall include, but shall not be limited
25 to the following:

- 26 (A) problem statement and needs assessment;
- 27 (B) community-based planning and involvement;
- 28 (C) implementation planning; and
- 29 (D) long-term benefits and sustainability.

30 (3) The Agency may give weight to geographic
31 location to enhance geographic distribution of grants

1 across this State.

2 (4) Grants shall be limited to a maximum of
3 \$240,000 and no municipality or county shall receive more
4 than one grant under this Section.

5 (5) Grant amounts shall not exceed 70% of the
6 project amount, with the remainder to be provided by the
7 municipality or county as local matching funds.

8 (b) The Agency shall have the authority to enter into
9 any contracts or agreements that may be necessary to carry
10 out its duties or responsibilities under this Section. The
11 Agency shall have the authority to adopt rules setting forth
12 procedures and criteria for administering the ~~Municipal~~
13 Brownfields Redevelopment Grant Program. The rules adopted
14 by the Agency may include but shall not be limited to the
15 following:

16 (1) purposes for which grants are available;

17 (2) application periods and content of
18 applications;

19 (3) procedures and criteria for Agency review of
20 grant applications, grant approvals and denials, and
21 grantee acceptance;

22 (4) grant payment schedules;

23 (5) grantee responsibilities for work schedules,
24 work plans, reports, and record keeping;

25 (6) evaluation of grantee performance, including
26 but not limited to auditing and access to sites and
27 records;

28 (7) requirements applicable to contracting and
29 subcontracting by the grantee;

30 (8) penalties for noncompliance with grant
31 requirements and conditions, including stop-work orders,
32 termination of grants, and recovery of grant funds;

33 (9) indemnification of this State and the Agency by
34 the grantee; and

1 (10) manner of compliance with the Local Government
2 Professional Services Selection Act.
3 (Source: P.A. 92-486, eff. 1-1-02.)

4 (415 ILCS 5/58.15)

5 Sec. 58.15. Brownfields Redevelopment Loan Program.

6 (a) The Agency shall establish and administer a
7 revolving loan program to be known as the "Brownfields
8 Redevelopment Loan Program" for the purpose of providing
9 loans to be used for site investigation, site remediation, or
10 both, at brownfields sites. All principal, interest, and
11 penalty payments from loans made under this Section shall be
12 deposited into the Brownfields Redevelopment Fund and reused
13 in accordance with this Section.

14 (b) General requirements for loans:

15 (1) Loans shall be at or below market interest
16 rates in accordance with a formula set forth in
17 regulations promulgated under subsection (c) of this
18 Section.

19 (2) Loans shall be awarded subject to availability
20 of funding based on the order of receipt of applications
21 satisfying all requirements as set forth in the
22 regulations promulgated under subsection (c) of this
23 Section. Counties are not excluded from eligibility for
24 loans under this program.

25 (3) The maximum loan amount under this Section for
26 any one project is \$1,000,000.

27 (4) In addition to any requirements or conditions
28 placed on loans by regulation, loan agreements under the
29 Brownfields Redevelopment Loan Program shall include the
30 following requirements:

31 (A) the loan recipient shall secure the loan
32 repayment obligation;

33 (B) completion of the loan repayment shall not

1 exceed 5 years; and

2 (C) loan agreements shall provide for a
3 confession of judgment by the loan recipient upon
4 default.

5 (5) Loans shall not be used to cover expenses
6 incurred prior to the approval of the loan application.

7 (6) If the loan recipient fails to make timely
8 payments or otherwise fails to meet its obligations as
9 provided in this Section or implementing regulations, the
10 Agency is authorized to pursue the collection of the
11 amounts past due, the outstanding loan balance, and the
12 costs thereby incurred, either pursuant to the Illinois
13 State Collection Act of 1986 or by any other means
14 provided by law, including the taking of title, by
15 foreclosure or otherwise, to any project or other
16 property pledged, mortgaged, encumbered, or otherwise
17 available as security or collateral.

18 (c) The Agency shall have the authority to enter into
19 any contracts or agreements that may be necessary to carry
20 out its duties or responsibilities under this Section. The
21 Agency shall have the authority to promulgate regulations
22 setting forth procedures and criteria for administering the
23 Brownfields Redevelopment Loan Program. The regulations
24 promulgated by the Agency for loans under this Section shall
25 include, but need not be limited to, the following elements:

- 26 (1) loan application requirements;
- 27 (2) determination of credit worthiness of the loan
28 applicant;
- 29 (3) types of security required for the loan;
- 30 (4) types of collateral, as necessary, that can be
31 pledged for the loan;
- 32 (5) special loan terms, as necessary, for securing
33 the repayment of the loan;
- 34 (6) maximum loan amounts;

- 1 (7) purposes for which loans are available;
- 2 (8) application periods and content of
- 3 applications;
- 4 (9) procedures for Agency review of loan
- 5 applications, loan approvals or denials, and loan
- 6 acceptance by the loan recipient;
- 7 (10) procedures for establishing interest rates;
- 8 (11) requirements applicable to disbursement of
- 9 loans to loan recipients;
- 10 (12) requirements for securing loan repayment
- 11 obligations;
- 12 (13) conditions or circumstances constituting
- 13 default;
- 14 (14) procedures for repayment of loans and
- 15 delinquent loans including, but not limited to, the
- 16 initiation of principal and interest payments following
- 17 loan acceptance;
- 18 (15) loan recipient responsibilities for work
- 19 schedules, work plans, reports, and record keeping;
- 20 (16) evaluation of loan recipient performance,
- 21 including auditing and access to sites and records;
- 22 (17) requirements applicable to contracting and
- 23 subcontracting by the loan recipient, including
- 24 procurement requirements;
- 25 (18) penalties for noncompliance with loan
- 26 requirements and conditions, including stop-work orders,
- 27 termination, and recovery of loan funds; and
- 28 (19) indemnification of the State of Illinois and
- 29 the Agency by the loan recipient.

30 (d) Moneys in the Brownfields Redevelopment Fund may be
31 used as a source of revenue or security for the principal and
32 interest on revenue or general obligation bonds issued by the
33 State or any county or other political subdivision or
34 instrumentality thereof, if the proceeds of those bonds will

1 be deposited into the Fund.

2 (Source: P.A. 91-36, eff. 6-15-99; 92-16, eff. 6-28-01.)