

1 AN ACT concerning environmental protection.

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

4 (30 ILCS 105/5.545 rep.)

5 Section 5. The State Finance Act is amended by repealing
6 Section 5.545, as added by P.A. 92-486.

7 Section 10. The Environmental Protection Act is amended
8 by changing Sections 58.3, 58.13, and 58.15 as follows:

9 (415 ILCS 5/58.3)

10 Sec. 58.3. Site Investigation and Remedial Activities
11 Program; Brownfields Redevelopment Fund.

12 (a) The General Assembly hereby establishes by this
13 Title a Site Investigation and Remedial Activities Program
14 for sites subject to this Title. This program shall be
15 administered by the Illinois Environmental Protection Agency
16 under this Title XVII and rules adopted by the Illinois
17 Pollution Control Board.

18 (b) (1) The General Assembly hereby creates within the
19 State Treasury a special fund to be known as the
20 Brownfields Redevelopment Fund, consisting of 2 programs
21 to be known as the "Municipal Brownfields Redevelopment
22 Grant Program" and the "Brownfields Redevelopment Loan
23 Program", which shall be used and administered by the
24 Agency as provided in Sections 58.13 and 58.15 of this
25 Act and the rules adopted under those Sections. The
26 Brownfields Redevelopment Fund ("Fund") shall contain
27 moneys transferred from the Response Contractors
28 Indemnification Fund and other moneys made available for
29 deposit into the Fund.

30 (2) The State Treasurer, ex officio, shall be the

1 custodian of the Fund, and the Comptroller shall direct
2 payments from the Fund upon vouchers properly certified
3 by the Agency. The Treasurer shall credit to the Fund
4 interest earned on moneys contained in the Fund. The
5 Agency shall have the authority to accept, receive, and
6 administer on behalf of the State any grants, gifts,
7 loans, reimbursements or payments for services, or other
8 moneys made available to the State from any source for
9 purposes of the Fund. Those moneys shall be deposited
10 into the Fund, unless otherwise required by the
11 Environmental Protection Act or by federal law.

12 (3) Pursuant to appropriation, all moneys in the
13 Fund shall be used by the Agency for the purposes set
14 forth in subdivision (b)(4) of this Section and Sections
15 58.13 and 58.15 of this Act and to cover the Agency's
16 costs of program development and administration under
17 those Sections.

18 (4) The Agency shall have the power to enter into
19 intergovernmental agreements with the federal government
20 or the State, or any instrumentality thereof, for
21 purposes of capitalizing the Brownfields Redevelopment
22 Fund. Moneys on deposit in the Brownfields Redevelopment
23 Fund may be used for the creation of reserve funds or
24 pledged funds that secure the obligations of repayment of
25 loans made pursuant to Section 58.15 of this Act. For
26 the purpose of obtaining capital for deposit into the
27 Brownfields Redevelopment Fund, the Agency may also enter
28 into agreements with financial institutions and other
29 persons for the purpose of selling loans and developing a
30 secondary market for such loans. The Agency shall have
31 the power to create and establish such reserve funds and
32 accounts as may be necessary or desirable to accomplish
33 its purposes under this subsection and to allocate its
34 available moneys into such funds and accounts.

1 Investment earnings on moneys held in the Brownfields
2 Redevelopment Fund, including any reserve fund or pledged
3 fund, shall be deposited into the Brownfields
4 Redevelopment Fund.

5 (5) The Agency is authorized to administer funds
6 made available to the Agency under federal law, including
7 but not limited to the Small Business Liability and
8 Brownfields Revitalization Act of 2002, related to
9 brownfields cleanup and reuse in accordance with that law
10 and this Title.

11 (Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02.)

12 (415 ILCS 5/58.13)

13 Sec. 58.13. Municipal Brownfields Redevelopment Grant
14 Program.

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

28 (2) Grants shall be awarded on a competitive basis
29 subject to availability of funding. Criteria for
30 awarding grants shall include, but shall not be limited
31 to the following:

- 32 (A) problem statement and needs assessment;
- 33 (B) community-based planning and involvement;

1 (C) implementation planning; and

2 (D) long-term benefits and sustainability.

3 (3) The Agency may give weight to geographic
4 location to enhance geographic distribution of grants
5 across this State.

6 (4) Grants shall be limited to a maximum of
7 \$240,000, and no municipality shall receive more than
8 this amount ~~one-grant~~ under this Section.

9 (5) Grant amounts shall not exceed 70% of the
10 project amount, with the remainder to be provided by the
11 municipality as local matching funds.

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

20 (1) purposes for which grants are available;

21 (2) application periods and content of
22 applications;

23 (3) procedures and criteria for Agency review of
24 grant applications, grant approvals and denials, and
25 grantee acceptance;

26 (4) grant payment schedules;

27 (5) grantee responsibilities for work schedules,
28 work plans, reports, and record keeping;

29 (6) evaluation of grantee performance, including
30 but not limited to auditing and access to sites and
31 records;

32 (7) requirements applicable to contracting and
33 subcontracting by the grantee;

34 (8) penalties for noncompliance with grant

1 requirements and conditions, including stop-work orders,
2 termination of grants, and recovery of grant funds;

3 (9) indemnification of this State and the Agency by
4 the grantee; and

5 (10) manner of compliance with the Local Government
6 Professional Services Selection Act.

7 (Source: P.A. 92-486, eff. 1-1-02.)

8 (415 ILCS 5/58.15)

9 Sec. 58.15. Brownfields Programs.

10 (A) Brownfields Redevelopment Loan Program.

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

19 (b) General requirements for loans:

20 (1) Loans shall be at or below market interest
21 rates in accordance with a formula set forth in
22 regulations promulgated under subdivision (A)(c)
23 ~~subsection-(e)~~ of this subsection (A) ~~Section~~.

24 (2) Loans shall be awarded subject to availability
25 of funding based on the order of receipt of applications
26 satisfying all requirements as set forth in the
27 regulations promulgated under subdivision (A)(c)
28 ~~subsection-(e)~~ of this subsection (A) ~~Section~~.

29 (3) The maximum loan amount under this subsection
30 (A) ~~Section~~ for any one project is \$1,000,000.

31 (4) In addition to any requirements or conditions
32 placed on loans by regulation, loan agreements under the
33 Brownfields Redevelopment Loan Program shall include the

1 following requirements:

2 (A) the loan recipient shall secure the loan
3 repayment obligation;

4 (B) completion of the loan repayment shall not
5 exceed 15 5 years or as otherwise prescribed by
6 Agency rule; and

7 (C) loan agreements shall provide for a
8 confession of judgment by the loan recipient upon
9 default.

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

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

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

32 (1) loan application requirements;

33 (2) determination of credit worthiness of the loan
34 applicant;

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

1 the Agency by the loan recipient.

2 (d) Moneys in the Brownfields Redevelopment Fund may be
3 used as a source of revenue or security for the principal and
4 interest on revenue or general obligation bonds issued by the
5 State or any political subdivision or instrumentality
6 thereof, if the proceeds of those bonds will be deposited
7 into the Fund.

8 (B) Brownfields Site Restoration Program.

9 (a) (1) The Agency, with the assistance of the
10 Department of Commerce and Community Affairs, must
11 establish and administer a program for the payment of
12 remediation costs to be known as the Brownfields Site
13 Restoration Program. The Agency, through the Program,
14 shall provide Remediation Applicants with financial
15 assistance for the investigation and remediation of
16 abandoned or underutilized properties. The investigation
17 and remediation shall be performed in accordance with
18 this Title XVII of this Act.

19 (2) For each State fiscal year in which funds are
20 made available to the Agency for payment under this
21 subsection (B), the Agency must, subject to the
22 availability of funds, allocate 20% of the funds to be
23 available to Remediation Applicants within counties with
24 populations over 2,000,000. The remaining funds must be
25 made available to all other Remediation Applicants in the
26 State.

27 (3) The Agency must not approve payment in excess
28 of \$750,000 to a Remediation Applicant for remediation
29 costs incurred at a remediation site. Eligibility must be
30 determined based on a minimum capital investment in the
31 redevelopment of the site, and payment amounts must not
32 exceed the net economic benefit to the State of the
33 remediation project. In addition to these limitations,
34 the total payment to be made to an applicant must not

1 exceed an amount equal to 20% of the capital investment
2 at the site.

3 (4) Only those remediation projects for which a No
4 Further Remediation Letter is issued by the Agency after
5 December 31, 2001 are eligible to participate in the
6 Brownfields Site Restoration Program. The program does
7 not apply to any sites that have received a No Further
8 Remediation Letter prior to December 31, 2001 or for
9 costs incurred prior to the Department of Commerce and
10 Community Affairs approving a site eligible for the
11 Brownfields Site Restoration Program.

12 (5) Brownfields Site Restoration Program funds
13 shall be subject to availability of funding and
14 distributed based on the order of receipt of applications
15 satisfying all requirements as set forth in this Section.

16 (b) Prior to applying to the Agency for payment, a
17 Remediation Applicant shall first submit to the Agency its
18 proposed remediation costs. The Agency shall make a
19 pre-application assessment, which is not to be binding upon
20 the Department of Commerce and Community Affairs or upon
21 future review of the project, relating only to whether the
22 Agency has adequate funding to reimburse the applicant for
23 the remediation costs if the applicant is found to be
24 eligible for reimbursement of remediation costs. If the
25 Agency determines that it is likely to have adequate funding
26 to reimburse the applicant for remediation costs, the
27 Remediation Applicant may then submit to the Department of
28 Commerce and Community Affairs an application for review of
29 eligibility. The Department must review the eligibility
30 application to determine whether the Remediation Applicant is
31 eligible for the payment. The application must be on forms
32 prescribed and provided by the Department of Commerce and
33 Community Affairs. At a minimum, the application must
34 include the following:

1 (1) Information identifying the Remediation
2 Applicant and the site for which the payment is being
3 sought and the date of acceptance into the Site
4 Remediation Program.

5 (2) Information demonstrating that the site for
6 which the payment is being sought is abandoned or
7 underutilized property. "Abandoned property" means real
8 property previously used for, or that has the potential
9 to be used for, commercial or industrial purposes that
10 reverted to the ownership of the State, a county or
11 municipal government, or an agency thereof, through
12 donation, purchase, tax delinquency, foreclosure,
13 default, or settlement, including conveyance by deed in
14 lieu of foreclosure; or privately owned property that has
15 been vacant for a period of not less than 3 years from
16 the time an application is made to the Department of
17 Commerce and Community Affairs. "Underutilized property"
18 means real property of which less than 35% of the
19 commercially usable space of the property and
20 improvements thereon are used for their most commercially
21 profitable and economically productive uses.

22 (3) Information demonstrating that remediation of
23 the site for which the payment is being sought will
24 result in a net economic benefit to the State of
25 Illinois. The "net economic benefit" must be determined
26 based on factors including, but not limited to, the
27 capital investment, the number of jobs created, the
28 number of jobs retained if it is demonstrated the jobs
29 would otherwise be lost, capital improvements, the number
30 of construction-related jobs, increased sales, material
31 purchases, other increases in service and operational
32 expenditures, and other factors established by the
33 Department of Commerce and Community Affairs. Priority
34 must be given to sites located in areas with high levels

1 of poverty, where the unemployment rate exceeds the State
2 average, where an enterprise zone exists, or where the
3 area is otherwise economically depressed as determined by
4 the Department of Commerce and Community Affairs.

5 (4) An application fee in the amount set forth in
6 subdivision (B)(c) for each site for which review of an
7 application is being sought.

8 (c) The fee for eligibility reviews conducted by the
9 Department of Commerce and Community Affairs under this
10 subsection (B) is \$1,000 for each site reviewed. The
11 application fee must be made payable to the State of Illinois
12 for deposit into the Brownfields Redevelopment Fund.

13 (d) Within 60 days after receipt by the Department of
14 Commerce and Community Affairs of an application meeting the
15 requirements of subdivision (B)(b), the Department of
16 Commerce and Community Affairs must issue a letter to the
17 applicant approving the application, approving the
18 application with modifications, or disapproving the
19 application. If the application is approved or approved with
20 modifications, the Department of Commerce and Community
21 Affairs' letter must also include its determination of the
22 "net economic benefit" of the remediation project and the
23 maximum amount of the payment to be made available to the
24 applicant for remediation costs. The payment by the Agency
25 under this subsection (B) must not exceed the "net economic
26 benefit" of the remediation project, as determined by the
27 Department of Commerce and Community Affairs.

28 (e) An application for a review of remediation costs
29 must not be submitted to the Agency unless the Department of
30 Commerce and Community Affairs has determined the Remediation
31 Applicant is eligible under subdivision (B)(d). If the
32 Department of Commerce and Community Affairs has determined
33 that a Remediation Applicant is eligible under subdivision
34 (B)(d), the Remediation Applicant may submit an application

1 for payment to the Agency under this subsection (B). Except
2 as provided in subdivision (B)(f), an application for review
3 of remediation costs must not be submitted until a No Further
4 Remediation Letter has been issued by the Agency and recorded
5 in the chain of title for the site in accordance with Section
6 58.10. The Agency must review the application to determine
7 whether the costs submitted are remediation costs and whether
8 the costs incurred are reasonable. The application must be
9 on forms prescribed and provided by the Agency. At a
10 minimum, the application must include the following:

11 (1) Information identifying the Remediation
12 Applicant and the site for which the payment is being
13 sought and the date of acceptance of the site into the
14 Site Remediation Program.

15 (2) A copy of the No Further Remediation Letter
16 with official verification that the letter has been
17 recorded in the chain of title for the site and a
18 demonstration that the site for which the application is
19 submitted is the same site as the one for which the No
20 Further Remediation Letter is issued.

21 (3) A demonstration that the release of the
22 regulated substances of concern for which the No Further
23 Remediation Letter was issued was not caused or
24 contributed to in any material respect by the Remediation
25 Applicant. The Agency must make determinations as to
26 reimbursement availability consistent with rules adopted
27 by the Pollution Control Board for the administration and
28 enforcement of Section 58.9 of this Act.

29 (4) A copy of the Department of Commerce and
30 Community Affairs' letter approving eligibility,
31 including the net economic benefit of the remediation
32 project.

33 (5) An itemization and documentation, including
34 receipts, of the remediation costs incurred.

1 (6) A demonstration that the costs incurred are
2 remediation costs as defined in this Act and rules
3 adopted under this Act.

4 (7) A demonstration that the costs submitted for
5 review were incurred by the Remediation Applicant who
6 received the No Further Remediation Letter.

7 (8) An application fee in the amount set forth in
8 subdivision (B)(j) for each site for which review of
9 remediation costs is requested.

10 (9) Any other information deemed appropriate by the
11 Agency.

12 (f) An application for review of remediation costs may
13 be submitted to the Agency prior to the issuance of a No
14 Further Remediation Letter if the Remediation Applicant has
15 a Remedial Action Plan approved by the Agency under the terms
16 of which the Remediation Applicant will remediate groundwater
17 for more than one year. The Agency must review the
18 application to determine whether the costs submitted are
19 remediation costs and whether the costs incurred are
20 reasonable. The application must be on forms prescribed and
21 provided by the Agency. At a minimum, the application must
22 include the following:

23 (1) Information identifying the Remediation
24 Applicant and the site for which the payment is being
25 sought and the date of acceptance of the site into the
26 Site Remediation Program.

27 (2) A copy of the Agency letter approving the
28 Remedial Action Plan.

29 (3) A demonstration that the release of the
30 regulated substances of concern for which the Remedial
31 Action Plan was approved was not caused or contributed to
32 in any material respect by the Remediation Applicant.
33 The Agency must make determinations as to reimbursement
34 availability consistent with rules adopted by the

1 Pollution Control Board for the administration and
2 enforcement of Section 58.9 of this Act.

3 (4) A copy of the Department of Commerce and
4 Community Affairs' letter approving eligibility,
5 including the net economic benefit of the remediation
6 project.

7 (5) An itemization and documentation, including
8 receipts, of the remediation costs incurred.

9 (6) A demonstration that the costs incurred are
10 remediation costs as defined in this Act and rules
11 adopted under this Act.

12 (7) A demonstration that the costs submitted for
13 review were incurred by the Remediation Applicant who
14 received approval of the Remediation Action Plan.

15 (8) An application fee in the amount set forth in
16 subdivision (B)(j) for each site for which review of
17 remediation costs is requested.

18 (9) Any other information deemed appropriate by the
19 Agency.

20 (g) For a Remediation Applicant seeking a payment under
21 subdivision (B)(f), until the Agency issues a No Further
22 Remediation Letter for the site, no more than 75% of the
23 allowed payment may be claimed by the Remediation Applicant.
24 The remaining 25% may be claimed following the issuance by
25 the Agency of a No Further Remediation Letter for the site.
26 For a Remediation Applicant seeking a payment under
27 subdivision (B)(e), until the Agency issues a No Further
28 Remediation Letter for the site, no payment may be claimed by
29 the Remediation Applicant.

30 (h) (1) Within 60 days after receipt by the Agency of an
31 application meeting the requirements of subdivision
32 (B)(e) or (B)(f), the Agency must issue a letter to the
33 applicant approving, disapproving, or modifying the
34 remediation costs submitted in the application. If an

1 application is disapproved or approved with modification
2 of remediation costs, then the Agency's letter must set
3 forth the reasons for the disapproval or modification.

4 (2) If a preliminary review of a budget plan has
5 been obtained under subdivision (B)(i), the Remediation
6 Applicant may submit, with the application and supporting
7 documentation under subdivision (B)(e) or (B)(f), a copy
8 of the Agency's final determination accompanied by a
9 certification that the actual remediation costs incurred
10 for the development and implementation of the Remedial
11 Action Plan are equal to or less than the costs approved
12 in the Agency's final determination on the budget plan.
13 The certification must be signed by the Remediation
14 Applicant and notarized. Based on that submission, the
15 Agency is not required to conduct further review of the
16 costs incurred for development and implementation of the
17 Remedial Action Plan and may approve costs as submitted.

18 (3) Within 35 days after receipt of an Agency
19 letter disapproving or modifying an application for
20 approval of remediation costs, the Remediation Applicant
21 may appeal the Agency's decision to the Board in the
22 manner provided for the review of permits in Section 40
23 of this Act.

24 (i) (1) A Remediation Applicant may obtain a preliminary
25 review of estimated remediation costs for the development
26 and implementation of the Remedial Action Plan by
27 submitting a budget plan along with the Remedial Action
28 Plan. The budget plan must be set forth on forms
29 prescribed and provided by the Agency and must include,
30 but is not limited to, line item estimates of the costs
31 associated with each line item (such as personnel,
32 equipment, and materials) that the Remediation Applicant
33 anticipates will be incurred for the development and
34 implementation of the Remedial Action Plan. The Agency

1 must review the budget plan along with the Remedial
2 Action Plan to determine whether the estimated costs
3 submitted are remediation costs and whether the costs
4 estimated for the activities are reasonable.

5 (2) If the Remedial Action Plan is amended by the
6 Remediation Applicant or as a result of Agency action,
7 the corresponding budget plan must be revised accordingly
8 and resubmitted for Agency review.

9 (3) The budget plan must be accompanied by the
10 applicable fee as set forth in subdivision (B)(j).

11 (4) Submittal of a budget plan must be deemed an
12 automatic 60-day waiver of the Remedial Action Plan
13 review deadlines set forth in this subsection (B) and
14 rules adopted under this subsection (B).

15 (5) Within the applicable period of review, the
16 Agency must issue a letter to the Remediation Applicant
17 approving, disapproving, or modifying the estimated
18 remediation costs submitted in the budget plan. If a
19 budget plan is disapproved or approved with modification
20 of estimated remediation costs, the Agency's letter must
21 set forth the reasons for the disapproval or
22 modification.

23 (6) Within 35 days after receipt of an Agency
24 letter disapproving or modifying a budget plan, the
25 Remediation Applicant may appeal the Agency's decision to
26 the Board in the manner provided for the review of
27 permits in Section 40 of this Act.

28 (j) The fees for reviews conducted by the Agency under
29 this subsection (B) are in addition to any other fees or
30 payments for Agency services rendered pursuant to the Site
31 Remediation Program and are as follows:

32 (1) The fee for an application for review of
33 remediation costs is \$1,000 for each site reviewed.

34 (2) The fee for the review of the budget plan

1 submitted under subdivision (B)(i) is \$500 for each site
2 reviewed.

3 The application fee and the fee for the review of the
4 budget plan must be made payable to the State of Illinois,
5 for deposit into the Brownfields Redevelopment Fund.

6 (k) Moneys in the Brownfields Redevelopment Fund may be
7 used for the purposes of this Section, including payment for
8 the costs of administering this subsection (B). Any moneys
9 remaining in the Brownfields Site Restoration Program Fund on
10 the effective date of this amendatory Act of the 92nd General
11 Assembly shall be transferred to the Brownfields
12 Redevelopment Fund. Total payments made to all Remediation
13 Applicants by the Agency for purposes of this subsection (B)
14 must not exceed \$1,000,000 in State fiscal year 2002.

15 (l) The Department and the Agency are authorized to
16 enter into any contracts or agreements that may be necessary
17 to carry out their duties and responsibilities under this
18 subsection (B).

19 (m) Within 6 months after the effective date of this
20 amendatory Act of 2001, the Department of Commerce and
21 Community Affairs and the Agency must propose rules
22 prescribing procedures and standards for the administration
23 of this subsection (B). Within 9 months after receipt of the
24 proposed rules, the Board shall adopt on second notice,
25 pursuant to Sections 27 and 28 of this Act and the Illinois
26 Administrative Procedures Act, rules that are consistent with
27 this subsection (B). Prior to the effective date of rules
28 adopted under this subsection (B), the Department of Commerce
29 and Community Affairs and the Agency may conduct reviews of
30 applications under this subsection (B) and the Agency is
31 further authorized to distribute guidance documents on costs
32 that are eligible or ineligible as remediation costs.

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

1 (415 ILCS 5/58.18 rep.)

2 Section 20. The Environmental Protection Act is amended
3 by repealing Section 58.18.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.