

1 AMENDMENT TO SENATE BILL 1803

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1803 by replacing  
3 everything after the enacting clause with the following:

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

1 Grant Program" and the "Brownfields Redevelopment Loan  
2 Program", which shall be used and administered by the  
3 Agency as provided in Sections 58.13 and 58.15 of this  
4 Act and the rules adopted under those Sections. The  
5 Brownfields Redevelopment Fund ("Fund") shall contain  
6 moneys transferred from the Response Contractors  
7 Indemnification Fund and other moneys made available for  
8 deposit into the Fund.

9 (2) The State Treasurer, ex officio, shall be the  
10 custodian of the Fund, and the Comptroller shall direct  
11 payments from the Fund upon vouchers properly certified  
12 by the Agency. The Treasurer shall credit to the Fund  
13 interest earned on moneys contained in the Fund. The  
14 Agency shall have the authority to accept, receive, and  
15 administer on behalf of the State any grants, gifts,  
16 loans, reimbursements or payments for services, or other  
17 moneys made available to the State from any source for  
18 purposes of the Fund. Those moneys shall be deposited  
19 into the Fund, unless otherwise required by the  
20 Environmental Protection Act or by federal law.

21 (3) Pursuant to appropriation, all moneys in the  
22 Fund shall be used by the Agency for the purposes set  
23 forth in subdivision (b)(4) of this Section and Sections  
24 58.13 and 58.15 of this Act and to cover the Agency's  
25 costs of program development and administration under  
26 those Sections.

27 (4) The Agency shall have the power to enter into  
28 intergovernmental agreements with the federal government  
29 or the State, or any instrumentality thereof, for  
30 purposes of capitalizing the Brownfields Redevelopment  
31 Fund. Moneys on deposit in the Brownfields Redevelopment  
32 Fund may be used for the creation of reserve funds or  
33 pledged funds that secure the obligations of repayment of  
34 loans made pursuant to Section 58.15 of this Act. For

1 the purpose of obtaining capital for deposit into the  
 2 Brownfields Redevelopment Fund, the Agency may also enter  
 3 into agreements with financial institutions and other  
 4 persons for the purpose of selling loans and developing a  
 5 secondary market for such loans. The Agency shall have  
 6 the power to create and establish such reserve funds and  
 7 accounts as may be necessary or desirable to accomplish  
 8 its purposes under this subsection and to allocate its  
 9 available moneys into such funds and accounts.  
 10 Investment earnings on moneys held in the Brownfields  
 11 Redevelopment Fund, including any reserve fund or pledged  
 12 fund, shall be deposited into the Brownfields  
 13 Redevelopment Fund.

14 (5) The Agency is authorized to administer funds  
 15 made available to the Agency under federal law, including  
 16 but not limited to the Small Business Liability and  
 17 Brownfields Revitalization Act of 2002, related to  
 18 brownfields cleanup and reuse in accordance with that law  
 19 and this Title.

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

21 (415 ILCS 5/58.13)

22 Sec. 58.13. Municipal Brownfields Redevelopment Grant  
 23 Program.

24 (a)(1) The Agency shall establish and administer a  
 25 program of grants, to be known as the Municipal  
 26 Brownfields Redevelopment Grant Program, to provide  
 27 municipalities in Illinois with financial assistance to  
 28 be used for coordination of activities related to  
 29 brownfields redevelopment, including but not limited to  
 30 identification of brownfields sites, site investigation  
 31 and determination of remediation objectives and related  
 32 plans and reports, and development of remedial action  
 33 plans, and ~~but--not--including--the~~ implementation of

1 remedial action plans and remedial action completion  
2 reports. The plans and reports shall be developed in  
3 accordance with Title XVII of this Act.

4 (2) Grants shall be awarded on a competitive basis  
5 subject to availability of funding. Criteria for  
6 awarding grants shall include, but shall not be limited  
7 to the following:

- 8 (A) problem statement and needs assessment;
- 9 (B) community-based planning and involvement;
- 10 (C) implementation planning; and
- 11 (D) long-term benefits and sustainability.

12 (3) The Agency may give weight to geographic  
13 location to enhance geographic distribution of grants  
14 across this State.

15 (4) Grants shall be limited to a maximum of  
16 \$240,000<sub>L</sub> and no municipality shall receive more than  
17 this amount ~~one grant~~ under this Section.

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

21 (b) The Agency shall have the authority to enter into  
22 any contracts or agreements that may be necessary to carry  
23 out its duties or responsibilities under this Section. The  
24 Agency shall have the authority to adopt rules setting forth  
25 procedures and criteria for administering the Municipal  
26 Brownfields Redevelopment Grant Program. The rules adopted  
27 by the Agency may include but shall not be limited to the  
28 following:

- 29 (1) purposes for which grants are available;
- 30 (2) application periods and content of  
31 applications;
- 32 (3) procedures and criteria for Agency review of  
33 grant applications, grant approvals and denials, and  
34 grantee acceptance;

- 1 (4) grant payment schedules;
- 2 (5) grantee responsibilities for work schedules,
- 3 work plans, reports, and record keeping;
- 4 (6) evaluation of grantee performance, including
- 5 but not limited to auditing and access to sites and
- 6 records;
- 7 (7) requirements applicable to contracting and
- 8 subcontracting by the grantee;
- 9 (8) penalties for noncompliance with grant
- 10 requirements and conditions, including stop-work orders,
- 11 termination of grants, and recovery of grant funds;
- 12 (9) indemnification of this State and the Agency by
- 13 the grantee; and
- 14 (10) manner of compliance with the Local Government
- 15 Professional Services Selection Act.

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

17 (415 ILCS 5/58.15)

18 Sec. 58.15. Brownfields Programs.

19 (A) Brownfields Redevelopment Loan Program.

20 (a) The Agency shall establish and administer a  
21 revolving loan program to be known as the "Brownfields  
22 Redevelopment Loan Program" for the purpose of providing  
23 loans to be used for site investigation, site remediation, or  
24 both, at brownfields sites. All principal, interest, and  
25 penalty payments from loans made under this subsection (A)  
26 ~~Section~~ shall be deposited into the Brownfields Redevelopment  
27 Fund and reused in accordance with this Section.

28 (b) General requirements for loans:

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

33 (2) Loans shall be awarded subject to availability

1 of funding based on the order of receipt of applications  
2 satisfying all requirements as set forth in the  
3 regulations promulgated under subdivision (A)(c)  
4 ~~subsection-(e)~~ of this subsection (A) Section.

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

7 (4) In addition to any requirements or conditions  
8 placed on loans by regulation, loan agreements under the  
9 Brownfields Redevelopment Loan Program shall include the  
10 following requirements:

11 (A) the loan recipient shall secure the loan  
12 repayment obligation;

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

16 (C) loan agreements shall provide for a  
17 confession of judgment by the loan recipient upon  
18 default.

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

21 (6) If the loan recipient fails to make timely  
22 payments or otherwise fails to meet its obligations as  
23 provided in this subsection (A) Section or implementing  
24 regulations, the Agency is authorized to pursue the  
25 collection of the amounts past due, the outstanding loan  
26 balance, and the costs thereby incurred, either pursuant  
27 to the Illinois State Collection Act of 1986 or by any  
28 other means provided by law, including the taking of  
29 title, by foreclosure or otherwise, to any project or  
30 other property pledged, mortgaged, encumbered, or  
31 otherwise available as security or collateral.

32 (c) The Agency shall have the authority to enter into  
33 any contracts or agreements that may be necessary to carry  
34 out its duties or responsibilities under this subsection (A)

1 Section. The Agency shall have the authority to promulgate  
2 regulations setting forth procedures and criteria for  
3 administering the Brownfields Redevelopment Loan Program.  
4 The regulations promulgated by the Agency for loans under  
5 this subsection (A) Section shall include, but need not be  
6 limited to, the following elements:

7 (1) loan application requirements;

8 (2) determination of credit worthiness of the loan  
9 applicant;

10 (3) types of security required for the loan;

11 (4) types of collateral, as necessary, that can be  
12 pledged for the loan;

13 (5) special loan terms, as necessary, for securing  
14 the repayment of the loan;

15 (6) maximum loan amounts;

16 (7) purposes for which loans are available;

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

19 (9) procedures for Agency review of loan  
20 applications, loan approvals or denials, and loan  
21 acceptance by the loan recipient;

22 (10) procedures for establishing interest rates;

23 (11) requirements applicable to disbursement of  
24 loans to loan recipients;

25 (12) requirements for securing loan repayment  
26 obligations;

27 (13) conditions or circumstances constituting  
28 default;

29 (14) procedures for repayment of loans and  
30 delinquent loans including, but not limited to, the  
31 initiation of principal and interest payments following  
32 loan acceptance;

33 (15) loan recipient responsibilities for work  
34 schedules, work plans, reports, and record keeping;

1 (16) evaluation of loan recipient performance,  
2 including auditing and access to sites and records;

3 (17) requirements applicable to contracting and  
4 subcontracting by the loan recipient, including  
5 procurement requirements;

6 (18) penalties for noncompliance with loan  
7 requirements and conditions, including stop-work orders,  
8 termination, and recovery of loan funds; and

9 (19) indemnification of the State of Illinois and  
10 the Agency by the loan recipient.

11 (d) Moneys in the Brownfields Redevelopment Fund may be  
12 used as a source of revenue or security for the principal and  
13 interest on revenue or general obligation bonds issued by the  
14 State or any political subdivision or instrumentality  
15 thereof, if the proceeds of those bonds will be deposited  
16 into the Fund.

17 (B) Brownfields Site Restoration Program.

18 (a) (1) The Agency, with the assistance of the  
19 Department of Commerce and Community Affairs, must  
20 establish and administer a program for the payment of  
21 remediation costs to be known as the Brownfields Site  
22 Restoration Program. The Agency, through the Program,  
23 shall provide Remediation Applicants with financial  
24 assistance for the investigation and remediation of  
25 abandoned or underutilized properties. The investigation  
26 and remediation shall be performed in accordance with  
27 this Title XVII of this Act.

28 (2) For each State fiscal year in which funds are  
29 made available to the Agency for payment under this  
30 subsection (B), the Agency must, subject to the  
31 availability of funds, allocate 20% of the funds to be  
32 available to Remediation Applicants within counties with  
33 populations over 2,000,000. The remaining funds must be  
34 made available to all other Remediation Applicants in the



1       State.

2           (3) The Agency must not approve payment in excess  
3       of \$750,000 to a Remediation Applicant for remediation  
4       costs incurred at a remediation site. Eligibility must be  
5       determined based on a minimum capital investment in the  
6       redevelopment of the site, and payment amounts must not  
7       exceed the net economic benefit to the State of the  
8       remediation project. In addition to these limitations,  
9       the total payment to be made to an applicant must not  
10       exceed an amount equal to 20% of the capital investment  
11       at the site.

12           (4) Only those remediation projects for which a No  
13       Further Remediation Letter is issued by the Agency after  
14       December 31, 2001 are eligible to participate in the  
15       Brownfields Site Restoration Program. The program does  
16       not apply to any sites that have received a No Further  
17       Remediation Letter prior to December 31, 2001 or for  
18       costs incurred prior to the Department of Commerce and  
19       Community Affairs approving a site eligible for the  
20       Brownfields Site Restoration Program.

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

25           (b) Prior to applying to the Agency for payment, a  
26       Remediation Applicant shall first submit to the Agency its  
27       proposed remediation costs. The Agency shall make a  
28       pre-application assessment, which is not to be binding upon  
29       the Department of Commerce and Community Affairs or upon  
30       future review of the project, relating only to whether the  
31       Agency has adequate funding to reimburse the applicant for  
32       the remediation costs if the applicant is found to be  
33       eligible for reimbursement of remediation costs. If the  
34       Agency determines that it is likely to have adequate funding

1 to reimburse the applicant for remediation costs, the  
2 Remediation Applicant may then submit to the Department of  
3 Commerce and Community Affairs an application for review of  
4 eligibility. The Department must review the eligibility  
5 application to determine whether the Remediation Applicant is  
6 eligible for the payment. The application must be on forms  
7 prescribed and provided by the Department of Commerce and  
8 Community Affairs. At a minimum, the application must  
9 include the following:

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

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

31 (3) Information demonstrating that remediation of  
32 the site for which the payment is being sought will  
33 result in a net economic benefit to the State of  
34 Illinois. The "net economic benefit" must be determined

1 based on factors including, but not limited to, the  
2 capital investment, the number of jobs created, the  
3 number of jobs retained if it is demonstrated the jobs  
4 would otherwise be lost, capital improvements, the number  
5 of construction-related jobs, increased sales, material  
6 purchases, other increases in service and operational  
7 expenditures, and other factors established by the  
8 Department of Commerce and Community Affairs. Priority  
9 must be given to sites located in areas with high levels  
10 of poverty, where the unemployment rate exceeds the State  
11 average, where an enterprise zone exists, or where the  
12 area is otherwise economically depressed as determined by  
13 the Department of Commerce and Community Affairs.

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

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

22 (d) Within 60 days after receipt by the Department of  
23 Commerce and Community Affairs of an application meeting the  
24 requirements of subdivision (B)(b), the Department of  
25 Commerce and Community Affairs must issue a letter to the  
26 applicant approving the application, approving the  
27 application with modifications, or disapproving the  
28 application. If the application is approved or approved with  
29 modifications, the Department of Commerce and Community  
30 Affairs' letter must also include its determination of the  
31 "net economic benefit" of the remediation project and the  
32 maximum amount of the payment to be made available to the  
33 applicant for remediation costs. The payment by the Agency  
34 under this subsection (B) must not exceed the "net economic

1 benefit" of the remediation project, as determined by the  
2 Department of Commerce and Community Affairs.

3 (e) An application for a review of remediation costs  
4 must not be submitted to the Agency unless the Department of  
5 Commerce and Community Affairs has determined the Remediation  
6 Applicant is eligible under subdivision (B)(d). If the  
7 Department of Commerce and Community Affairs has determined  
8 that a Remediation Applicant is eligible under subdivision  
9 (B)(d), the Remediation Applicant may submit an application  
10 for payment to the Agency under this subsection (B). Except  
11 as provided in subdivision (B)(f), an application for review  
12 of remediation costs must not be submitted until a No Further  
13 Remediation Letter has been issued by the Agency and recorded  
14 in the chain of title for the site in accordance with Section  
15 58.10. The Agency must review the application to determine  
16 whether the costs submitted are remediation costs and whether  
17 the costs incurred are reasonable. The application must be  
18 on forms prescribed and provided by the Agency. At a  
19 minimum, the application must include the following:

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

24 (2) A copy of the No Further Remediation Letter  
25 with official verification that the letter has been  
26 recorded in the chain of title for the site and a  
27 demonstration that the site for which the application is  
28 submitted is the same site as the one for which the No  
29 Further Remediation Letter is issued.

30 (3) A demonstration that the release of the  
31 regulated substances of concern for which the No Further  
32 Remediation Letter was issued was not caused or  
33 contributed to in any material respect by the Remediation  
34 Applicant. The Agency must make determinations as to

1 reimbursement availability consistent with rules adopted  
2 by the Pollution Control Board for the administration and  
3 enforcement of Section 58.9 of this Act.

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

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

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

13 (7) A demonstration that the costs submitted for  
14 review were incurred by the Remediation Applicant who  
15 received the No Further Remediation Letter.

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

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

21 (f) An application for review of remediation costs may  
22 be submitted to the Agency prior to the issuance of a No  
23 Further Remediation Letter if the Remediation Applicant has  
24 a Remedial Action Plan approved by the Agency under the terms  
25 of which the Remediation Applicant will remediate groundwater  
26 for more than one year. The Agency must review the  
27 application to determine whether the costs submitted are  
28 remediation costs and whether the costs incurred are  
29 reasonable. The application must be on forms prescribed and  
30 provided by the Agency. At a minimum, the application must  
31 include the following:

32 (1) Information identifying the Remediation  
33 Applicant and the site for which the payment is being  
34 sought and the date of acceptance of the site into the

1 Site Remediation Program.

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

4 (3) A demonstration that the release of the  
5 regulated substances of concern for which the Remedial  
6 Action Plan was approved was not caused or contributed to  
7 in any material respect by the Remediation Applicant.  
8 The Agency must make determinations as to reimbursement  
9 availability consistent with rules adopted by the  
10 Pollution Control Board for the administration and  
11 enforcement of Section 58.9 of this Act.

12 (4) A copy of the Department of Commerce and  
13 Community Affairs' letter approving eligibility,  
14 including the net economic benefit of the remediation  
15 project.

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

18 (6) A demonstration that the costs incurred are  
19 remediation costs as defined in this Act and rules  
20 adopted under this Act.

21 (7) A demonstration that the costs submitted for  
22 review were incurred by the Remediation Applicant who  
23 received approval of the Remediation Action Plan.

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

27 (9) Any other information deemed appropriate by the  
28 Agency.

29 (g) For a Remediation Applicant seeking a payment under  
30 subdivision (B)(f), until the Agency issues a No Further  
31 Remediation Letter for the site, no more than 75% of the  
32 allowed payment may be claimed by the Remediation Applicant.  
33 The remaining 25% may be claimed following the issuance by  
34 the Agency of a No Further Remediation Letter for the site.

1 For a Remediation Applicant seeking a payment under  
2 subdivision (B)(e), until the Agency issues a No Further  
3 Remediation Letter for the site, no payment may be claimed by  
4 the Remediation Applicant.

5 (h) (1) Within 60 days after receipt by the Agency of an  
6 application meeting the requirements of subdivision  
7 (B)(e) or (B)(f), the Agency must issue a letter to the  
8 applicant approving, disapproving, or modifying the  
9 remediation costs submitted in the application. If an  
10 application is disapproved or approved with modification  
11 of remediation costs, then the Agency's letter must set  
12 forth the reasons for the disapproval or modification.

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

27 (3) Within 35 days after receipt of an Agency  
28 letter disapproving or modifying an application for  
29 approval of remediation costs, the Remediation Applicant  
30 may appeal the Agency's decision to the Board in the  
31 manner provided for the review of permits in Section 40  
32 of this Act.

33 (i) (1) A Remediation Applicant may obtain a preliminary  
34 review of estimated remediation costs for the development

1 and implementation of the Remedial Action Plan by  
2 submitting a budget plan along with the Remedial Action  
3 Plan. The budget plan must be set forth on forms  
4 prescribed and provided by the Agency and must include,  
5 but is not limited to, line item estimates of the costs  
6 associated with each line item (such as personnel,  
7 equipment, and materials) that the Remediation Applicant  
8 anticipates will be incurred for the development and  
9 implementation of the Remedial Action Plan. The Agency  
10 must review the budget plan along with the Remedial  
11 Action Plan to determine whether the estimated costs  
12 submitted are remediation costs and whether the costs  
13 estimated for the activities are reasonable.

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

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

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

24 (5) Within the applicable period of review, the  
25 Agency must issue a letter to the Remediation Applicant  
26 approving, disapproving, or modifying the estimated  
27 remediation costs submitted in the budget plan. If a  
28 budget plan is disapproved or approved with modification  
29 of estimated remediation costs, the Agency's letter must  
30 set forth the reasons for the disapproval or  
31 modification.

32 (6) Within 35 days after receipt of an Agency  
33 letter disapproving or modifying a budget plan, the  
34 Remediation Applicant may appeal the Agency's decision to



1 the Board in the manner provided for the review of  
2 permits in Section 40 of this Act.

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

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

9 (2) The fee for the review of the budget plan  
10 submitted under subdivision (B)(i) is \$500 for each site  
11 reviewed.

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

15 (k) Moneys in the Brownfields Redevelopment Fund may be  
16 used for the purposes of this Section, including payment for  
17 the costs of administering this subsection (B). Any moneys  
18 remaining in the Brownfields Site Restoration Program Fund on  
19 the effective date of this amendatory Act of the 92nd General  
20 Assembly shall be transferred to the Brownfields  
21 Redevelopment Fund. Total payments made to all Remediation  
22 Applicants by the Agency for purposes of this subsection (B)  
23 must not exceed \$1,000,000 in State fiscal year 2002.

24 (l) The Department and the Agency are authorized to  
25 enter into any contracts or agreements that may be necessary  
26 to carry out their duties and responsibilities under this  
27 subsection (B).

28 (m) Within 6 months after the effective date of this  
29 amendatory Act of 2001, the Department of Commerce and  
30 Community Affairs and the Agency must propose rules  
31 prescribing procedures and standards for the administration  
32 of this subsection (B). Within 9 months after receipt of the  
33 proposed rules, the Board shall adopt on second notice,  
34 pursuant to Sections 27 and 28 of this Act and the Illinois

1 Administrative Procedures Act, rules that are consistent with  
2 this subsection (B). Prior to the effective date of rules  
3 adopted under this subsection (B), the Department of Commerce  
4 and Community Affairs and the Agency may conduct reviews of  
5 applications under this subsection (B) and the Agency is  
6 further authorized to distribute guidance documents on costs  
7 that are eligible or ineligible as remediation costs.

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

9 (415 ILCS 5/58.18 rep.)

10 Section 20. The Environmental Protection Act is amended  
11 by repealing Section 58.18.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."