**Section 740.905 Preliminary Review of Estimated Remediation Costs**

a) *A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of a Remedial Action Plan*, required under Section 740.450 of this Part, *by submitting a budget plan along with the Remedial Action Plan*. [415 ILCS 5/58.15(B)(i)(1)] The Agency shall not accept a budget plan unless a Remedial Action Plan satisfying the requirements of Section 740.450 of this Part also has been submitted.

b) The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not limited to, the following information:

1) Identification of applicant and remediation site, including:

A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;

B) The address, site name, tax parcel identification number(s) and Illinois inventory identification number for the remediation site and the date of acceptance of the site into the Site Remediation Program; and

C) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA.

2) Line item estimates of the costs that the RA anticipates will be incurred for the development and implementation of the Remedial Action Plan, including but not limited to:

A) Site investigation activities:

i) Drilling costs;

ii) Physical soil analysis;

iii) Monitoring well installation; and

iv) Disposal costs.

B) Sampling and analysis activities:

i) Soil analysis costs;

ii) Groundwater analysis costs;

iii) Well purging costs; and

iv) Water disposal costs.

C) Remedial activities:

i) Groundwater remediation costs;

ii) Excavation and disposal costs;

iii) Land farming costs;

iv) Above-ground bio-remediation costs;

v) Land application costs;

vi) Low temperature thermal treatment costs;

vii) Backfill costs; and

viii) In-situ soil remediation costs.

D) Report preparation costs.

3) A certification, signed by the RA or authorized agent and notarized, as follows:

I, [name of RA, if individual, or authorized agent of RA], hereby certify that neither ["I" if RA is certifying or name of RA if authorized agent is certifying], nor any related party (as described in Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)]), nor any person whose tax attributes ["I" if RA is certifying or name of RA if authorized agent is certifying] have [has] succeeded to under Section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) that are identified and addressed in the Remedial Action Plan submitted for the site identified above.

4) The original signature of the RA or authorized agent acting on behalf of the RA.

c) The RA must submit the applicable fee, as provided in Section 740.920 of this Subpart, with the budget plan, except as provided in subsections (f) and (i)(4) of this Section.

d) Budget plans must be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered must be delivered during the Agency’s normal business hours.

e) *Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan deadlines set forth in* the Act and Section 740.505 of this Part. [415 ILCS 5/58.15(B)(i)(4)]

f) *If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted*. [415 ILCS 5/58.15(B)(i)(2)] No additional fee shall be required for this review.

g) The following rules apply to the Agency's review period for budget plans:

1) The Agency's review period begins on the date of receipt of the budget plan by the Agency. The Agency's record of the date of receipt of a budget plan shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

2) In reviewing budget plans and the Remedial Action Plans they accompany, the Agency is subject to the deadlines set forth in Section 740.505 of this Part with an additional 60 days, due to the automatic waiver, in accordance with subsection (e) of this Section.

3) Submittal of an amended plan restarts the time for review.

4) The RA may waive the time line for review upon a request from the Agency or at the RA's discretion.

h) *The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable*. [415 ILCS 5/58.15(B)(i)(1)]

i) Upon completion of the review, *the Agency must issue a letter to the Remediation Applicant approving, disapproving or modifying the estimated remediation costs submitted in the budget plan.* [415 ILCS 5/58.15(B)(i)(5)] The following rules apply regarding Agency determinations:

1) The Agency's notification of final determination shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency's determination shall be deemed to have been made on the postmarked date that the notice is mailed.

2) The Agency may combine the notification of its final determination on a budget plan with the notification of its final determination on the corresponding Remedial Action Plan.

3) If a budget plan is disapproved or approved with modification of estimated remediation costs, the written notification shall contain the following information as applicable:

A) An explanation of the specific type of information or documentation, if any, that the Agency finds the RA did not provide;

B) The reasons for the disapproval or modification of estimated remediation costs; and

C) Citations to statutory or regulatory provisions upon which the determination is based.

4) If the Agency disapproves a Remedial Action Plan or approves a Remedial Action Plan with conditions, in accordance with Subpart E of this Part, the Agency may return the corresponding budget plan to the RA without review. If the Remedial Action Plan is amended in response to Agency action, the RA may submit a revised budget plan for review. No additional fee shall be required for this review.

5) *Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan* or expiration of the Agency deadline, *the Remediation Applicant may appeal the Agency's decision* or the Agency's failure to issue a final determination *to the Board in the manner provided for the review of permits in Section 40 of* the *Act*. [415 ILCS 5/58.15(B)(i)(6)]

(Source: Added at 28 Ill. Reg. 3870, effective February 17, 2003)