**Section 740.915 Agency Review of Application for Payment of Remediation Costs**

a) *The Agency must review* each *application* submitted pursuant to Section 740.910 or Section 740.911 *to determine*, in accordance with Sections 740.925 and 740.930 of this Part, *whether the costs submitted are remediation costs and whether the costs incurred are reasonable.* [415 ILCS 5/58.15(B)(e), (f)]

b) *Within 60 days after receipt by the Agency of an application meeting the requirements of* Section 740.910 or Section 740.911, *the Agency must issue a letter to the* RA *approving, disapproving, or modifying the remediation costs submitted in the application.* [415 ILCS 5/58.15(B)(h)(1)]

c) 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.

d) The RA may waive the time for review.

e) Submittal of an amended application restarts the time for review.

f) 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.

g) If a preliminary review of a budget plan has been obtained underSection 740.905 of this Part*,* the Remediation Applicant may submit, with the application, applicable fee under Section 740.920 of this Part, and supporting documentation underSection 740.910 or Section 740.911 of this Part, a copy of the Agency's final determination on the budget plan accompanied by a certification*,* signed by the RA or authorized agent and notarized, stating as follows:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[name of RA, if individual, or name of authorized agent of RA], hereby certify that the actual remediation costs incurred at the site for line items [list line items to which certification applies] and identified in the application for final review of remediation costs are equal to or less than the costs approved for the corresponding line items in the attached budget plan determination.

h) If the budget plan determination and certification are submitted pursuant to subsection (g) of this Section, the Agency may conduct further review of the certified line item costs and may approve such costs as submitted. The Agency's further review shall be limited to confirmation that costs approved in the Agency’s budget plan determination were actually incurred by the RA in the development and implementation of the Remedial Action Plan.

i) If the certification in subsection (g) of this Section does not apply to all line items as approved in the budget plan, the Agency shall conduct its review of the costs for the uncertified line items as if no budget plan had been approved. In its review, the Agency shall not reconsider the appropriateness of any activities, materials, labor, equipment, structures or services already approved by the Agency for the development or implementation of the Remedial Action Plan.

j) If an application is disapproved or approved with modification of remediation costs, the written notification to the RA must contain the following information as applicable:

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

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

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

k) *Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency’s decision to the Board in the manner provided for the review of permits in Section 40 of* the *Act.* [415 ILCS 5/58.15(B)(h)(3)]

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