**Section 741.105 Applicability**

a) This Part applies to proceedings before the Board in which:

1) Any person seeks, under the Environmental Protection Act [415 ILCS 5] or the Groundwater Protection Act [415 ILCS 55], to require another person to perform, or to recover the costs of, a response that results from a release or substantial threat of a release of regulated substances or pesticides on, in, under or from a site; or

2) Two or more persons seek to allocate among themselves 100 percent of the performance or costs of a response that results from a release or substantial threat of a release of regulated substances or pesticides on, in, under or from a site.

b) The Board's procedural rules at 35 Ill. Adm. Code 101 and 103 apply to all proceedings under this Part. However, in the event of a conflict between the rules of 35 Ill. Adm. Code 101 and 103 and this Part, this Part applies.

c) Subpart A of this Part also applies to all proceedings under this Part. However, in the event of a conflict between the rules of Subpart A and subsequent Subparts of this Part, the subsequent Subpart applies.

d) Subpart B of this Part applies when a complaint is filed with the Board that seeks, under the Environmental Protection Act or the Groundwater Protection Act:

1) To require any person to perform a response that results from a release or substantial threat of a release of regulated substances or pesticides; or

2) To recover the costs of a response that results from a release or substantial threat of a release of regulated substances or pesticides.

e) Subpart C of this Part applies when a petition is filed with the Board under Section 741.305 of this Part to allocate among the participants 100 percent of the performance or costs of a response that results from a release or substantial threat of a release of regulated substances or pesticides. No person may file a petition under Subpart C of this Part when a complaint has been filed in any forum that addresses the same release or substantial threat of a release.

f) This Part does not apply to:

1) *Any cost recovery action brought by the State under Section 22.2* of the Act *to recover costs incurred by the State prior to July 1, 1996* (Section 58.9(f) of the Act);

2) Sites on the National Priorities List (Appendix B of 40 CFR 300);

3) Sites where a federal court order or a United States Environmental Protection Agency order requires an investigation or response;

4) The owner or operator of a treatment, storage or disposal site:

A) For which a current permit has been issued or is required under federal or State solid or hazardous waste laws; or

B) That is subject to closure or corrective action requirements under federal or State solid or hazardous waste laws;

5) The owner or operator of an underground storage tank system subject to federal or State underground storage tank laws.

g) This Part applies to any person or site described in subsections (f)(2) through (f)(5) of this Section to the extent allowed by federal law, federal authorization or other federal approval.