**Section 888.125 Agency Review of Application for Review of Remediation Costs**

a) The Agency shall review the application for review of remediation costs to determine, in accordance with Sections 888.135 and 888.140 of this Part, whether the costs incurred are remediation costs.

b) The Agency shall have 60 days after the receipt of an application for review to make a final determination on the application. The Agency's record of the date of receipt of the application shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from registered or certified mail. The Remediation Applicant may waive the time for review. Submittal of an amended application restarts the time for review.

c) Further Review by the Agency

1) If a preliminary review of a budget plan has been obtained under Section 888.115 of this Part, the Remediation Applicant may submit, along with the application, supporting documentation, and the applicable fee under Section 888.130 of this Part, a copy of the Agency's final determination on the budget plan accompanied by a certification, signed by the Remediation Applicant or authorized agent and notarized, as follows:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of Remediation Applicant, if individual, or name of authorized agent of Remediation Applicant), 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 review of remediation costs are equal to or less than the costs approved for the corresponding line items in the attached budget plan determination.

2) If the budget plan determination and certification are submitted pursuant to subsection (c)(1) of this Section, the Agency may, but is not required to, conduct further review of the certified line item costs incurred for development and implementation of the Remedial Action Plan and may approve such costs as submitted. The Agency's further review shall be limited to confirming that costs approved in the Agency's budget plan determination were actually incurred by the Remediation Applicant for development and implementation of the Remedial Action Plan.

3) If the certification in subsection (c)(1) 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 that 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 and implementation of the Remedial Action Plan.

d) Upon completion of the review, the Agency shall notify the Remediation Applicant in writing of its final determination to approve, disapprove, or modify the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, the written notification shall contain the following information as applicable:

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

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

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

e) 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 taken place on the postmarked date that the notice is mailed.

f) If the Agency disapproves or modifies the application for review or fails to issue a final determination within the applicable review period, the Remediation Applicant may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.

g) *The Agency shall review* applications for review of remediation costs *in consultation with the Department of Commerce and Economic Opportunity.* [415 ILCS 5/58.14a(a)]