**Section 1501.330 Reimbursement Limitations**

a) Reimbursement must be limited to costs reviewed and approved within budgets submitted and approved in accordance with this Part.

b) Reimbursement must be paid only for releases discovered on or after July 1, 1997, and on or before June 30, 2006.

c) Maximum Reimbursement Amounts

1) For each *active drycleaning facility*, *subsequent to meeting the* applicable *deductible requirements of* Section 1501.320, *reimbursement* must *not exceed* *$300,000* per drycleaner facility.

2) For each *inactive drycleaning facility*, *subsequent to meeting the* applicable *deductible requirements of* Section 1501.320, *reimbursement* must *not exceed $50,000* per drycleaner facility. [415 ILCS 135/40(f)(1)]

d) Reimbursement must be paid based on the availability of funds in the Fund and the claimant’s compliance with the claim procedures in Section 1501.350, as applicable. Reimbursement will not be paid in advance of remedial action work and Agency approval of such work.

e) Reimbursement must not be made for any remedial action costs that have not been approved in a budget by the Council or the Agency prior to the commencement of work.

f) Unless an emergency exists, as defined in Section 1501.130, reimbursement is contingent upon the claimant following all applicable steps and claim procedures in this Subpart, Title XVII of the EPAct, and 35 Ill. Adm. Code 740.

g) Reimbursement must not be provided for ineligible costs. Ineligible costs include the following:

1) Preparation of claim submittals.

2) Removal of soil that is not contaminated.

3) Installation, removal, transport, storage, or disposal of drycleaning systems.

4) Cleaning, repairs, and maintenance of drycleaning systems.

5) Markups on subcontractor costs.

6) Legal fees.

7) Third party claims, other than remediation of soil or groundwater contamination.

8) Deductibles applicable under Section 1501.320.

9) Costs not approved by the Council or the Agency prior to the commencement of work.

h) *If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under* the DERT Fund Act and this Part*, that coverage* must *be primary. Reimbursement from the remedial account* of the DERT Fundwill *be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts* in Section 1501.320*.* [415 ILCS 135/40(f)(9)]

i) *Costs of corrective action or indemnification incurred by a claimant which have been paid to a claimant under a policy of insurance other than the insurance provided under* Subpart D*, another written agreement, or a court order are not eligible for reimbursement. A claimant who receives payment under such a policy, written agreement, or court order* must *reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any moneys received by the State under this subsection* (i) *must be deposited into the Fund.* [415 ILCS 135/40(f-5)]