**Section 187.400 Letter of Intent; Agency Response**

a) In order to initiate the process of entering into an EMSA, the sponsor of a proposed pilot project shall submit a letter of intent to the Director that shall include:

1) A general description of the proposed pilot project;

2) Identification of each environmental statute, regulation and permit that is applicable to the proposed pilot project and any permit appeals, variances, or adjusted standard petitions which are currently applicable to the proposed pilot project or are pending before the Illinois Pollution Control Board or any court;

3) A statement by the sponsor regarding the compliance status of the proposed pilot project and its sponsor, owner and operator with all applicable State and federal environmental statutes and regulations. Any changes to the compliance status of the proposed pilot project and its sponsor, owner and operator during development of an EMSA must be promptly reported to the Agency; and

4) Identification of persons or groups whom the sponsor believes should serve as members of the stakeholder group in the development and implementation of the proposed pilot project.

b) The Agency shall respond in writing to a letter of intent within 60 days after receipt of such letter. Such response shall include a determination of whether the letter of intent contains the information required by subsection (a) of this Section, as well as a determination whether development of an EMSA for the proposed pilot project is warranted.

1) If the Agency determines that the letter of intent does not contain information required by subsection (a) of this Section, it may identify such information and provide the sponsor with an opportunity to revise and resubmit the letter of intent.

2) If the Agency determines that the proposed pilot project, as described in the letter of intent, does not warrant development of an EMSA, it shall state the basis for its decision.

3) If the Agency determines that the proposed pilot project, as described in the letter of intent, contains the information prescribed by subsection (a) of this Section and warrants development of an EMSA, it shall notify the sponsor that it may proceed with development of a draft EMSA.