**Section 885.260 Agency Cost Recovery**

a) If the Agency undertakes a response action at the site of an approved project, the Agency will not seek recovery of its costs under Section 22.2 or Title XVII of the Act from a grantee as an owner or operator if the grantee's status as an owner or operator is based solely on the grantee's:

1) Execution of a grant agreement; or

2) Implementation of an approved project.

b) *The exclusion provided under subsection (a) shall not apply to any grantee who has caused or contributed to the release or threatened release of a hazardous substance or pesticide from the facility, and such grantee shall be subject to the provisions of the Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under Sections 22.2(f)* and 58.9 of the Act. (Section 22.2(h)(2)(H) of the Act)

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)