**Section 1501.310 Eligibility**

a) The following persons are eligible for reimbursement from the Fund for eligible remedial action costs:

1) For a facility that is an active drycleaning facility licensed at the time a remedial claim is submitted, the owner or operator of the drycleaning facility.

2) For a facility that is an inactive drycleaning facility at the time a remedial claim is submitted, an owner or operator of the inactive facility who was also the licensed owner or operator of the facility when it was an active drycleaning facility.

b) A completed *application for remedial action benefits must have been submitted to the Council on or before June 30, 2005*. [415 ILCS 135/40(d)]

c) In addition to the requirements of subsections (a) and (b), *an eligible claimant requesting reimbursement of eligible costs from the* Fund must *meet all of the following* requirements:

1) *The release was discovered on or after July 1, 1997 and before July 1, 2006.*

2) *The claimant demonstrates that the source of the release is from the claimant's drycleaning facility.*

3) *At the time the release was discovered by the claimant, the claimant and the drycleaning facility were in compliance with Agency reporting and technical operating requirements.*

4) *The claimant reported the release in a timely manner in accordance with State law.*

5) *The drycleaning facility site is enrolled in the Site Remediation Program established under Title XVII of the* EPAct*.*

6) *If the claimant is the owner or operator of an active drycleaning facility, the claimant must ensure* *the following:*

A) *All drycleaning solvent wastes generated at the drycleaning facility are managed in accordance with applicable State waste management laws and rules.*

B) *There is no discharge of wastewater from drycleaning machines, or of drycleaning solvent from drycleaning operations, to a sanitary sewer or septic tank or to the surface or in groundwater.*

C) *The drycleaning facility has a containment dike or other containment structure around each machine, item of equipment, drycleaning area, and portable waste container in which any drycleaning solvent is utilized, which is capable of containing leaks, spills, or releases of drycleaning solvent from that machine, item, area, or container. The containment dike or other containment structure* must *be capable of at least the following:*

i) *containing a capacity of 110% of the drycleaning solvent in the largest tank or vessel within the machine;*

ii) *containing 100% of the drycleaning solvent of each item of equipment or drycleaning area; and*

iii) *containing 100% of the drycleaning solvent of the largest portable waste container or at least 10% of the total volume of the portable waste containers stored within the containment dike or structure, whichever is greater.*

D) *Those portions of diked floor surfaces on which a drycleaning solvent may leak, spill, or otherwise be released are sealed or otherwise impervious.*

E) *All drycleaning solvent is delivered to drycleaning facilities by means of closed, direct-coupled delivery systems.* [415 ILCS 135/40(c)]

7) *An active drycleaning facility has maintained continuous financial assurance for environmental liability coverage in the amount of at least $500,000 at least since the date of award of benefits* from the Fund *or July 1, 2000, whichever is earlier*.

A) *An uninsured drycleaning facility that filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously* will *be considered to have conformed with the requirements of this* subsection (c)(7). *To conform with this requirement the* owner or operator *must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period.* [415 ILCS 135/40(c)(6)]

B) For remedial claim eligibility, an active drycleaning facility that obtains financial insurance for environmental liability, provided by Fund insurance coverage is considered to have maintained continuous financial insurance for environmental liability if the owner or operator maintained continuous insurance coverage throughout each program year, including payment of all insurance premiums within each calendar year of coverage. Continuous financial insurance will be considered maintained for this subsection (c)(7), even when a gap in insurance coverage occurs due to late renewal, if the insurance coverage is renewed within the coverage year within which the gap appears and all premiums due were paid during such coverage year.