**Section 1501.350 Claim Procedures**

a) All claims for reimbursement received by the Agency on or after January 17, 2023, must be reviewed in accordance with this Part. Claims received before that date must be reviewed in accordance with the rules in effect at the time of claim submission under 35 Ill. Adm. Code 1500. Except as provided in Section 77 of the DERT Fund Act, the Agency must not review or modify a final determination made by the Council or the Council’s contractor before July 1, 2020.

b) Budgets

1) To obtain approval of reimbursable remedial action costs, a claimant must submit a budget to the Agency for review and approval before beginning work. The Agency must not accept a budget unless a corresponding SRP plan has been submitted with the budget in compliance with 35 Ill. Adm. Code 740.

2) The budget must be submitted on forms and in a format prescribed by the Agency and must include, at a minimum, the following:

A) Identification of the claimant and the remediation site, including the following:

i) The full legal name, address and telephone number of the claimant, and any contact person to whom inquiries and correspondence should be addressed;

ii) The address, site name, tax parcel identification number or numbers, and Agency-issued site identification number for the remediation site and the date of acceptance into the SRP; and

iii) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the claimant.

B) Line-item estimates of the eligible remedial action costs for which the claimant will seek reimbursement, including the following:

i) Site investigation activities: drilling costs; physical soil analysis; monitoring well installation; soil and water disposal costs from drilling activities; and soil gas sampling.

ii) Sampling and analysis activities: soil analysis costs; groundwater analysis costs; soil gas analysis costs; and groundwater purge water disposal costs.

iii) Remedial activities: groundwater remediation costs; soil excavation and soil disposal costs; soil remediation costs; backfill costs; groundwater remediation costs; and installation of building control technologies.

iv) SRP plan and report preparation costs.

3) The original budget and one copy, both in paper form, must be mailed to the address designated by the Agency on the forms.

4) If, following the approval of a budget, the corresponding SRP plan is amended or the budget needs to be amended, the claimant must submit an amended budget for review in accordance with this Part.

5) The Agency must review the budget in conjunction with the corresponding SRP plan to determine whether the estimated costs submitted are eligible remedial action costs and whether the costs estimated for the activities are reasonable.

A) *To be eligible for* eventual *reimbursement from the Fund, costs must be within the range of usual and customary rates for similar or equivalent goods or services, incurred in performance of remediation work approved by the Agency, and necessary to respond to the release for which the claimant is seeking reimbursement from the Fund.* [415 ILCS 135/40(f)(8)]

B) The Agency’s budget review must consist of a detailed review of the costs associated with each element necessary to accomplish the response to the identified release under the EPAct and 35 Ill. Adm Code 740. Items to be reviewed must include costs associated with any materials, activities, or services that are included in the SRP plan. The claimant must demonstrate that all costs are within the range of usual and customary rates for similar or equivalent goods or services, incurred in performance of remediation work approved by the Agency, and necessary to respond to the release for which the claimant is seeking reimbursement from the Fund.

6) Upon completion of the review, the Agency must issue a letter to the claimant approving, disapproving, or modifying the remedial action costs submitted in the budget. The following procedures, at a minimum, apply regarding Agency determinations:

A) The Agency's budget determination must be provided in writing.

B) The Agency may combine the notification of its budget determination with the notification of its final determination on the corresponding SRP plan.

C) If costs in a budget are disapproved or approved with modification, the written notification of the Agency’s budget determination must contain the following:

i) An explanation of the specific type of information or documentation, if any, that the Agency finds the claimant did not provide;

ii) The reasons for the disapproval or modification; and

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

D) If the Agency disapproves an SRP plan or approves an SRP plan with conditions, in accordance with 35 Ill. Adm. Code 740, the Agency may return the corresponding budget to the claimant without review. If an amended SRP plan is submitted in response to the Agency’s action, the claimant may submit an amended budget for review. A claimant may also submit an amended budget in response to the Agency’s approval of an SRP plan with conditions.

E) The burden of proof is on the claimant in any review.

7) The Agency must not reimburse a cost from the Fund unless the corresponding work has been approved in an SRP plan in accordance with 35 Ill. Adm. Code Part 740 and the cost has been approved in a budget in accordance with the requirements of this Part.

c) Reimbursement Requests

1) After completing the work approved in an SRP plan with a corresponding approved budget, a claimant may submit a reimbursement request to the Agency for the work.

2) The reimbursement request must be submitted on forms and in a format prescribed by the Agency and must include, at a minimum, the following information:

A) Identification of the claimant and the remediation site, including:

i) The full legal name, address and telephone number of the claimant and any contact person to whom inquiries and correspondence should be addressed;

ii) The address, site name, tax parcel identification number or numbers, and Agency-issued site identification number for the remediation site and the date of acceptance of the site into the SRP; and

iii) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the claimant.

B) Line-item costs that the claimant incurred for the development and implementation of the SRP plan, including:

i) Site investigation activities: drilling costs; physical soil analysis; monitoring well installation; soil and water disposal costs from drilling activities; and soil gas sampling.

ii) Sampling and analysis activities: soil analysis costs; groundwater analysis costs; soil gas analysis costs; and groundwater purge water disposal costs.

iii) Remedial activities: groundwater remediation costs; soil excavation and soil disposal costs; soil remediation costs; backfill costs; groundwater remediation costs; and installation of building control technologies.

iv) SRP plan and report preparation costs.

C) All invoices, bills, and payment documentation related to the incurred line-item costs, above.

D) An IRS Form W-9 completed by the claimant.

E) A designation of the claimant’s address to which payment, if approved, and notice of final action on the request are to be sent.

3) The Agency must review the reimbursement request to determine whether the submitted actual costs fall within the previously approved budget, and otherwise comply with this Part, 35 Ill. Adm. Code 740, the EPAct, and the DERT Fund Act.

A) *To be eligible for reimbursement from the Fund, costs must be within the range of usual and customary rates for similar or equivalent goods or services, incurred in performance of remediation work approved by the Agency, and necessary to respond to the release for which the claimant is seeking reimbursement from the Fund* [415 ILCS 135/40]*.*

B) The Agency's review may include a review of any or all elements and supporting documentation relied upon by the claimant in developing the reimbursement request, including a review of invoices or receipts supporting all claims. The review also may include the review of any plans, budgets, or reports previously submitted for the site to ensure that the request is consistent with work proposed and actually performed in conjunction with the site.

C) Costs must be less than or equal to the costs approved in the corresponding budget. The Agency must not reimburse for costs in excess of approved eligible costs.

D) Work crossing multiple line-items, as well as transferring funds between line-items, is prohibited.

4) Upon completion of the review, the Agency must issue a letter to the claimant approving, denying, or modifying the remedial action costs submitted in the reimbursement request. The following considerations apply regarding Agency determinations:

A) The Agency's reimbursement request determination must be provided in writing. The Agency's determination will be considered to have been made on the postmarked date that the written determination is mailed.

B) If a reimbursement request is denied or approved with modification, the written notification must contain the following:

i) An explanation of the specific type of information or documentation, if any, that the Agency finds the claimant did not provide;

ii) The reasons for the disapproval or modification of the remedial action costs requested; and

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

C) The burden of proof is on the claimant in any review.

5) All reimbursement requests must be submitted to the Agency within one calendar year following the date the Agency issues a No Further Remediation Letter for the release. The Agency must not pay reimbursement requests submitted more than one calendar year after the date the Agency issues a No Further Remediation Letter under Subpart F of 35 Ill. Adm. Code 740.

d) Payment

1) After issuing a letter approving or approving with conditions a reimbursement request the Agency must forward a voucher to the Illinois Office of the Comptroller for payment.

2) The Agency must not forward a voucher to the Illinois Office of the Comptroller unless sufficient funds are available to issue reimbursement in the full amount of the voucher.

3) If the Agency determines that insufficient funds remain to issue full reimbursement, the Agency must prioritize the approved reimbursement according to Section 1501.340 and notify affected claimants in writing.

4) When the Agency determines that full funds are available for reimbursement, the Agency must prepare vouchers for payment as follows:

A) Any deductible, under Section 1501.320, must be subtracted from any amount approved for payment by the Agency.

B) The Agency must request that the Illinois Office of the Comptroller issue payment to the claimant at the address designated in accordance with Section 1501.350(c)(2)(E). The Agency must not authorize the Illinois Office of the Comptroller to issue payment to an agent, designee, or entity that has conducted remedial action activities for the claimant.