**Section 1501.410 Eligibility**

a) *An owner or operator, subject to the terms and conditions* of the DERT Fund Act and this Part, *may purchase* environmental liability *coverage* under the Fund if:

1) *a site investigation designed to identify soil and groundwater contamination resulting from the release of a drycleaning solvent has been completed for the drycleaning facility to be insured and the site investigation has been found adequate by the Council before July 1, 2020 or by the Agency on or after that date;*

2) *the drycleaning facility is participating in and meets all drycleaning compliance program requirements adopted by the Board pursuant to Section 12 of* the DERT Fund *Act;*

3) *the drycleaning facility to be insured is licensed under* Subpart B *and all fees due under that* Subpart *have been paid;*

4) *the owner or operator of the drycleaning facility to be insured provides proof to the Agency that:*

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

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

C) *The 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, that is capable of containing leaks, spills, or releases of drycleaning solvent from that machine, item, area, or container, including:*

i) *100% of the drycleaning solvent in the largest tank or vessel;*

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

iii) *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 at the facility on which a drycleaning solvent may leak, spill, or otherwise be released are sealed or otherwise impervious;*

E) *All drycleaning solvent is delivered to the facility by means of closed, direct-coupled delivery systems;*

F) *The drycleaning facility is in compliance with* subsection (a)(2); and

5) *The owner or operator of the drycleaning facility to be insured has paid all insurance premiums for insurance covered provided under* the Fund. [415 ILCS 135/45(d)]

BOARD NOTE: As of the enactment of Section 1501.410(a)(2), the Board has not adopted drycleaning compliance program requirements under Section 12 of the DERT Fund Act.

b) Application for Environmental Liability Coverage

1) All eligible owners or operators seeking or renewing insurance coverage from the Fund must apply for annual insurance coverage on forms and in a format prescribed by the Agency.

2) Annual insurance coverage applications and premium payments should be submitted to the Agency at least 90 calendar days before the expiration of the current coverage to allow sufficient time for Agency review and processing.

3) The Agency must process an annual insurance coverage application upon receipt of:

A) a properly completed insurance coverage application form, including any required attachments or certifications; and

B) payment of the annual premium or the first semi-annual premium under Section 1501.420.

4) The Agency must not process an annual insurance coverage application unless payment of the annual premium or the first semi-annual premium has been received.

5) The Agency must allow a grace period of 60 calendar days for payment of the annual premium or the first semi-annual premium. The grace period will begin on the due date for the annual premium or the first semi-annual premium as stated in Section 1501.420(a)(3). Full payment of the annual premium or the first semi-annual premium due is required regardless of the date on which the premium is paid.

A) If the annual premium or the first semi-annual premium is paid within the grace period, insurance coverage must be issued retroactive to the due date for the annual premium or the first semi-annual premium stated in Section 1501.420(a)(3).

B) If the annual premium or the first semi-annual premium is not paid within the grace period above, insurance coverage will not begin until the date on which the Agency receives the annual premium or the first semi-annual premium payment.

6) The Agency must allow a grace period of 60 calendar days for payment of second semi-annual premiums. The grace period will begin on the due date for the second semi-annual premium as stated in Section 1501.420(a)(3). Full payment of the second semi-annual premium due is required regardless of the date on which the premium is paid.

A) If the second semi-annual premium is paid within the grace period above, insurance coverage for the second six calendar months of coverage will continue retroactive to the due date for the second semi-annual premium specified in Section 1501.420(a)(3).

B) If the second semi-annual premium is not paid within the grace period above, insurance coverage during the second six calendar months of coverage will not begin until the date the second semi-annual premium payment is received by the Agency.

7) After processing the insurance coverage application, the Agency must send a letter to the owner or operator acknowledging coverage and providing the dates of coverage.

8) The Agency must not authorize payments for costs relating to any release that occurs outside the dates of coverage.