

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 660

PROCEDURES FOR ISSUING GRANTS FOR THE FINANCING AND CONSTRUCTION

OF PUBLIC WATER SUPPLY FACILITIES

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AUTHORITY: Implementing and authorized by Sections 4(v) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 ½, par. 1004(v), as added by P.A. 85-288, effective September 8, 1987).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 19792, effective November 20, 1987, for a maximum of 150 days; adopted at 12 Ill. Reg. 9018, effective May 13, 1988.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: INTRODUCTION

Section 660.101 Purpose

- a) Section 4(v) of the Environmental Protection Act (Ill. Rev. Stat. 1986 Supp., ch. 111 1/2, par. 1004(v), as added by P.A. 85-288, effective September 8, 1987) authorizes the Illinois Environmental Protection Agency ("Agency") TO DISTRIBUTE GRANTS SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, TO UNITS OF LOCAL GOVERNMENT FOR FINANCING AND CONSTRUCTION OF PUBLIC WATER SUPPLY FACILITIES. WITH RESPECT TO ALL MONIES APPROPRIATED FROM THE BUILD ILLINOIS BOND FUND OR THE BUILD ILLINOIS PURPOSES FUND FOR PUBLIC WATER SUPPLY GRANTS, SUCH GRANTS SHALL BE MADE IN ACCORDANCE WITH RULES PROMULGATED BY THE AGENCY.
- b) The rules set forth in this Part constitute the procedures which apply to any grant to units of local government for financing and construction of public water supply facilities.

Section 660.102 Definitions

Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 ½, pars. 1001 et seq., as amended) ("the Act"), 35 Ill. Adm. Code 661.102, and 35 Ill. Adm. Code 601.

Section 660.103 Severability

If any provision of this Part or the application thereof to any person or in any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

SUBPART B: PROCEDURES

Section 660.201 General

- a) The Agency will not award a grant unless an appropriation has been made for the project by the General Assembly and approved by the Governor.
- b) The Agency will award grants to fund only allowable, eligible project costs as described in 35 Ill. Adm. Code 661.701.

Section 660.202 Applications for Grants Under Section 4(v) of the Act

- a) Applicants shall apply for grants on forms prescribed by the Agency.
- b) Except as provided otherwise in Section 660.203, the Agency will not award a grant unless the applicant:
 - 1) Applies for the grant on forms prescribed by the Agency; and
 - 2) Provides the documents described in subsection (c).
- c) Each applicant shall submit the following documents to the Agency:
 - 1) A general description of the type and location of the proposed project.
 - 2) A description of the proposed project, including but not limited to an estimate of the project cost and a proposed schedule for project completion.
 - 3) The applicant's signature on forms prescribed by the Agency certifying that the applicant possesses the necessary legal, financial (cash, bonds, and other financial instruments) institutional and managerial resources to insure:
 - A) Compliance with 35 Ill. Adm. Code 661; and
 - B) The construction, operation, and maintenance of the proposed project.
 - 4) All proposed contract documents, subcontracts, agreements, and subagreements for performance of any portion of the project work except for small purchases as described in 35 Ill. Adm. Code 661.302(m). Such documents must be prepared in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 661.

- 5) Construction drawings and specifications developed in accordance with 35 Ill. Adm. Code 661.
- 6) Proof that:
 - A) The applicant has submitted the proposed project to the Illinois State Clearinghouse and the Illinois Historic Preservation Agency; and
 - B) No objection to the proposed project has been made by any agency participating in the Illinois State Clearinghouse or by the Illinois Historic Preservation Agency.
- 7) The applicant's proposed system of user charges developed in accordance with 35 Ill. Adm. Code 661.407.

Section 660.203 Deferral of Document Submission

- a) Upon written request of the applicant, the Director will defer the submission of any or all of the documents described Section 660.201(c)(2) through (c)(7) if the Director finds in writing that such documents are not needed for purposes of awarding the grant.
- b) As a special condition of the grant, the Director shall establish a schedule consistent with 35 Ill. Adm. Code 661.401 for the submission by the grantee of any document deferred under subsection (a).
- c) The Agency shall not grant approval of formal advertising under 35 Ill. Adm. Code 661.302(e) until all documents deferred under subsection (a) have been submitted to the Agency.