

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE O: RIGHT TO KNOW  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 1662

RIGHT-TO-KNOW NOTICE COSTS

**Section**

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**AUTHORITY:** Implementing Section 25d-3(d) and authorized by Section 25d-7(b) of the Environmental Protection Act [415 ILCS 5/25d-3(d) and 25d-7(b)].

**SOURCE:** Adopted at 30 Ill. Reg. 17409, effective October 23, 2006.

**Section 1662.100 Purpose**

This Part sets forth costs for which persons may be liable to the State under Section 25d-3(d) of the Act.

**Section 1662.105 Applicability**

The costs set forth in this Part may be collected from any person who is:

- a) a responsible party with respect to the release or substantial threat of release for which notice is given pursuant to Section 25d-3 of the Act; or
- b) a remedial applicant that has agreed to such costs under 35 Ill. Adm. Code 740.305(a)(6) when the Agency has determined that notice must be given pursuant to Section 25d-3 of the Act.

**Section 1662.110 Definitions**

“Act” means the Environmental Protection Act [415 ILCS 5].

“Agency” is the *Environmental Protection Agency established by the Environmental Protection Act*. (Section 3.105 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. These costs include, but are not limited to, costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Indirect costs" means those costs incurred by the Agency that cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

*"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. (Section 3.315 of the Act)*

"Personnel costs" means costs relative to the employment of individuals by the Agency. These costs include, but are not limited to, hourly wages and fringe benefits.

"Professional and artistic services contractual costs" means costs of consultants and contractors used by the Agency to perform services related to the Agency's obligation to give notice pursuant to Section 25d-3 of the Act.

#### **Section 1662.115 Severability**

If any provision of this Part or its application to any person or under any circumstance is adjudged invalid, that adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid.

#### **Section 1662.120 Right-To-Know Notice Costs**

- a) Responsible parties and remedial applicants are liable for the following costs incurred by the Agency in giving the notice pursuant to Section 25d-3 of the Act:
  - 1) Personnel costs;
  - 2) Agency travel costs;
  - 3) Site evaluation costs, including, but not limited to, costs associated with reviewing plans, reports, photographs and maps;
  - 4) File creation costs, including, but not limited to, costs associated with imaging, duplicating, indexing, quality assurance, and identifying documents exempt from public view;

- 5) Information systems costs, including, but not limited to, costs associated with internet posting, document scanning, and database creation;
  - 6) Document repository costs;
  - 7) Meeting costs, including, but not limited to, costs associated with public meetings, hearings, and special meetings;
  - 8) Postage costs, including, but not limited to, direct mail and special courier;
  - 9) Press services costs, including, but not limited to, costs associated with publishing and broadcasting;
  - 10) Correspondence costs, including, but not limited to, costs associated with document preparation;
  - 11) Professional and artistic services contractual costs;
  - 12) Other contractual costs; and
  - 13) Indirect costs.
- b) For purposes of this Part, costs will begin to accrue on the date the Agency determines that notice is required under Section 25d-3 of the Act.

**Section 1662.125 Request for Payment**

The Agency shall prepare a written request for payment for costs incurred in providing the notice pursuant to Section 25d-3 of the Act. Costs shall be documented, and the documentation shall be made available to the responsible party or remedial applicant upon written request.

**Section 1662.130 Submittal of Payment**

- a) Payments for costs incurred by the Agency in providing the notice pursuant to Section 25d-3 of the Act must be submitted to the Agency within 45 days after receipt of the Agency's written request for payment.
- b) If payment is not received in full by the due date specified in subsection (a), the Agency may initiate other action, including, but not limited to:
  - 1) Referral to the State Comptroller's Offset System pursuant to the State Comptrollers Act [15 ILCS 405];
  - 2) Referral to the Department of Revenue's Debt Collection Bureau pursuant to the Illinois State Collection Act [30 ILCS 210]; and/or
  - 3) Agency enforcement as authorized by the Act.

**Section 1662.135 Manner of Payment**

- a) Payment must be made by check or money order. The check or money order must identify the site name and address, Illinois inventory identification number, and Federal Employer Identification Number or Social Security Number of the

responsible party or remedial applicant. Payment must be mailed or delivered to the address designated by the Agency in the written request for payment. Payments that are hand-delivered must be delivered during the Agency's normal business hours.

- b) Pursuant to Section 25d-3(d) of the Act, the check or money order must be made payable to "Treasurer - State of Illinois, For Deposit in the Hazardous Waste Fund" for all moneys paid to the State for costs related to releases and substantial threats of release of hazardous substances, pesticides, and petroleum, other than releases and substantial threats of release of petroleum from underground storage tanks subject to Title XVI of the Act.
- c) Pursuant to Section 25d-3(d) of the Act, the check or money order must be made payable to "Treasurer - State of Illinois, For Deposit in the Underground Storage Tank Fund" for all moneys paid to the State for costs related to releases and substantial threats of release of petroleum from underground storage tanks subject to Title XVI of the Act.