

Proposed Procedures and Standards for Administering the Brownfields Site Restoration Program Go To First Notice

On July 10, 2003, the Illinois Pollution Control Board adopted, with modifications, a first notice opinion and order in the rulemaking entitled Brownfields Site Restoration Program, Amendments to 35 Ill. Adm. Code 740, (R03-20). The Illinois Environmental Protection Agency (IEPA) filed this rulemaking to establish procedures and standards for administering the Brownfields Site Restoration Program (BSRP). A “brownfields” site is real property with “actual or perceived contamination and an active potential for redevelopment.” 415 ILCS 5/58.2 (2002).

The BSRP was created by amendments to Title XVII of the Environmental Protection Act (ACT) (415 ILCS 5/58.15(B)(2002); *see* P.A. 92-0715, eff. July 23, 2002). The BSRP offers reimbursement by the State for the costs of voluntary remediation of contamination at an “abandoned” or “underutilized” property, so long as the remediation would lead to a “net economic benefit” to the State. The proposed amendments would add a new Subpart I to the Board’s Site Remediation Program.

Under the proposed BSRP, the IEPA would administer the program and its decision could be appealed to the Board. The Department of Commerce and Economic Opportunity, formerly the Department of Commerce and Community Affairs, would determine whether applicants are eligible for BSRP, and the maximum amount of potential reimbursement.

The Board held two hearings in R03-20. The new procedures and standards proposed for first notice will be published in the *Illinois Register* on July 25, 2003. Publication will begin an additional public comment period, which will last at least 45 days. Anyone may file public comments on the first-notice amendments. The comment should contain the rulemaking caption and docket number (R03-20) and be sent to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601

For more information, please contact Hearing Officer Amy Antonioli at (312) 814-3665 or by e-mail at antonioa@ipcb.state.il.us.