

Board Sends Proposed Procedures and Standards for Administering the Brownfields Site Restoration Program To Second Notice

The Illinois Pollution Control Board on November 6, 2003, adopted a second notice opinion and order in the rulemaking entitled Brownfields Site Restoration Program, Amendments to 35 Ill. Adm. Code 740, (R03-20). The proposed rule adopted for second notice is substantively unchanged from that adopted by the Board in July. 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. Opinions and orders of the Board, hearing transcripts, and other documents in this rulemaking record are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office at 312-814-3629, or by writing to the Clerk’s office:

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