

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 887
GREEN ILLINOIS COMMUNITIES PROGRAM GRANTS

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AUTHORITY: Implementing and authorized by Section 4(k) of the Environmental Protection Act [415 ILCS 5/4(k)] and Executive Order Number 7 (2000) (24 Ill. Reg. 7751) as amended by Executive Order Number 9 (2001) (25 Ill. Reg. 9723).

SOURCE: Adopted at 25 Ill. Reg. 16361, effective December 17, 2001.

SUBPART A: GENERAL PROVISIONS

Section 887.100 Purpose

The purpose of this Part is to set forth regulations for the administration of grants made by the Illinois Environmental Protection Agency under the Green Illinois Communities Program established in Executive Order Number 7 (2000) (24 Ill. Reg. 7751) as amended by Executive Order Number 9 (2001) (25 Ill. Reg. 9723).

Section 887.105 Definitions

Unless specified otherwise, all terms shall have the meanings set forth in the Illinois Environmental Protection Act [415 ILCS 5]. Additionally, for purposes of this Part, the following definitions apply:

“Agency” means the Illinois Environmental Protection Agency.

“Applicant” means a community or its representative that applies for a Green Illinois Communities Program grant.

“Appropriately scaled watershed” means a watershed no greater than 150,000 acres in size.

“Community” means, but is not limited to, one or more local governments, a neighborhood within a large city, an appropriately scaled watershed, or some other specific geographic area with which people identify or share common interests.

“Community environmental visioning process” means an inclusive process by which a community produces an environmental vision and identifies strategies for achieving the environmental vision. The visioning process must bring together varied interests in the community to identify the community’s environmental assets, evaluate changing conditions and build collective approaches to improve the environment of the community.

“Community Visioning Facilitator” means an individual who possesses skills and experience in designing an effective community visioning process, recruiting and keeping individuals in the community involved in the process, and facilitating large meetings of diverse stakeholders.

“Environmental vision” means a statement, description or graphic depiction of a desired environmental state a community desires to achieve 20 to 30 years in the future.

“Grant” means a Green Illinois Communities Program grant.

“Grant agreement” means the written grant agreement documents, and any amendments, signed by both the Agency and a grantee, in which the terms and conditions governing the grant are stated and agreed to by both parties.

“Grantee” means a community or its representative that has been awarded a Green Illinois Communities Program grant.

“Green Illinois Communities Program grant” means a grant awarded by the Agency pursuant to Executive Order and Proclamation 2000-7 and Subpart B of this Part.

“Matching funds” means a cash or in-kind contribution to the community environmental visioning process, other than the requested grant.

“Partner” means a party, other than the applicant, that provides matching funds to support the visioning process.

“State” means the State of Illinois.

“Visioning process” means the community environmental visioning process.

Section 887.110 Severability

If any Section, subsection, sentence or clause of this Part is adjudged unconstitutional, void, invalid, or otherwise unlawful, such adjudication shall not affect the validity of this Part as a whole, or any Section, subsection, sentence, or clause not adjudged unconstitutional, void, invalid, or otherwise unlawful.

SUBPART B: GREEN ILLINOIS COMMUNITIES PROGRAM GRANTS

Section 887.200 Scope and Availability of Grants

- a) Subject to the availability of funding for grant awards and the limitations and requirements set forth in this Part, grant assistance is available to communities to effect a community environmental visioning process.
- b) Grants shall be awarded on a competitive basis.
- c) Grants are limited to a maximum of \$125,000. No community shall receive more than one grant under this Part.

Section 887.205 Grant Assistance Criteria

- a) Criteria for awarding grants shall include, but is not limited to, the following:
 - 1) The community commits to developing an environmental vision through a visioning process that is led by a community visioning facilitator;
 - 2) The visioning process has support from a broad mix of parties in the community, as demonstrated by letters of commitment or support from the parties;
 - 3) The community identifies the long-term environmental and civic infrastructure benefits it expects to receive from the visioning process. For the purposes of this subsection (a)(3) and Section 887.210(c)(1)(C) of this Part, the term “civic infrastructure” means the relationships, abilities and skills within the community that the community can utilize to address local issues; and
 - 4) The community will use the visioning process to address at least four of the following environmental issues:
 - A) Clean air, including but not limited to the reduction of emissions into the air from businesses, government entities and citizens;
 - B) Quality water, including but not limited to the protection of surface water and groundwater resources, the reduction of pollutant discharges, and the restoration of aquatic habitats;
 - C) Waste reduction, including but not limited to the reduction of solid waste and hazardous waste through source reduction, re-use and recycling alternatives;
 - D) Efficient resource use, including but not limited to the conservation of energy, water and materials, and the use of renewable energy;
 - E) Parks and recreational areas, including but not limited to the development of community parks or recreational areas, bike trails, walking trails, and green ways;
 - F) The protection and restoration of natural areas, including but not limited to the protection, restoration and enhancement of natural habitats, wetlands, woodlands, forests, stream corridors, river corridors and open spaces;
 - G) Environmental education, including but not limited to the

development of environmental stewardship and leadership through greater public awareness, volunteering and educational activities;

- H) Compatible development strategies, including but not limited to strategies that preserve agricultural lands and open spaces through cluster, mixed use and other sustainable development practices; or
- I) An environmental issue facing the community as a whole, other than those listed in subsections (a)(4)(A) through (H).

b) The Agency may also consider the following when awarding grants:

- 1) The characteristics of the community, including but not limited to its geographic location and any distinguishing features or attributes;
- 2) Matching funds committed to the visioning process; and
- 3) The qualifications and accomplishments of the key personnel that will be involved in coordinating or managing the visioning process.

c) Subject to the applications received, the Agency shall award grants to communities of different sizes and characteristics. Communities selected to receive grant awards may include, but are not limited to, the following:

- 1) An inner-city neighborhood located in a municipality with a population of greater than 100,000;
- 2) A growing suburban municipality located in a county with a population of greater than 250,000.
- 3) A community with a total population of greater than 20,000 but less than 125,000;
- 4) A community with a total population of 20,000 or less;
- 5) An appropriately-scaled watershed area; and
- 6) A specific geographic area with which people identify or share common interests other than those identified in subsections (c)(1) through (5).

Section 887.210 Applications for Grants

- a) To be considered for a Green Illinois Communities Program grant, an applicant must file one original and six copies of a complete application with the Agency in accordance with the requirements of this Section.

- b) Grant applicants must submit a grant application in a format prescribed by the Agency. Applications may be obtained from, and must be submitted to:

Green Illinois Communities Program
Illinois Environmental Protection Agency
Office of Pollution Prevention
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-8700

- c) A complete grant application shall include:

- 1) Information about the community:

- A) Information identifying the community, including but not limited to its geographic boundaries, its total population and any distinguishing features or attributes;
- B) A description of any environmental issues the community is currently addressing; and
- C) The reasons why the community desires to undertake a community environmental visioning process, and the long-term environmental and civic infrastructure benefits the community expects to receive from the visioning process. (See Section 887.205(a)(3) of this Part for the meaning of “civic infrastructure”.)

- 2) Information about the applicant:

- A) A brief description of the applicant, including but not limited to its history, function and legal status. In order to receive a grant, applicants must have a taxpayer identification number;
- B) Any sources of funding committed to the visioning process other than the requested grant;

AGENCY NOTE: Matching funds are not required, but a match of five to ten percent of the requested grant amount is encouraged to help support and strengthen the community’s “ownership” of the visioning process.

- C) If the community consists of more than one municipality, more than one county, a neighborhood, a watershed or another defined geographic area, letters of support from the units of local government that have jurisdiction over the area that will be addressed in the visioning process;

- D) If the application is for a neighborhood, letters of support from the mayor's office and/or the planning department that has jurisdiction over the area that will be addressed in the visioning process; and
 - E) A letter no more than one page in length from each party involved in the visioning process, other than the applicant, that explains the party's anticipated role in the visioning process.
- 3) Information about the persons who will carry out the visioning process for the community:
- A) The names of any partners and a description of their role in the visioning process;
 - B) The names of key personnel that will be involved in the visioning process, a description of their job titles and work assignments with respect to the visioning process, and a description of their work experience and qualifications; and
 - C) The name, address, telephone number, fax number and e-mail address of a person who will serve as the community's liaison with the Agency.
- 4) The grant amount requested and a budget, in a format prescribed by the Agency, outlining the expenses that will be incurred in completing the visioning process. All amounts must be rounded to the nearest dollar and all percentages must be carried to one decimal place. The budget must include, but is not limited to, the following:
- A) All matching funds committed to the visioning process at the time the application is submitted;
 - B) Personnel costs for completion of the visioning process, including but not limited to line item estimates of each person's salary, social security benefits, employer paid retirement benefits, employer paid health benefits and travel costs;
 - C) Line item estimates of supplies, software tools and printing costs necessary for the visioning process; and
 - D) All other direct costs.

AGENCY NOTE: Grant funds must be expended or legally obligated within two years after the effective date of the grant agreement. Any grant funds not expended or legally obligated within two years must be returned

to the Agency. See Section 887.240(b) of this Part.

Section 887.215 Agency Action on Application

- a) Grant awards are subject to the availability of funding for Green Illinois Communities Program grants.
- b) The Agency shall publish deadlines for the submission of grant applications in the Illinois Register. The notice for a deadline shall appear in the Illinois Register not less than 45 days prior to the deadline.
- c) The Agency shall review applications after the published deadline. The Agency shall reject applications that are incomplete or were not received on or before the published deadline.
- d) The Agency shall, in writing and no more than 90 days after the published deadline, notify each applicant with a pending complete application of the following:
 - 1) If funding for a grant award is available, the applicant's selection or rejection for a grant award; or
 - 2) If funding for a grant award is not available, the unavailability of grant assistance.
- e) Communities cannot obtain grant assistance by default due to the Agency's failure to act within the time frame set forth in subsection (d) of this Section.

Section 887.220 Grant Award Acceptance

No more than 30 days after a grantee receives notification of a grant award, the grantee shall notify the Agency in writing of its acceptance or non-acceptance of the grant award. If the grantee fails to notify the Agency within 30 days, the grant award shall be null and void.

Section 887.225 Grant Agreements

- a) Upon receipt of the grantee's written acceptance of a grant award, the Agency shall send the grantee formal grant agreement documents, including but not limited to the following:
 - 1) A grant agreement to be signed by the Agency and the grantee; and
 - 2) A form on which the grantee is to state its legal status and federal taxpayer identification number.
- b) The Agency shall not sign a grant agreement until the agreement has been signed

by the grantee. The grant shall take effect on the date it is signed by the Agency.

- c) Once signed by both the Agency and the grantee, the grant agreement, comprised of the written grant agreement documents and any amendments to those documents, shall govern the grant in addition to this Part.
- d) The Agency shall keep the originals of all grant agreement documents and provide copies to the grantee.

Section 887.230 Amendments to Grant Agreements

- a) The grant agreement may be amended only by a written amendment signed and dated by the Agency and the grantee. The Agency shall not sign an amendment until the amendment has been signed by the grantee. An amendment shall take effect on the date it is signed by the Agency.
- b) The grantee may request an amendment to the grant agreement by submitting an amended grant application to the Agency prior to the completion of the visioning process. Requested amendments may include, but are not limited to, the following:
 - 1) Altering the scope of the visioning process (e.g., by changing methodologies or personnel to be used);
 - 2) Extending the completion date for the visioning process; or
 - 3) Changing the community visioning facilitator.

The Agency shall, in writing and within 90 days after its receipt of an amended grant application, notify the grantee of its approval or rejection of the requested amendment.

- c) The Agency shall not approve an amendment to the grant agreement that will result in a violation of this Part or an increase in the grant award.

Section 887.235 Cost Criteria

- a) Grant award funds may be used for costs meeting the following criteria:
 - 1) Costs within the scope of the visioning process;
 - 2) Costs that are reasonable and necessary for completion of the visioning process, including but not limited to costs for personnel, travel, supplies, software tools, printing, and public involvement and outreach activities;
 - 3) Costs totaling up to, but not exceeding, the total amount of the grant

award; and

- 4) Costs incurred on or after the effective date of the grant agreement.
- b) Costs for which grant funds may not be used because they are not necessary for completion of the visioning process include, but are not limited to, the following:
- 1) Costs associated with a site investigation, corrective action, restoration, or any other remedial activity required pursuant to federal, State or local law or regulation;
 - 2) General operating costs such as telephone, other utilities and other costs not directly incurred as visioning process costs;
 - 3) Purchase or rental of vehicles or office space, structures or other real estate;
 - 4) Costs incurred prior to the effective date of the grant agreement, including costs associated with seeking and applying for the grant;
 - 5) Costs of implementing an environmental vision developed through the visioning process; or
 - 6) Interest or finance costs charged as direct costs.

Section 887.240 Grant Payment

- a) The Agency shall disburse the grant award to the grantee in lump sums according to the following schedule:
- 1) Fifty percent of the total grant award shall be disbursed upon execution of the grant agreement by the grantee and the Agency.
 - 2) When the visioning process is at least fifty percent complete, the Agency and the grantee shall meet to discuss the status of the visioning process. Forty percent of the total grant award shall be disbursed upon confirmation by the Agency that the visioning process is at least fifty percent complete and execution by the grantee and the Agency of any grant agreement amendments necessary for the completion of the visioning process.
 - 3) Ten percent of the total grant award shall be disbursed upon the Agency's receipt and approval of the final report required under Section 887.245(f) of this Part.
- b) Grant funds must be expended or legally obligated within two years after the

effective date of the grant agreement. Any grant funds not expended or legally obligated within two years must be returned to the Agency within 45 days after the end of the two year period.

- c) If there are sufficient funds to pay the portion of the grant award due, the Agency shall disburse the amount due by sending a voucher for payment to the Comptroller's office.
- d) If there are not sufficient funds to pay the portion of the grant award due, the Agency shall so notify the grantee within 90 days after the applicable time for disbursement set forth in subsection (a) of this Section. When sufficient funds become available, the Agency shall make disbursements in the order they are due.

Section 887.245 Grantee Responsibilities

- a) Prior to contracting with a Community Visioning Facilitator, the grantee must submit to the Agency documentation demonstrating that the facilitator has the minimum qualifications for a "Community Visioning Facilitator" as set forth in Section 887.105 of this Part.
- b) Within 45 days after contracting with a Community Visioning Facilitator, the grantee must submit to the Agency a timeline for the visioning process. The timeline must show each task that will be performed in completing the visioning process and the key personnel associated with each task.
- c) The grantee must develop an environmental vision and strategies for achieving the environmental vision through a community environmental visioning process that is led by a Community Visioning Facilitator.
- d) As part of the visioning process the grantee must form a stakeholder group that, to the greatest extent practicable, includes representatives from all segments of the community, represents the community's diversity in terms of age, race, gender, location of residence and location of employment, and includes persons, groups and organizations that traditionally have not participated in community planning.
 - 1) Community sectors that should be considered when forming the stakeholder group include, but are not limited to: agriculture, banking, chambers of commerce, commercial clubs, churches, civic organizations, community improvement or betterment groups, elderly citizens, health care, industry, libraries, local development organizations, local government, real estate, residents, retail business, schools, utilities and youth.
 - 2) The stakeholder group shall form the core planning group for the visioning process and, with input from the community, perform a community self-evaluation, create the community's environmental vision and develop

strategies for achieving the environmental vision.

- e) The grantee must, to the greatest extent practicable, keep persons from all segments of the community involved in the visioning process and solicit input from all persons in the community. Methods of soliciting input may include, but are not limited to, surveys, focus groups, community forums and flyers.
- f) The grantee must, to the greatest extent practicable, keep all segments of the community informed of the progress and status of the visioning process. Methods of providing information about the visioning process include, but are not limited to, a speaker's bureau, articles in a local paper, leaflets, mailings, newsletters, public service announcements, information booths, press releases and web sites.
- g) The grantee must submit quarterly progress reports to the Agency during the term of the grant. Each report shall contain a short narrative of the activities performed during the quarter, the dates each activity was performed and an accounting of all grant funds expended during the quarter.
 - 1) The reports shall cover the following time periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.
 - 2) Reports are due within 30 days after the end of the reported quarter.
- h) At the completion of the visioning process the grantee must submit a detailed final report to the Agency that can be made available to other communities for guidance. The final report must include, but is not limited to, the following:
 - 1) A description of the methods used to encourage residents of the community to participate in the visioning process and a discussion of their participation;
 - 2) A characterization of the community's environmental strengths and challenges, along with forces and trends that may impact the community's environment in the future;
 - 3) The environmental vision developed by the community;
 - 4) The strategies developed by the community to achieve its environmental vision;
 - 5) Identification of benchmarks that can be used to measure the community's progress toward achieving its environmental vision;
 - 6) A discussion of the successful and unsuccessful aspects of the visioning process; and

- 7) A summary of the costs incurred in completing the visioning process.
- i) If the grantee fails to timely submit a quarterly progress report or a final report, the Agency may impose any of the sanctions set forth in Subpart C of this Part.

Section 887.250 Evaluation of Performance

The Agency shall oversee each grantee's performance in the following manner:

- a) The Agency shall evaluate the grantee's performance and progress toward completing the approved visioning process.
- b) If the Agency's evaluation reveals the grantee is not in compliance with this Part, or one or more of the terms, conditions or limitations of the grant agreement, the Agency shall attempt to resolve the situation through negotiation with the grantee. The Agency and the grantee shall memorialize any settlement in writing as an amendment to the grant agreement in accordance with Section 887.230 of this Part. If a resolution is not achieved, the Agency may impose any of the sanctions set forth in Subpart C of this Part.

SUBPART C: NONCOMPLIANCE WITH GRANT CONDITIONS

Section 887.300 Agency Action for Noncompliance with Grant Conditions

- a) In addition to such other remedies as may be provided by law, in the event of noncompliance with any condition imposed pursuant to a grant or other violation of a grant agreement or this Part, the Agency may:
 - 1) Revoke the grant and recover all grant funds disbursed;
 - 2) Terminate the grant;
 - 3) Suspend all visioning process work; or
 - 4) Take such other action as the Agency is authorized to take.
- b) No action shall be taken under this Section without prior oral or written consultation with the grantee.
- c) In determining whether to take action and which action to take under this Section, the Agency shall consider, but not be limited to, the following factors:
 - 1) The severity of the violation;
 - 2) The number of violations;

- 3) Whether a violation is a continuing one;
 - 4) Whether the grantee can remedy a violation; and
 - 5) Whether the grantee remains capable of complying with the grant agreement and this Part in completing the visioning process.
- d) Recovery actions under this Section shall be taken pursuant to the Illinois Grant Funds Recovery Act [30 ILCS 705].

Section 887.305 Termination by Grantee

- a) The grantee may request the termination of an incomplete visioning process for which a grant has been awarded only for good cause. Good cause shall include, but is not limited to, a change in Green Illinois Communities Program requirements or priorities, or a lack of adequate funding to pay grant awards.
- b) The Agency shall review the grantee's request to terminate a visioning process and, no more than 90 days after the date of receipt of the request to terminate, make a finding as to good cause.
- c) If the Agency finds the grantee's request to terminate the visioning process is for good cause, it shall terminate the grant. The termination shall be effective upon the date the Agency received the grantee's written request to terminate the visioning process. Within 45 days after its receipt of the Agency's written notification of termination, the grantee must return to the Agency all grant funds not expended or legally obligated as of the effective date of the termination and provide an accounting of all grant funds expended or legally obligated.
- d) If the Agency finds the grantee's request to terminate the visioning process is without good cause, the Agency shall revoke the grant. Within 45 days after its receipt of the Agency's written notification of revocation, the grantee must return to the Agency all grant funds disbursed to the grantee.

Section 887.310 Stop-Work Orders

- a) The Agency may, for any violation of this Part, issue a written stop-work order requiring the grantee to stop any or all of the visioning process work. The stop order shall be effective for a period of not more than 30 days from the date of the order, or for any further period to which the grantee and the Agency may agree in writing. The Agency shall include in any stop-work order a list of the visioning process activities to which the order applies.
- b) Upon its receipt of a stop-work order, the grantee must comply with the order's terms and cease incurring costs allocable to the work covered by the order during

the period work is stopped.

- c) No more than 30 days after the date of the stop-work order, or within any extension of that period to which the grantee and the Agency agree in writing, the Agency shall:
 - 1) Upon resolution of the violation leading to the stop-work order, cancel the stop-work order; or
 - 2) Terminate the portion of the grant covered by the stop-work order. The termination shall be effective as of the date of the stop-work order. Within 45 days after its receipt of the Agency's written notification of termination, the grantee must, with respect to the terminated portion of the grant, return to the Agency all grant funds not expended or legally obligated as of the date of the stop-work order and provide an accounting of all grant funds expended or legally obligated.
- d) If a stop-work order is canceled, or the effective period of the order or any written extension of the order expires, the grantee shall resume the stopped work.
- e) The grantee may not use grant funds for costs associated with a stop-work order unless the Agency authorizes such use in writing.

Section 887.315 Covenant Against Contingent Fees

- a) The grantee must warrant, as part of the grant agreement, that no person has been employed or retained to solicit or secure a grant under this Part upon an agreement or understanding for a commission, percentage, brokerage, contingent fee or similar compensation.
- b) For a breach or violation of this warranty, the Agency shall have the right to revoke the grant without liability or, in its discretion, deduct from the grant award or otherwise recover the full amount of such commission, percentage, brokerage, contingent fee or similar compensation.

Section 887.320 Recovery of Grant Funds

If the Agency determines that any grant funds are being misspent or improperly held by the grantee, the Agency or the Attorney General shall have the authority to recover those funds and take any action authorized by the Illinois Grant Funds Recovery Act [30 ILCS 705].

Section 887.325 Indemnification

The grantee, rather than the Agency, shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the grantee, the Agency, or third persons, and any injury to or death of any persons (including employees of the grantee) caused by or arising

out of, or occurring in connection with, the execution of any work arising out of this grant, and the grantee shall indemnify, save harmless and defend the State and the Agency from all claims for any such loss, damage, injury or death. The grantee shall require any party engaged by the grantee to agree in writing to look solely to the grantee for performance of any contract with the grantee and for satisfaction of any and all claims arising thereunder.

SUBPART D: ACCESS, AUDITING AND RECORDS

Section 887.400 Access

- a) The Agency or any authorized representative shall have access to the premises where any portion of a visioning process for which a grant was awarded is being performed, both during normal business hours and at any other time visioning process-related work is being performed.
- b) Subsequent to the end of the grant term, the Agency or any authorized representative shall have access to the visioning process records, as defined in Section 887.405(a) of this Part, to the full extent of the grantee's right to access, during normal business hours.
- c) If the Agency or any authorized representative is denied access in violation of this Section, the Agency shall provide notice in writing to the grantee that failure to provide access within 10 days will be cause for Agency action pursuant to Subpart C of this Part.

Section 887.405 Audit and Records

- a) The grantee shall maintain books, records, documents, reports and other evidentiary material, using accounting procedures and practices that conform to generally accepted accounting principles and standards, as established by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036-8775, 212/596-6200) (2001, no later editions or amendments included), to account properly for:
 - 1) The receipt and disposition by the grantee of all financial assistance received for the visioning process from the State and from any other source; and
 - 2) All costs of whatever nature incurred in performance of the visioning process.
- b) The grantee's facilities, or such facilities as may be engaged in the performance of the visioning process, and the grantee's records shall be subject to inspection and audit by the Agency or any authorized representative at the times specified in Section 887.400 of this Part.

- c) The grantee shall preserve records and make records available to the Agency or any authorized representative:
- 1) Until expiration of 3 years from the date of final payment under the grant;
 - 2) For such longer period, if any, required by applicable statute or regulation;
 - 3) For records relating to grant work that has been terminated, for a period of 3 years from the date of any resulting final termination settlement or for any longer period required by applicable statute or regulation; or
 - 4) For records relating to disputes and/or appeals, litigation or the settlement of claims arising out of the performance of the visioning process, or costs and expenses of the visioning process to which exception has been taken by the Agency or any of its duly authorized representatives, until disposition of such appeals, litigation, claims, or exceptions.

Section 887.410 Document Printing Requirements

All documents submitted to the Agency, including but not limited to grant applications, quarterly progress reports and final reports, must be typed, double-spaced and printed double-sided on recycled content paper.