

Instructions for Assigning Illinois Claims

NatLUST is a 501(c)(3) nonprofit program that provides low-cost UST claim financing to owner/operators and consultants. As detailed below, NatLUST purchases approved claims from owner/operators (“Claimants”), providing immediate liquidity. Participation is voluntary and is done on a claim-by-claim basis. The **Illinois Environmental Protection Agency** (“IEPA”) has cooperated to help make NatLUST’s financing program available, but IEPA makes no representation whether you should or should not participate. IEPA is not responsible for administering NatLUST’s Program.

Eligibility: Most parties with approved claims are eligible; however, please note that NatLUST will not accept claims that are among the oldest \$10 million as shown on IEPA’s most recent [Payment Priority List](#), as those claims will likely be reimbursed within 120 days. Consultants that have previously assigned their client’s claims to EnviroCap should read the notice below.

How The Claim Assignment Process Works: In exchange for the “Initial” and “Final” payments (collectively, “Payments”) described below, the Claimant must irrevocably assign its rights to the reimbursement payment related to its claim to NatLUST. NatLUST will fund claims enrolled in the NatLUST Program in two increments, with the Initial Payment being made once IEPA updates its Payment Priority List to reflect that that NatLUST is the assignee. NatLUST will pay either the Claimant or their consultant, as directed (the “Payee”). As of the program’s inception, NatLUST is offering Initial Payment rates of eighty five percent (85%) to ninety two percent (92%) of the approved amount, depending on claim’s position on the Payment Priority List. The payment percentage may change periodically depending on the size of the backlog and the IL UST program’s revenues. To find the payment percentage applicable to your claim, visit www.natlust.org/States/IL/pmtpercentage.htm. The final payment occurs after IEPA sends the reimbursement payment to NatLUST. NatLUST will deduct the accrued carrying costs it incurred with respect to the reimbursed claim, and send a Final Payment to cover the difference owed to the Payee. Because NatLUST does not know at the time it funds a claim exactly how long it will remain outstanding, NatLUST cannot guarantee participants any specific Final Payment. Nevertheless, because NatLUST’s cost projections are intended to be conservative estimates, you are likely to receive a significant Final Payment under current market conditions. **The party receiving payment from NatLUST will bear the financing costs. NatLUST will not charge payees any additional fees if NatLUST’s actual costs are higher than originally projected.**

Program Costs: Because there are costs incurred in connection with the NatLUST Program, the aggregate amount the Payee receives from NatLUST (Initial Payment + Final Payment) will always be less than the amount paid by IEPA. The charge for participation in this program is based on a combination of fixed and variable program costs. In general, the larger the backlog of approved claims, the longer IEPA must delay making payment to NatLUST, which will increase NatLUST’s carrying costs and thereby reduce the Final Payment. NatLUST posts its historical program costs at http://www.natlust.org/program_costs.html.

Instructions For Claims That Have Received a Claim Decision From IEPA

1. All assignments are made using NatLUST’s web based database, which will create the appropriate IEPA and NatLUST forms ready for signatures. Consultants are the only parties who have administrative privileges to enter claims in NatLUST’s database. Consultants should contact NatLUST to obtain a password and tutorial on how to use the database.
2. Consultant’s should login to the database and set up the Claimant’s company information. Then create one or more claims for each Claimant, as appropriate, creating new sites as needed. See instructions below for how to enter IEMA Incident Tracking Numbers. The database will populate the IEPA form and NatLUST’s IL-1 Form with the pertinent information. You will create one IEPA form and one NatLUST form for each claim that you assign.
3. Special Note: NatLUST may require certain ‘one time’ forms as follows:
 - **Direct Deposit Payments** - Consultants and those who expect to receive recurring payments should [sign up for direct deposit](#), where funds are electronically credited to your bank account within 1 to 2 business days. NatLUST’s database will send you automated e-mail reports whenever your firm has activity.
 - **IRS W-9 Forms**. Claimants submitting their first claim must [execute a W-9 giving us their EIN](#). It is mandatory when setting up a Claimant in our database that you enter their EIN. If the consultant is NatLUST’s payee, the consultant also should execute a W-9.
 - **Important UCC Information** - If the Claimant has previously pledged their claims to any financial institution we may require that the Claimant’s lender execute a form letter allowing us to file a UCC-3 terminating their interest in the assigned claims. We will typically not require this if the claim(s) from a given Claimant total less than \$50,000, and we do not require this of certain large companies. If a UCC is required, have the Claimant’s lender fax a signed copy of our form letter on their letterhead. Filing the UCC-3 is a one-time procedure and you will not need to do this for subsequent claims assigned to us from the Claimant. See www.natlust.org/States/IL/IL-Lender-Letter.doc
 - **Special Notice For Consulting Firms Financing Through EnviroCap:** If your clients have previously assigned claims to your company, and your company in turn has assigned those claims to EnviroCap, then the Claimant has

no legal capacity to make the assignment. These claims are now the property of EnviroCap. If the consultant would like to receive less expensive financing through NatLUST, they must first reach an arrangement with EnviroCap whereby EnviroCap assigns those claims back to the consulting firm in exchange for the payment NatLUST makes. Alternatively, if the consultant can provide evidence that its financing agreement with EnviroCap allows it the right to repurchase claims unilaterally, the consultant may be eligible for NatLUST financing. NatLUST is agreeable to making payment directly to EnviroCap to help facilitate the process.

4. Mail an original of the signed and notarized IEPA form to IEPA. Fax or email copies of the IEPA and NatLUST assignment forms—including the claim decision letter--- to NatLUST.
5. IEPA will update its Payment Priority List on or around the 15th & 30th of each month. NatLUST will issue the Initial Payment when our name appears on the Payment Priority List as the Assignee.

Instructions For “New” Claims (Claims Not Previously Approved By IEPA)

1. Submit your claim to IEPA for processing per normal procedures.
2. Set up the claim in NatLUST’s database per the above instructions, where it will remain in “Pending” status until the Claim Decision is issued. Consultants can either get the forms signed by their clients immediately or wait for the Claim Decision; however, **you cannot submit the assignment form to IEPA until the Claim Decision is issued.** Once IEPA issues the Claim Decision, immediately submit the assignment to IEPA.
3. Follow the steps in # 4 above (Be sure to fill in the amount of the Claim Decision on the IEPA form prior to submittal).
4. Once IEPA updates its Payment Priority List to reflect that NatLUST is the assignee, we will issue the Initial Payment.

Contact Information:

NatLUST Phone: (804) 358-6661 **Fax:** 866-852-9007 **Email:** service@natlust.org

Regular U.S. Mail:	NatLUST P.O. Box 6967 Richmond, VA 23230	Overnight Delivery:	NatLUST Attn: L. Trittipoe 4208 W. Franklin St. Richmond, VA 23221 (804) 358-6661
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Send IEPA Assignment Forms To: Illinois Environmental Protection Agency
Bureau of Land - Leaking Underground Storage Tank Claims
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Web Based Database: Consultants should contact NatLUST for access and a tutorial.

Entering Incident Tracking Numbers & Claim Numbers: When entering claims in NatLUST’s database, the Incident Tracking Number should be entered using 8 digits (ex. 20071237). For older claims with 6 digit incident numbers, enter using two leading zeroes (ex. 981234 should be entered as 00981234). For claims that have already received a Claim Decision, the Claim Number is the unique five-digit number that is shown to the right of the Incident Tracking Number on the [IEPA's Payment Priority List](#). For example, 981234-54267 means that the Incident Tracking Number is 981234 and the Claim Number is 54267.

Consultant’s Signing NatLUST Forms Using Power of Attorney – NatLUST requires that on the first claim assigned by a particular claimant, the claimant must sign the NatLUST assignment form. Henceforth, the consultant may use an LPOA. Be sure to include a copy of the LPOA. Please note that the IEPA form must be signed by the claimant.

Payment Intercepts: If the Illinois Comptroller intercepts a Claimant’s reimbursement (ex. for unpaid taxes), it shall be NatLUST’s policy to request that the Claimant make us whole. If the Claimant does not make NatLUST whole within 30 days of the intercept, NatLUST will use the limited power of attorney the Claimant granted us in the assignment form to offset other payments the State may in the future make to that Claimant until such time as we are made whole. NatLUST may, in its sole and absolute discretion, offset other claims payable to the Claimant. As a last resort, NatLUST may offset other payments owed to the Claimant’s Consultant.

Cost Recovery: Claimants and consultants should be aware that in rare instances, IEPA’s claim decisions could change. If upon review IEPA reduces an approved claim, then the difference between the new approval and any amount already paid by NatLUST will be recovered from the Claimant or consultant, as appropriate.

Additional Information: Visit our forms page at www.natlust.org/forms.html or call us at 804-358-6661