**Section 120.120 Application Evaluation Procedure**

a) All grant applications submitted will undergo a substantive evaluation in terms of the technical, economic, environmental and management components of the new electric generating facility by Department staff. The criteria used in determining whether a grant will be awarded include, but are not limited to, the following:

1) creation of at least 150 new Illinois coal mining jobs;

2) creation of a new electric generating facility that has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site and uses coal or gases derived from coal as its primary fuel source;

3) commitment to provide baseload electric generation operating on a continuous basis throughout the year, including times of significant area load fluctuations and high demand;

4) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters, or the projected total State occupation and use taxes to be paid annually on Illinois-mined coal used at the new electric generating facility;

5) the beginning and completion construction dates of the electric generating facility; and

6) the amount of capital investment by the eligible business in the new electric generating facility.

b) The Department may obtain the assistance of other persons either within or outside of State government in reviewing part or all of any application. If the Department elects to obtain such assistance, the Department shall select persons that possess a higher degree of environmental, technical or engineering experience and understanding than readily found within the Department and shall use such persons to evaluate only when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.

c) The Department reserves the right to make on-site survey inspections during the review period when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the applicant's statements, plans and processes to be employed.

d) In addition to compliance with any federal, State or local permitting requirements, funded projects will be subject to review by the following Illinois agencies: Department of Natural Resources, Historic Preservation Agency, Department of Agriculture, and Illinois Environmental Protection Agency. Grantees will be required to comply with requirements established by these agencies relative to their respective reviews. Grantees will be responsible for coordinating directly with the applicable external agencies. Any requirements communicated to the Department shall be incorporated into any grant agreement awarded as of its execution date, or if received from the applicable agency subsequent to execution, as an addendum to the grant agreement. Grantees will be contractually obligated to comply with these requirements. Prior to notification of compliance by the applicable external agency, grantees may request disbursement of funds only for the following purposes: administrative, contractual, legal, engineering or architectural/engineering costs incurred that are necessary to allow for compliance by the grantee with requirements established by the external agency. Funds will not be disbursed for land acquisition or any activity that physically impacts the project site until the Department receives the appropriate sign-off from the applicable agencies.

e) Upon completion of the review, the Department staff shall recommend applications meeting all criteria set forth in subsection (a). Department staff will then forward all applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an applicant is awarded a grant. Applicants will be notified in writing as to whether the entity is eligible to receive financial assistance through the Coal Revival Program. If an application is denied, the notification shall state the reasons for that determination.

(Source: Amended at 29 Ill. Reg. 1195, effective January 5, 2005)