**Section 520.620 Eligibility Criteria**

A business qualifies for designation by the Department as a High Impact Business if the business:

a) Is located in Illinois and is not located in an Enterprise Zone; and

b) *The business intends to do one or more of the following:*

1) Minimum Eligible Investment. Intends to make a minimum eligible investment of $12 million that will be placed in service in qualified property in Illinois and intends to create 500 full-time equivalent jobs at a designated location in Illinois; or intends to make a minimum eligible investment of $30 million that will be placed in service in qualified property in Illinois and intends to retain 1,500 full-time equivalent jobs at a designated location in Illinois. *The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in Section 5.5(b) of the Act. The terms "placed in service" and "qualified property" have the same meanings as described in Section 201(h) of the Illinois Income Tax Act* [20 ILCS 655/5.5(a)(3)(A)]; or

2) New Electric Generating Facility. Intends to establish a new electric generating facility at a designated location in Illinois. *Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in Section 5.5(b-5) of the Act* [20 ILCS 655/5.5(a)(3)(B)]; or

3) New Gasification Facility. *Intends to establish a new gasification facility at a designated location in Illinois*. *A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal* [20 ILCS 655/5.5(a)(3)(B-5)]*;* or

4) Production Operations at a New Coal Mine. *Intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in Section 5.5(a)(3)(B) of the Act; and further provided that the coal extracted from the mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in Section 5.5(b-5) of the Act. The term "placed in service" has the same meaning as described in Section 201(h) of the Illinois Income Tax Act* [20 ILCS 655/5.5(a)(3)(C)]; or

5) New or Upgraded Transmission Facilities. *Intends to construct new transmission facilities or upgrade existing transmission facilities, at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in Section 5.5(b-5) of the Act* [20 ILCS 655/5.5(a)(3)(D)]; or

6) New Wind Power Facility. *Intends to establish a new wind power facility at a designated location in Illinois.* [20 ILCS 655/5.5(a)(3)(E)] *The construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the* Act is a "public works" as defined by Section 2 of the Prevailing Wage Act [820 ILCS 130/2]; or

7) Qualifying Fertilizer Plant

A) *The business commits to:*

1) *make a minimum investment of $500,000,000, which will be placed in service in a qualified property;*

2) *create 125 full-time equivalent jobs at a designated location in Illinois;*

3) *establish a fertilizer plant at a designated location in Illinois that complies with the set-back standards described in Table 1: Initial Isolation and Protective Action Distances in the 2012 Emergency Response Guidebook published by the United States Department of Transportation* (USDOT; 1200 New Jersey Avenue, SE, Washington DC 20590)*;*

4) *pay a prevailing wage for employees at that location who are engaged in construction activities; and*

5) *secure an appropriate level of general liability insurance to protect against catastrophic failure of the fertilizer plant or any of its constituent systems.*

B) *In addition, the business must agree to enter into a construction project labor agreement including provisions establishing wages, benefits, and other compensation for employees performing work under the project labor agreement at that location.* [20 ILCS 655/5.5(a)(3)(F)]

C) This subsection (b)(7) applies only to businesses that submit an application to the Department within 60 days after July 25, 2013.

(Source: Amended at 38 Ill. Reg. 457, effective December 20, 2013)