**Section 445.30 Availability of Benefits**

a) The benefits of this Part shall apply to any qualified solid waste energy facility. The owner(s) or operator of such a facility shall petition the Commission for a determination that the facility meets the requirements and criteria specified in the Act and this Part. These requirements include complying with the procedures for obtaining qualifying status set forth in 18 CFR 292 and with the Local Solid Waste Disposal Act.

b) In demonstrating compliance with 18 CFR 292, the owner(s) or operator of a facility must file with the Commission a copy of:

1) the notice filed with the Federal Energy Regulatory Commission pursuant to 18 CFR 292.207, or

2) certification as a qualifying facility issued by the Federal Energy Regulatory Commission or a successor agency.

c) In demonstrating compliance with the Local Solid Waste Disposal Act, the owner(s) or operator must file with the Commission evidence that a solid waste management plan or Solid Waste Energy Facility Plan provided for in Section 3.1 of the Local Solid Waste Disposal Act has been filed with and approved by the Illinois Environmental Protection Agency.