

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

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SUBTITLE B: AIR POLLUTION
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CHARGING INFRASTRUCTURE GRANT PROGRAM

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CHARGING INFRASTRUCTURE GRANT PROGRAM

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AUTHORITY: Implementing and authorized by Sections 40, 45, and 55 of the Electric Vehicle Act [20 ILCS 627/40, 45, and 55] and the Grant Accountability and Transparency Act [30 ILCS 708].

SOURCE: Former Part 285 repealed at 13 Ill. Reg. 9517, effective June 12, 1989; new Part 285 adopted at 47 Ill. Reg. 8334, effective June 1, 2023.

SUBPART A: GENERAL PROVISIONS

Section 285.100 Purpose

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The Illinois Environmental Protection Agency (Agency) is implementing the Charging Infrastructure Grant Program (Program). The primary goal of this program is *to substantially offset the installation costs of electric vehicle charging infrastructure, beginning July 1, 2022, and continuing as long as funds are available.* The Agency will award grants, *consistent with the Commission-approved Beneficial Electrification Plans in accordance with Section 45 of the Electric Vehicle Act, to public and private organizations and companies to install and maintain Level 2 or Level 3 charging stations.* [20 ILCS 627/55(a)] Grants issued under the Program are subject to this Part, which sets forth the Program's basic framework and general requirements.

Section 285.110 Definitions

For the purposes of this Part, the following definitions apply:

“Act” means the Electric Vehicle Act. [20 ILCS 627]

“Agency” means the Illinois Environmental Protection Agency. [20 ILCS 627/45(b)]

“Charge de Move connector” or “CHAdEMO connector” means the Japanese-developed connector for electric vehicle direct current fast chargers.

“Combined Charging System (CCS) connector” means the multinationally developed connector for electric vehicle direct current fast chargers.

“Commission” means the Illinois Commerce Commission. [20 ILCS 627/45(b)]

“Connector” means the physical plug inserted into an electric vehicle receptacle to charge it.

“Electric vehicle” means a vehicle that is exclusively powered by and refueled by electricity, must be plugged in to charge, and is licensed to drive on public roadways. “Electric vehicle” does not include electric mopeds, electric off-highway vehicles, or hybrid electric vehicles and extended-range electric vehicles that are also equipped with conventional fueled propulsion or auxiliary engines. [20 ILCS 627/45(b)]

“Electric vehicle charging station” or “charging station” means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. [20 ILCS 627/45(b)]

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“Electric vehicle charging station location” or “charging station location” means a site with one or more charging stations at the same address.

“Environmental justice communities” means the definition of that term based on existing methodologies and findings, used and as may be updated by the Illinois Power Agency and its program administrator in the Illinois Solar for All Program. [20 ILCS 627/45(b)]

“Equity investment eligible community” or “eligible community” means the geographic areas throughout Illinois which would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, “eligible community” means the following areas:

areas where residents have been historically excluded from economic opportunities, including opportunities in the energy sector, as defined pursuant to Section 10-40 of the Cannabis Regulation and Tax Act; and

areas where residents have been historically subject to disproportionate burdens of pollution, including pollution from the energy sector, as established by environmental justice communities as defined by the Illinois Power Agency pursuant to the Illinois Power Agency Act, excluding any racial or ethnic indicators. [20 ILCS 627/45(b)]

“Equity investment eligible person” or “eligible person” means the persons who would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, “eligible person” means the following people:

persons whose primary residence is in an equity investment eligible community;

persons who are graduates of or currently enrolled in the foster care system; or

persons who were formerly incarcerated. [20 ILCS 627/45(b)]

“GATA” means the Grant Accountability and Transparency Act [30 ILCS 708].

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“GATA rules” means 44 Ill. Adm. Code 7000.

“Level 2 charging station” or “Level 2 charger” means a charger that has at least one connector that meets SAE J1772, capable of charging at 6.2 kilowatts (kW) or greater and requiring a 208/240-volt AC connection.

“Level 3 charging station” means a charger that has at least one combined charging system (CCS) connector, or at least one CCS connector as well as one or more Charge de Move (CHAdeMO) connectors, capable of charging at 100 kW or greater, and that provides direct current to support charging at higher rates with inputs of at least 480 volts.

“Networked charging station” or “networked” means an electric vehicle charging station connected to a system network by wired ethernet, Wi-Fi, cellular, or some other form of connection and offers smart management functions.

“Port” means the charging connection of the electric vehicle charging station that provides power to charge only one vehicle at a time even though it may have multiple connectors.

“Private organization” or “private organization and company” means a sole proprietorship, partnership, corporation, or limited liability company that is incorporated under Illinois law or registered with the Illinois Secretary of State, as applicable.

"Project" means a project that provides for the acquisition, construction, installation, and operation of a charging station.

“Public organization” or “public organization and company” means a governmental body or any formally created subunit of one or more governmental bodies located in Illinois. Public organizations include local, state, and federal governmental entities and political subdivisions, and metropolitan or regional transportation planning organizations as defined by the United States Department of Transportation at 49 U.S.C. 5303(b).

“SAE J1772” means the SAE International Standard for the connector utilized by Level 2 electric vehicle chargers, incorporated by reference in Section 285.125.

Section 285.120 Abbreviations and Acronyms

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The following abbreviations and acronyms are used in this Part:

AC	alternating current
Act	Electric Vehicle Act [20 ILCS 627]
Agency	Illinois Environmental Protection Agency
CCS	Combined Charging System
CHAdEMO	Charge de Move
GATA	Grant Accountability and Transparency Act
kW	kilowatt
NOFO	Notice of Funding Opportunity
State	State of Illinois

Section 285.125 Incorporation by Reference

The following material is incorporated by reference and includes no later editions or amendments:

SAE International, 400 Commonwealth Drive, Warrendale, PA 15096: Surface Vehicle Standard J1772 SAE Electric Vehicle and Plug in Hybrid Electric Vehicle Conductive Charge Coupler (October 2017).

This material will be maintained and made available to the public for inspection and copying at the Agency's headquarters in Springfield.

Section 285.130 Severability

If any Section, subsection, sentence, or clause of this Part shall be 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 thereof not adjudged unconstitutional, void, invalid, or otherwise unlawful.

Section 285.140 GATA

- a) The Program is subject to GATA. Grants must be issued and administered in compliance with GATA and the GATA rules (including any portions of the Uniform Guidance in 2 CFR 200 incorporated into GATA), unless an exception has been granted and documented in the Governor's Office of Management and Budget Catalog of State Financial Assistance.

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- b) In the event of any conflict between the provisions of this Part and GATA rules, the GATA rules will apply.

SUBPART B: REQUIREMENTS FOR THE
CHARGING INFRASTRUCTURE GRANT PROGRAM

Section 285.200 Notice of Funding Opportunity

- a) Each Notice of Funding Opportunity (NOFO) under the Program shall specify the subset of eligible applicants targeted by the NOFO, the subset of charging stations targeted by the NOFO, eligible costs, and requirements that must be met for that particular grant opportunity. In developing each NOFO, the Agency will consider beneficial impact, cost-effectiveness, funding amounts and requirements linked to the source of the funding, current equipment capabilities, degree of accessibility to charging stations in various geographical areas, and the experience level and financial resources necessary to implement and sustain the operation of charging stations. These provisions may be in addition to those set forth in this Subpart, but they must be consistent with this Subpart and the Act.
- b) The Agency will specify in the NOFO the goals of the particular grant opportunity, such as installing charging stations in geographical locations with minimal charging infrastructure or locations not covered by other grant programs or encouraging certain types of applicants (e.g., municipalities) to apply.
- c) The Agency must specify in each NOFO the *additional incentives that shall be awarded per port for charging stations installed in an eligible community and charging stations located to support eligible persons*. [20 ILCS 627/55(b)] Incentives shall include one or more of the following: additional funding amounts up to \$500 per port for Level 2 and up to \$2,500 per port for Level 3, additional scoring points awarded, and project prioritization. In deciding which incentive or incentives to include in a NOFO, the Agency will consider the geographic location, including attainment status for the National Ambient Air Quality Standards, the existing network of Level 2 or Level 3 charging stations, and the type of eligible applicant (private or public organizations and companies).
- d) Each NOFO will specify the scoring criteria the Agency will use for that particular grant opportunity, in compliance with GATA. Scoring criteria may

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include, for example, distance to the nearest existing charging station, traffic density, access to amenities, and project readiness.

Section 285.210 Eligible Grantees and Grant Applications

- a) Eligible Grantees
 - 1) Grants under the Program shall only be issued to public and private organizations and companies.
 - 2) The Agency will not issue grants to an organization or company that does *not comply with the Prevailing Wage Act [820 ILCS 130] for any installation of a charging station for which it seeks a grant.* [20 ILCS 627/55(b)]
- b) Grant applications must include the following information and documentation, in addition to any other information and documentation required in a NOFO:
 - 1) The name and address of the applicant.
 - 2) The name, telephone number, and e-mail address of a contact person for the applicant.
 - 3) The type of applicant.
 - 4) A description of the applicant's project, including:
 - A) A description of the charging equipment including, but not limited to, type of equipment (Level 2 or Level 3), number of ports and connectors, connector type, and charging power levels and capabilities.
 - B) Location of the charging stations.
 - C) Project budget, including breakdown of costs, applicant's cost share, and total funding request.
 - D) If applying for additional incentives per port for every charging station installed in an eligible community and every charging

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station located to support eligible persons, the geographical area to be served.

- E) Owner and operator information for the charging stations for which the grant is sought and for the charging station location. If the applicant's project includes property owned by another entity, this includes a copy of the location host agreement with the property owner required by Section 285.230(g).
 - F) Signature by an authorized representative of the applicant attesting that all information is true and correct, printed name, and date signed.
- 5) A certification that the charging station for which the grant is sought will continue to be operated as a charging station for at least five years after the charging station begins operating.
 - 6) A commitment to *comply with the Prevailing Wage Act* [820 ILCS 130] *for any installation of a charging station for which the applicant seeks a grant.* [20 ILCS 627/55(b)]
 - 7) A commitment to comply with the Illinois Works Jobs Program Act Apprenticeship Initiative [30 ILCS 559/20-20], when applicable.
- c) In compliance with GATA, the Agency will review timely applications for administrative completeness and against scoring criteria identified in the NOFO.

Section 285.220 Charging Station Requirements

Each charging station must meet the following criteria, in addition to any other requirements set forth in a NOFO:

- a) Charging stations and associated equipment must be Level 2 charging stations or Level 3 charging stations, as set forth in the NOFO.
- b) Equipment must be networked. Charging stations must be equipped with network services that can track usage, collect data, bill customers, and manage electrical loads. A minimum five-year networking agreement is required for all charging stations.

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- c) Equipment must use an open standard protocol as a basic framework for purposes of charging station infrastructure interoperability and network interoperability.
- d) If payment is required, the equipment must be able to accept multiple payment options for drivers.
- e) Equipment must be approved by a Nationally Recognized Testing Laboratory (NRTL) that is accredited to certify electric vehicle supply equipment standards. The Occupational Safety and Health Administration, United States Department of Labor, maintains a current list of NRTLs.
- f) Charging stations must be accessible to walk-up customers. This means that customers must be able to initiate a charge session without a prior membership or network interaction in a simple, straightforward process.
- g) Charging stations and network systems must provide customer service and support 24 hours per day, seven days per week.
- h) Charging stations must incorporate a cord management system or another method to eliminate potential for cable entanglement, use injury, or connector damage from lying on the ground.
- i) Charging station installation must be performed in a professional manner by a qualified and licensed contractor in accordance with industry standard best practices and all federal, State, and local government laws, codes, ordinances, and permitting and inspection requirements. Charging station installation must also be performed by a qualified person who is certified by the Commission to install, maintain, and repair electric vehicle charging stations under 83 Ill. Adm. Code 469.
- j) Charging station installations must include protection from damage to ground- and wall-mounted equipment, including protection from vehicle collision (guard posts, wheel stops, curb protection, or wall-mounted barriers).
- k) The charging station must continue to be operated for at least five years after it begins operating. If the charging station ceases to operate prior to five years, the grantee must notify the Agency and must refund to the Agency the entire grant amount.

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Section 285.230 Charging Station Location Requirements

Each charging station location must meet the following criteria, in addition to any other requirements set forth in a NOFO:

- a) The charging station location must be accessible to the general public for users 24 hours per day, seven days per week.
- b) The charging station location must have dusk-to-dawn lighting.
- c) The charging station spaces must have paved or hardscaped parking spaces dedicated to the electric vehicle chargers, at least one of which complies with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).
- d) The charging station location must comply with all applicable federal, State, and local laws, ordinances, regulations, and standards, including local electrical and building codes for electric vehicle charging.
- e) The charging station location must have conduit and an electrical service box of adequate size and disconnect capacity to serve the electric vehicle charging stations and allow additional electrical cable to be run to the location for additional capacity in the future.
- f) The charging station location must have signage that complies with all applicable local, State, and federal laws, ordinances, regulations, and standards. Moreover, appropriate signage must be available for drivers to locate the charging station.
- g) The charging station location must have a location host agreement that, at a minimum, addresses the following provisions:
 - 1) A commitment from the location host that each charging station will remain at the location and operational for a minimum of five years.
 - 2) An agreement spanning five years delineating responsible parties for hosting, operating, and maintaining the charging station and charging station location.

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- 3) A disposition plan for the electric vehicle supply equipment in the event the agreement is terminated.
- 4) A provision regarding the applicant's legal right to own and operate the electric vehicle charging stations at the host location.

Section 285.240 Requests for Reimbursement

Upon completion of charging station installation and initiation of charger operation, grantees may request reimbursement as specified in the NOFO or grant agreement. In no event shall a NOFO or grant agreement provide for reimbursement of more than 80% of eligible costs incurred. Also, while grantees may receive additional funding from other sources, in no event shall a grantee request or receive reimbursement under this Program for costs that are covered or will be covered by such additional funding. A request for reimbursement must include the following, in addition to any other requirements set forth in the NOFO or grant agreement:

- a) Grantee's name, principal address, and name of responsible official.
- b) Copies of all detailed invoices of all eligible costs including, but not limited to, the purchase price of the charging equipment, indicating the number of charging units purchased and serial numbers for the units.
- c) Copies of proof of payment for all eligible costs.
- d) A certification that the charging stations and infrastructure have been installed and are in working order and operating in accordance with federal, State, and local codes, this Part, and the NOFO and grant agreement.
- e) A certification of charging station manufacturer warranty and maintenance plan.
- f) A certification that all required local, State, and federal permits have been obtained.
- g) A certification of the utility service order, if applicable.
- h) A copy of a network agreement with a five-year minimum term.
- i) Dates when installation began, was completed, and when the charging stations became operational.

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- j) Electric vehicle charging station model certification for each model, including:
- 1) Manufacturer name and model number.
 - 2) Type of charging station (Level 2 or Level 3).
 - 3) Nominal voltage, current supported (amps), and power supported (kilowatts).
 - 4) Number of ports.
 - 5) Number of connectors and connector type.
 - 6) Type of payment devices installed.
 - 7) Electric vehicle charging station toll-free number or numbers displayed on the model.
- k) For projects involving charging stations installed in an equity investment eligible community and charging stations installed to support equity investment eligible persons, the total number of ports installed and operating in an eligible community or in a location supporting eligible persons.