



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4798

by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.15

Amends the Environmental Protection Act. In a provision establishing greenhouse gas emission controls, authorizes an electric generating unit or large GHG-emitting unit to continue operating if an emergency, pre-emergency, or conservative operations situation exists. Provides that no variance, adjusted standard, or other regulatory relief that is otherwise available under the Act may be granted from the Act's greenhouse gas emission controls if battery storage resources constitute at least 10% of the total State-installed generation capacity. Provides that, if battery storage resources constitute less than 10% of the total State-installed generation capacity at any time after the effective date of the amendatory Act, the Environmental Protection Agency shall delay enforcement of certain greenhouse gas emission controls. Directs the Environmental Protection Agency to adopt rules to implement these requirements. Defines "battery storage resource" and "total State-installed generation capacity". Makes other changes. Effective immediately.

LRB104 20250 TRT 33701 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 9.15 as follows:

6 (415 ILCS 5/9.15)

7 (Text of Section before amendment by P.A. 104-458)

8 Sec. 9.15. Greenhouse gases.

9 (a) An air pollution construction permit shall not be
10 required due to emissions of greenhouse gases if the
11 equipment, site, or source is not subject to regulation, as
12 defined by 40 CFR 52.21, as now or hereafter amended, for
13 greenhouse gases or is otherwise not addressed in this Section
14 or by the Board in regulations for greenhouse gases. These
15 exemptions do not relieve an owner or operator from the
16 obligation to comply with other applicable rules or
17 regulations.

18 (b) An air pollution operating permit shall not be
19 required due to emissions of greenhouse gases if the
20 equipment, site, or source is not subject to regulation, as
21 defined by Section 39.5 of this Act, for greenhouse gases or is
22 otherwise not addressed in this Section or by the Board in
23 regulations for greenhouse gases. These exemptions do not

1 relieve an owner or operator from the obligation to comply
2 with other applicable rules or regulations.

3 (c) (Blank).

4 (d) (Blank).

5 (e) (Blank).

6 (f) As used in this Section:

7 "Carbon dioxide emission" means the plant annual CO₂ total
8 output emission as measured by the United States Environmental
9 Protection Agency in its Emissions & Generation Resource
10 Integrated Database (eGrid), or its successor.

11 "Carbon dioxide equivalent emissions" or "CO₂e" means the
12 sum total of the mass amount of emissions in tons per year,
13 calculated by multiplying the mass amount of each of the 6
14 greenhouse gases specified in Section 3.207, in tons per year,
15 by its associated global warming potential as set forth in 40
16 CFR 98, subpart A, table A-1 or its successor, and then adding
17 them all together.

18 "Cogeneration" or "combined heat and power" refers to any
19 system that, either simultaneously or sequentially, produces
20 electricity and useful thermal energy from a single fuel
21 source.

22 "Copollutants" refers to the 6 criteria pollutants that
23 have been identified by the United States Environmental
24 Protection Agency pursuant to the Clean Air Act.

25 "Electric generating unit" or "EGU" means a fossil
26 fuel-fired stationary boiler, combustion turbine, or combined

1 cycle system that serves a generator that has a nameplate
2 capacity greater than 25 MWe and produces electricity for
3 sale.

4 "Environmental justice community" means the definition of
5 that term based on existing methodologies and findings, used
6 and as may be updated by the Illinois Power Agency and its
7 program administrator in the Illinois Solar for All Program.

8 "Equity investment eligible community" or "eligible
9 community" means the geographic areas throughout Illinois that
10 would most benefit from equitable investments by the State
11 designed to combat discrimination and foster sustainable
12 economic growth. Specifically, eligible community means the
13 following areas:

14 (1) areas where residents have been historically
15 excluded from economic opportunities, including
16 opportunities in the energy sector, as defined as R3 areas
17 pursuant to Section 10-40 of the Cannabis Regulation and
18 Tax Act; and

19 (2) areas where residents have been historically
20 subject to disproportionate burdens of pollution,
21 including pollution from the energy sector, as established
22 by environmental justice communities as defined by the
23 Illinois Power Agency pursuant to the Illinois Power
24 Agency Act, excluding any racial or ethnic indicators.

25 "Equity investment eligible person" or "eligible person"
26 means the persons who would most benefit from equitable

1 investments by the State designed to combat discrimination and
2 foster sustainable economic growth. Specifically, eligible
3 person means the following people:

4 (1) persons whose primary residence is in an equity
5 investment eligible community;

6 (2) persons whose primary residence is in a
7 municipality, or a county with a population under 100,000,
8 where the closure of an electric generating unit or mine
9 has been publicly announced or the electric generating
10 unit or mine is in the process of closing or closed within
11 the last 5 years;

12 (3) persons who are graduates of or currently enrolled
13 in the foster care system; or

14 (4) persons who were formerly incarcerated.

15 "Existing emissions" means:

16 (1) for CO₂e, the total average tons-per-year of CO₂e
17 emitted by the EGU or large GHG-emitting unit either in
18 the years 2018 through 2020 or, if the unit was not yet in
19 operation by January 1, 2018, in the first 3 full years of
20 that unit's operation; and

21 (2) for any copollutant, the total average
22 tons-per-year of that copollutant emitted by the EGU or
23 large GHG-emitting unit either in the years 2018 through
24 2020 or, if the unit was not yet in operation by January 1,
25 2018, in the first 3 full years of that unit's operation.

26 "Green hydrogen" means a power plant technology in which

1 an EGU creates electric power exclusively from electrolytic
2 hydrogen, in a manner that produces zero carbon and
3 copollutant emissions, using hydrogen fuel that is
4 electrolyzed using a 100% renewable zero carbon emission
5 energy source.

6 "Large greenhouse gas-emitting unit" or "large
7 GHG-emitting unit" means a unit that is an electric generating
8 unit or other fossil fuel-fired unit that itself has a
9 nameplate capacity or serves a generator that has a nameplate
10 capacity greater than 25 MWe and that produces electricity,
11 including, but not limited to, coal-fired, coal-derived,
12 oil-fired, natural gas-fired, and cogeneration units.

13 "NO_x emission rate" means the plant annual NO_x total output
14 emission rate as measured by the United States Environmental
15 Protection Agency in its Emissions & Generation Resource
16 Integrated Database (eGrid), or its successor, in the most
17 recent year for which data is available.

18 "Public greenhouse gas-emitting units" or "public
19 GHG-emitting unit" means large greenhouse gas-emitting units,
20 including EGUs, that are wholly owned, directly or indirectly,
21 by one or more municipalities, municipal corporations, joint
22 municipal electric power agencies, electric cooperatives, or
23 other governmental or nonprofit entities, whether organized
24 and created under the laws of Illinois or another state.

25 "SO₂ emission rate" means the "plant annual SO₂ total
26 output emission rate" as measured by the United States

1 Environmental Protection Agency in its Emissions & Generation
2 Resource Integrated Database (eGrid), or its successor, in the
3 most recent year for which data is available.

4 (g) All EGUs and large greenhouse gas-emitting units that
5 use coal or oil as a fuel and are not public GHG-emitting units
6 shall permanently reduce all CO₂e and copollutant emissions to
7 zero no later than January 1, 2030.

8 (h) All EGUs and large greenhouse gas-emitting units that
9 use coal as a fuel and are public GHG-emitting units shall
10 permanently reduce CO₂e emissions to zero no later than
11 December 31, 2045. Any source or plant with such units must
12 also reduce their CO₂e emissions by 45% from existing
13 emissions by no later than January 1, 2035. If the emissions
14 reduction requirement is not achieved by December 31, 2035,
15 the plant shall retire one or more units or otherwise reduce
16 its CO₂e emissions by 45% from existing emissions by June 30,
17 2038.

18 (i) All EGUs and large greenhouse gas-emitting units that
19 use gas as a fuel and are not public GHG-emitting units shall
20 permanently reduce all CO₂e and copollutant emissions to zero,
21 including through unit retirement or the use of 100% green
22 hydrogen or other similar technology that is commercially
23 proven to achieve zero carbon emissions, according to the
24 following:

25 (1) No later than January 1, 2030: all EGUs and large
26 greenhouse gas-emitting units that have a NO_x emissions

1 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
2 greater than 0.006 lb/MWh, and are located in or within 3
3 miles of an environmental justice community designated as
4 of January 1, 2021 or an equity investment eligible
5 community.

6 (2) No later than January 1, 2040: all EGUs and large
7 greenhouse gas-emitting units that have a NO_x emission
8 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
9 greater than 0.006 lb/MWh, and are not located in or
10 within 3 miles of an environmental justice community
11 designated as of January 1, 2021 or an equity investment
12 eligible community. After January 1, 2035, each such EGU
13 and large greenhouse gas-emitting unit shall reduce its
14 CO₂e emissions by at least 50% from its existing emissions
15 for CO₂e, and shall be limited in operation to, on average,
16 6 hours or less per day, measured over a calendar year, and
17 shall not run for more than 24 consecutive hours except in
18 emergency conditions, as designated by a Regional
19 Transmission Organization or Independent System Operator.

20 (3) No later than January 1, 2035: all EGUs and large
21 greenhouse gas-emitting units that began operation prior
22 to the effective date of this amendatory Act of the 102nd
23 General Assembly and have a NO_x emission rate of less than
24 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
25 or equal to 0.006 lb/MWh, and are located in or within 3
26 miles of an environmental justice community designated as

1 of January 1, 2021 or an equity investment eligible
2 community. Each such EGU and large greenhouse gas-emitting
3 unit shall reduce its CO₂e emissions by at least 50% from
4 its existing emissions for CO₂e no later than January 1,
5 2030.

6 (4) No later than January 1, 2040: All remaining EGUs
7 and large greenhouse gas-emitting units that have a heat
8 rate greater than or equal to 7000 BTU/kWh. Each such EGU
9 and Large greenhouse gas-emitting unit shall reduce its
10 CO₂e emissions by at least 50% from its existing emissions
11 for CO₂e no later than January 1, 2035.

12 (5) No later than January 1, 2045: all remaining EGUs
13 and large greenhouse gas-emitting units.

14 (j) All EGUs and large greenhouse gas-emitting units that
15 use gas as a fuel and are public GHG-emitting units shall
16 permanently reduce all CO₂e and copollutant emissions to zero,
17 including through unit retirement or the use of 100% green
18 hydrogen or other similar technology that is commercially
19 proven to achieve zero carbon emissions by January 1, 2045.

20 (k) All EGUs and large greenhouse gas-emitting units that
21 utilize combined heat and power or cogeneration technology
22 shall permanently reduce all CO₂e and copollutant emissions to
23 zero, including through unit retirement or the use of 100%
24 green hydrogen or other similar technology that is
25 commercially proven to achieve zero carbon emissions by
26 January 1, 2045.

1 (k-5) No EGU or large greenhouse gas-emitting unit that
2 uses gas as a fuel and is not a public GHG-emitting unit may
3 emit, in any 12-month period, CO₂e or copollutants in excess of
4 that unit's existing emissions for those pollutants.

5 (1) Notwithstanding subsections (g) through (k-5), large
6 GHG-emitting units including EGUs may temporarily continue
7 emitting CO₂e and copollutants after any applicable deadline
8 specified in any of subsections (g) through (k-5) if it has
9 been determined, as described in paragraphs (1) and (2) of
10 this subsection, that ongoing operation of the EGU is
11 necessary to maintain power grid supply and reliability or
12 ongoing operation of large GHG-emitting unit that is not an
13 EGU is necessary to serve as an emergency backup to
14 operations. Up to and including the occurrence of an emission
15 reduction deadline under subsection (i), all EGUs and large
16 GHG-emitting units must comply with the following terms:

17 (1) if an EGU or large GHG-emitting unit that is a
18 participant in a regional transmission organization
19 intends to retire, it must submit documentation to the
20 appropriate regional transmission organization by the
21 appropriate deadline that meets all applicable regulatory
22 requirements necessary to obtain approval to permanently
23 cease operating the large GHG-emitting unit;

24 (2) if any EGU or large GHG-emitting unit that is a
25 participant in a regional transmission organization
26 receives notice that the regional transmission

1 organization has determined that continued operation of
2 the unit is required, the unit may continue operating
3 until the issue identified by the regional transmission
4 organization is resolved. The owner or operator of the
5 unit must cooperate with the regional transmission
6 organization in resolving the issue and must reduce its
7 emissions to zero, consistent with the requirements under
8 subsection (g), (h), (i), (j), (k), or (k-5), as
9 applicable, as soon as practicable when the issue
10 identified by the regional transmission organization is
11 resolved; and

12 (3) any large GHG-emitting unit that is not a
13 participant in a regional transmission organization shall
14 be allowed to continue emitting CO₂e and copollutants
15 after the zero-emission date specified in subsection (g),
16 (h), (i), (j), (k), or (k-5), as applicable, in the
17 capacity of an emergency backup unit if approved by the
18 Illinois Commerce Commission.

19 (m) No variance, adjusted standard, or other regulatory
20 relief otherwise available in this Act may be granted to the
21 emissions reduction and elimination obligations in this
22 Section.

23 (n) By June 30 of each year, beginning in 2025, the Agency
24 shall prepare and publish on its website a report setting
25 forth the actual greenhouse gas emissions from individual
26 units and the aggregate statewide emissions from all units for

1 the prior year.

2 (o) Every 5 years beginning in 2025, the Environmental
3 Protection Agency, Illinois Power Agency, and Illinois
4 Commerce Commission shall jointly prepare, and release
5 publicly, a report to the General Assembly that examines the
6 State's current progress toward its renewable energy resource
7 development goals, the status of CO₂e and copollutant
8 emissions reductions, the current status and progress toward
9 developing and implementing green hydrogen technologies, the
10 current and projected status of electric resource adequacy and
11 reliability throughout the State for the period beginning 5
12 years ahead, and proposed solutions for any findings. The
13 Environmental Protection Agency, Illinois Power Agency, and
14 Illinois Commerce Commission shall consult PJM
15 Interconnection, LLC and Midcontinent Independent System
16 Operator, Inc., or their respective successor organizations
17 regarding forecasted resource adequacy and reliability needs,
18 anticipated new generation interconnection, new transmission
19 development or upgrades, and any announced large GHG-emitting
20 unit closure dates and include this information in the report.
21 The report shall be released publicly by no later than
22 December 15 of the year it is prepared. If the Environmental
23 Protection Agency, Illinois Power Agency, and Illinois
24 Commerce Commission jointly conclude in the report that the
25 data from the regional grid operators, the pace of renewable
26 energy development, the pace of development of energy storage

1 and demand response utilization, transmission capacity, and
2 the CO₂e and copollutant emissions reductions required by
3 subsection (i) or (k-5) reasonably demonstrate that a resource
4 adequacy shortfall will occur, including whether there will be
5 sufficient in-state capacity to meet the zonal requirements of
6 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
7 regional transmission organizations, or that the regional
8 transmission operators determine that a reliability violation
9 will occur during the time frame the study is evaluating, then
10 the Illinois Power Agency, in conjunction with the
11 Environmental Protection Agency shall develop a plan to reduce
12 or delay CO₂e and copollutant emissions reductions
13 requirements only to the extent and for the duration necessary
14 to meet the resource adequacy and reliability needs of the
15 State, including allowing any plants whose emission reduction
16 deadline has been identified in the plan as creating a
17 reliability concern to continue operating, including operating
18 with reduced emissions or as emergency backup where
19 appropriate. The plan shall also consider the use of renewable
20 energy, energy storage, demand response, transmission
21 development, or other strategies to resolve the identified
22 resource adequacy shortfall or reliability violation.

23 (1) In developing the plan, the Environmental
24 Protection Agency and the Illinois Power Agency shall hold
25 at least one workshop open to, and accessible at a time and
26 place convenient to, the public and shall consider any

1 comments made by stakeholders or the public. Upon
2 development of the plan, copies of the plan shall be
3 posted and made publicly available on the Environmental
4 Protection Agency's, the Illinois Power Agency's, and the
5 Illinois Commerce Commission's websites. All interested
6 parties shall have 60 days following the date of posting
7 to provide comment to the Environmental Protection Agency
8 and the Illinois Power Agency on the plan. All comments
9 submitted to the Environmental Protection Agency and the
10 Illinois Power Agency shall be encouraged to be specific,
11 supported by data or other detailed analyses, and, if
12 objecting to all or a portion of the plan, accompanied by
13 specific alternative wording or proposals. All comments
14 shall be posted on the Environmental Protection Agency's,
15 the Illinois Power Agency's, and the Illinois Commerce
16 Commission's websites. Within 30 days following the end of
17 the 60-day review period, the Environmental Protection
18 Agency and the Illinois Power Agency shall revise the plan
19 as necessary based on the comments received and file its
20 revised plan with the Illinois Commerce Commission for
21 approval.

22 (2) Within 60 days after the filing of the revised
23 plan at the Illinois Commerce Commission, any person
24 objecting to the plan shall file an objection with the
25 Illinois Commerce Commission. Within 30 days after the
26 expiration of the comment period, the Illinois Commerce

1 Commission shall determine whether an evidentiary hearing
2 is necessary. The Illinois Commerce Commission shall also
3 host 3 public hearings within 90 days after the plan is
4 filed. Following the evidentiary and public hearings, the
5 Illinois Commerce Commission shall enter its order
6 approving or approving with modifications the reliability
7 mitigation plan within 180 days.

8 (3) The Illinois Commerce Commission shall only
9 approve the plan if the Illinois Commerce Commission
10 determines that it will resolve the resource adequacy or
11 reliability deficiency identified in the reliability
12 mitigation plan at the least amount of CO₂e and copollutant
13 emissions, taking into consideration the emissions impacts
14 on environmental justice communities, and that it will
15 ensure adequate, reliable, affordable, efficient, and
16 environmentally sustainable electric service at the lowest
17 total cost over time, taking into account the impact of
18 increases in emissions.

19 (4) If the resource adequacy or reliability deficiency
20 identified in the reliability mitigation plan is resolved
21 or reduced, the Environmental Protection Agency and the
22 Illinois Power Agency may file an amended plan adjusting
23 the reduction or delay in CO₂e and copollutant emission
24 reduction requirements identified in the plan.

25 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

1 (Text of Section after amendment by P.A. 104-458)

2 Sec. 9.15. Greenhouse gases.

3 (a) An air pollution construction permit shall not be
4 required due to emissions of greenhouse gases if the
5 equipment, site, or source is not subject to regulation, as
6 defined by 40 CFR 52.21, as now or hereafter amended, for
7 greenhouse gases or is otherwise not addressed in this Section
8 or by the Board in regulations for greenhouse gases. These
9 exemptions do not relieve an owner or operator from the
10 obligation to comply with other applicable rules or
11 regulations.

12 (b) An air pollution operating permit shall not be
13 required due to emissions of greenhouse gases if the
14 equipment, site, or source is not subject to regulation, as
15 defined by Section 39.5 of this Act, for greenhouse gases or is
16 otherwise not addressed in this Section or by the Board in
17 regulations for greenhouse gases. These exemptions do not
18 relieve an owner or operator from the obligation to comply
19 with other applicable rules or regulations.

20 (c) (Blank).

21 (d) (Blank).

22 (e) (Blank).

23 (f) As used in this Section:

24 "Battery storage resource" means any device or assembly of
25 devices that is (i) either installed as a stand-alone system
26 or tied to a power generation system, (ii) used for the primary

1 purpose of storing energy for wholesale or retail sale and not
2 primarily for storage to later consume on the property on
3 which the device resides, and (iii) an energy storage system,
4 as defined in Section 16-135 of the Public Utilities Act.

5 "Carbon dioxide emission" means the plant annual CO₂ total
6 output emission as measured by the United States Environmental
7 Protection Agency in its Emissions & Generation Resource
8 Integrated Database (eGrid), or its successor.

9 "Carbon dioxide equivalent emissions" or "CO₂e" means the
10 sum total of the mass amount of emissions in tons per year,
11 calculated by multiplying the mass amount of each of the 6
12 greenhouse gases specified in Section 3.207, in tons per year,
13 by its associated global warming potential as set forth in 40
14 CFR 98, subpart A, table A-1 or its successor, and then adding
15 them all together.

16 "Cogeneration" or "combined heat and power" refers to any
17 system that, either simultaneously or sequentially, produces
18 electricity and useful thermal energy from a single fuel
19 source.

20 "Copollutants" refers to the 6 criteria pollutants that
21 have been identified by the United States Environmental
22 Protection Agency pursuant to the Clean Air Act.

23 "Electric generating unit" or "EGU" means a fossil
24 fuel-fired stationary boiler, combustion turbine, or combined
25 cycle system that serves a generator that has a nameplate
26 capacity greater than 25 MWe and produces electricity for

1 sale.

2 "Environmental justice community" means the definition of
3 that term based on existing methodologies and findings, used
4 and as may be updated by the Illinois Power Agency and its
5 program administrator in the Illinois Solar for All Program.

6 "Equity investment eligible community" or "eligible
7 community" means the geographic areas throughout Illinois that
8 would most benefit from equitable investments by the State
9 designed to combat discrimination and foster sustainable
10 economic growth. Specifically, eligible community means the
11 following areas:

12 (1) areas where residents have been historically
13 excluded from economic opportunities, including
14 opportunities in the energy sector, as defined as R3 areas
15 pursuant to Section 10-40 of the Cannabis Regulation and
16 Tax Act; and

17 (2) areas where residents have been historically
18 subject to disproportionate burdens of pollution,
19 including pollution from the energy sector, as established
20 by environmental justice communities as defined by the
21 Illinois Power Agency pursuant to the Illinois Power
22 Agency Act, excluding any racial or ethnic indicators.

23 "Equity investment eligible person" or "eligible person"
24 means the persons who would most benefit from equitable
25 investments by the State designed to combat discrimination and
26 foster sustainable economic growth. Specifically, eligible

1 person means the following people:

2 (1) persons whose primary residence is in an equity
3 investment eligible community;

4 (2) persons whose primary residence is in a
5 municipality, or a county with a population under 100,000,
6 where the closure of an electric generating unit or mine
7 has been publicly announced or the electric generating
8 unit or mine is in the process of closing or closed within
9 the last 5 years;

10 (3) persons who are graduates of or currently enrolled
11 in the foster care system; or

12 (4) persons who were formerly incarcerated.

13 "Existing emissions" means:

14 (1) for CO₂e, the total average tons-per-year of CO₂e
15 emitted by the EGU or large GHG-emitting unit either in
16 the years 2018 through 2020 or, if the unit was not yet in
17 operation by January 1, 2018, in the first 3 full years of
18 that unit's operation; and

19 (2) for any copollutant, the total average
20 tons-per-year of that copollutant emitted by the EGU or
21 large GHG-emitting unit either in the years 2018 through
22 2020 or, if the unit was not yet in operation by January 1,
23 2018, in the first 3 full years of that unit's operation.

24 "Green hydrogen" means a power plant technology in which
25 an EGU creates electric power exclusively from electrolytic
26 hydrogen, in a manner that produces zero carbon and

1 copollutant emissions, using hydrogen fuel that is
2 electrolyzed using a 100% renewable zero carbon emission
3 energy source.

4 "Large greenhouse gas-emitting unit" or "large
5 GHG-emitting unit" means a unit that is an electric generating
6 unit or other fossil fuel-fired unit that itself has a
7 nameplate capacity or serves a generator that has a nameplate
8 capacity greater than 25 MWe and that produces electricity,
9 including, but not limited to, coal-fired, coal-derived,
10 oil-fired, natural gas-fired, and cogeneration units.

11 "NO_x emission rate" means the plant annual NO_x total output
12 emission rate as measured by the United States Environmental
13 Protection Agency in its Emissions & Generation Resource
14 Integrated Database (eGrid), or its successor, in the most
15 recent year for which data is available.

16 "Public greenhouse gas-emitting units" or "public
17 GHG-emitting unit" means large greenhouse gas-emitting units,
18 including EGUs, that are wholly owned, directly or indirectly,
19 by one or more municipalities, municipal corporations, joint
20 municipal electric power agencies, electric cooperatives, or
21 other governmental or nonprofit entities, whether organized
22 and created under the laws of Illinois or another state.

23 "SO₂ emission rate" means the "plant annual SO₂ total
24 output emission rate" as measured by the United States
25 Environmental Protection Agency in its Emissions & Generation
26 Resource Integrated Database (eGrid), or its successor, in the

1 most recent year for which data is available.

2 "Total State-installed generation capacity" means the
3 electric power industry capacity in Illinois by primary energy
4 source as of September 15, 2021, as published by the United
5 States Energy Information Administration.

6 (g) All EGUs and large greenhouse gas-emitting units that
7 use coal or oil as a fuel and are not public GHG-emitting units
8 shall permanently reduce all CO₂e and copollutant emissions to
9 zero no later than January 1, 2030.

10 (h) All EGUs and large greenhouse gas-emitting units that
11 use coal as a fuel and are public GHG-emitting units shall
12 permanently reduce CO₂e emissions to zero no later than
13 December 31, 2045. Any source or plant with such units must
14 also reduce their CO₂e emissions by 45% from existing
15 emissions by no later than January 1, 2035. If the emissions
16 reduction requirement is not achieved by December 31, 2035,
17 the plant shall retire one or more units or otherwise reduce
18 its CO₂e emissions by 45% from existing emissions by June 30,
19 2038.

20 (i) All EGUs and large greenhouse gas-emitting units that
21 use gas as a fuel and are not public GHG-emitting units shall
22 permanently reduce all CO₂e and copollutant emissions to zero,
23 including through unit retirement or the use of 100% green
24 hydrogen or other similar technology that is commercially
25 proven to achieve zero carbon emissions, according to the
26 following:

1 (1) No later than January 1, 2030: all EGUs and large
2 greenhouse gas-emitting units that have a NO_x emissions
3 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
4 greater than 0.006 lb/MWh, and are located in or within 3
5 miles of an environmental justice community designated as
6 of January 1, 2021 or an equity investment eligible
7 community.

8 (2) No later than January 1, 2040: all EGUs and large
9 greenhouse gas-emitting units that have a NO_x emission
10 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
11 greater than 0.006 lb/MWh, and are not located in or
12 within 3 miles of an environmental justice community
13 designated as of January 1, 2021 or an equity investment
14 eligible community. After January 1, 2035, each such EGU
15 and large greenhouse gas-emitting unit shall reduce its
16 CO₂e emissions by at least 50% from its existing emissions
17 for CO₂e, and shall be limited in operation to, on average,
18 6 hours or less per day, measured over a calendar year, and
19 shall not run for more than 24 consecutive hours except in
20 emergency conditions, as designated by a Regional
21 Transmission Organization or Independent System Operator.

22 (3) No later than January 1, 2035: all EGUs and large
23 greenhouse gas-emitting units that began operation prior
24 to the effective date of this amendatory Act of the 102nd
25 General Assembly and have a NO_x emission rate of less than
26 or equal to 0.12 lb/MWh and a SO₂ emission rate less than

1 or equal to 0.006 lb/MWh, and are located in or within 3
2 miles of an environmental justice community designated as
3 of January 1, 2021 or an equity investment eligible
4 community. Each such EGU and large greenhouse gas-emitting
5 unit shall reduce its CO₂e emissions by at least 50% from
6 its existing emissions for CO₂e no later than January 1,
7 2030.

8 (4) No later than January 1, 2040: All remaining EGUs
9 and large greenhouse gas-emitting units that have a heat
10 rate greater than or equal to 7000 BTU/kWh. Each such EGU
11 and Large greenhouse gas-emitting unit shall reduce its
12 CO₂e emissions by at least 50% from its existing emissions
13 for CO₂e no later than January 1, 2035.

14 (5) No later than January 1, 2045: all remaining EGUs
15 and large greenhouse gas-emitting units.

16 (j) All EGUs and large greenhouse gas-emitting units that
17 use gas as a fuel and are public GHG-emitting units shall
18 permanently reduce all CO₂e and copollutant emissions to zero,
19 including through unit retirement or the use of 100% green
20 hydrogen or other similar technology that is commercially
21 proven to achieve zero carbon emissions by January 1, 2045.

22 (k) All EGUs and large greenhouse gas-emitting units that
23 utilize combined heat and power or cogeneration technology
24 shall permanently reduce all CO₂e and copollutant emissions to
25 zero, including through unit retirement or the use of 100%
26 green hydrogen or other similar technology that is

1 commercially proven to achieve zero carbon emissions by
2 January 1, 2045.

3 (k-5) Except as provided in subsection (m) of this
4 Section, no ~~No~~ EGU or large greenhouse gas-emitting unit that
5 uses gas as a fuel and is not a public GHG-emitting unit may
6 emit, in any 12-month period, CO₂e or copollutants in excess of
7 that unit's existing emissions for those pollutants.

8 (1) Notwithstanding subsections (g) through (k-5), large
9 GHG-emitting units including EGUs may temporarily continue
10 emitting CO₂e and copollutants after any applicable deadline
11 specified in any of subsections (g) through (k-5) if it has
12 been determined, as described in paragraphs (1) and (2) of
13 this subsection, that ongoing operation of the EGU is
14 necessary to maintain power grid supply and reliability or
15 ongoing operation of large GHG-emitting unit that is not an
16 EGU is necessary to serve as an emergency backup to
17 operations. Up to and including the occurrence of an emission
18 reduction deadline under subsection (i), all EGUs and large
19 GHG-emitting units must comply with the following terms:

20 (1) if an EGU or large GHG-emitting unit that is a
21 participant in a regional transmission organization
22 intends to retire, it must submit documentation to the
23 appropriate regional transmission organization by the
24 appropriate deadline that meets all applicable regulatory
25 requirements necessary to obtain approval to permanently
26 cease operating the large GHG-emitting unit;

1 (2) if any EGU or large GHG-emitting unit that is a
2 participant in a regional transmission organization
3 receives notice that the regional transmission
4 organization has determined that an emergency,
5 pre-emergency, or conservative operations situation exists
6 or that continued operation of the unit is required, the
7 unit may continue operating until the issue identified by
8 the regional transmission organization is resolved. The
9 owner or operator of the unit must cooperate with the
10 regional transmission organization in resolving the issue
11 and must reduce its emissions to zero, consistent with the
12 requirements under subsection (g), (h), (i), (j), (k), or
13 (k-5), as applicable, as soon as practicable when the
14 issue identified by the regional transmission organization
15 is resolved; and

16 (3) any large GHG-emitting unit that is not a
17 participant in a regional transmission organization shall
18 be allowed to continue emitting CO₂e and copollutants
19 after the zero-emission date specified in subsection (g),
20 (h), (i), (j), (k), or (k-5), as applicable, in the
21 capacity of an emergency backup unit if approved by the
22 Illinois Commerce Commission.

23 (m) No variance, adjusted standard, or other regulatory
24 relief otherwise available in this Act may be granted to the
25 emissions reduction and elimination obligations in this
26 Section if battery storage resources constitute at least 10%

1 of the total State-installed generation capacity in the State.
2 If battery storage resources constitute less than 10% of the
3 total State-installed generation capacity at any time after
4 the effective date of this amendatory Act of the 104th General
5 Assembly, the Agency shall delay enforcement of the timelines
6 in paragraphs (1) through (5) of subsection (i) and relieve
7 generators of their obligation not to exceed their existing
8 emission levels, as described in subsection (k-5). For a large
9 GHG-emitting unit that uses gas as a fuel and is subject to the
10 restrictions of subsection (k-5) of this Section, the unit may
11 exceed its existing emissions during run hours dispatched by a
12 regional transmission organization during emergency,
13 pre-emergency, or conservative operations or run hours that
14 are required to maintain system reliability.

15 (n) By June 30 of each year, beginning in 2025, the Agency
16 shall prepare and publish on its website a report setting
17 forth the actual greenhouse gas emissions from individual
18 units and the aggregate statewide emissions from all units for
19 the prior year.

20 (o) The Environmental Protection Agency, Illinois Power
21 Agency, and Illinois Commerce Commission shall jointly
22 prepare, and release publicly, a report to the General
23 Assembly that examines the State's current progress toward its
24 renewable energy resource development goals, the status of
25 CO₂e and copollutant emissions reductions, the current status
26 and progress toward developing and implementing green hydrogen

1 technologies, the current and projected status of electric
2 resource adequacy and reliability throughout the State for the
3 period beginning 5 years ahead, and proposed solutions for any
4 findings. The Environmental Protection Agency, Illinois Power
5 Agency, and Illinois Commerce Commission shall consult PJM
6 Interconnection, LLC and Midcontinent Independent System
7 Operator, Inc., or their respective successor organizations
8 regarding forecasted resource adequacy and reliability needs,
9 anticipated new generation interconnection, new transmission
10 development or upgrades, and any announced large GHG-emitting
11 unit closure dates and include this information in the report.
12 The report shall be released publicly by no later than
13 December 15 of the year it is prepared. If the Environmental
14 Protection Agency, Illinois Power Agency, and Illinois
15 Commerce Commission jointly conclude in the report that the
16 data from the regional grid operators, the pace of renewable
17 energy development, the pace of development of energy storage
18 and demand response utilization, transmission capacity, and
19 the CO₂e and copollutant emissions reductions required by
20 subsection (i) or (k-5) reasonably demonstrate that a resource
21 adequacy shortfall will occur, including whether there will be
22 sufficient in-state capacity to meet the zonal requirements of
23 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
24 regional transmission organizations, or that the regional
25 transmission operators determine that a reliability violation
26 will occur during the time frame the study is evaluating, then

1 the Illinois Power Agency, in conjunction with the
2 Environmental Protection Agency shall develop a plan to reduce
3 or delay CO₂e and copollutant emissions reductions
4 requirements only to the extent and for the duration necessary
5 to meet the resource adequacy and reliability needs of the
6 State, including allowing any plants whose emission reduction
7 deadline has been identified in the plan as creating a
8 reliability concern to continue operating, including operating
9 with reduced emissions or as emergency backup where
10 appropriate. The plan shall also consider the use of renewable
11 energy, energy storage, demand response, transmission
12 development, or other strategies to resolve the identified
13 resource adequacy shortfall or reliability violation.

14 (1) In developing the plan, the Environmental
15 Protection Agency and the Illinois Power Agency shall hold
16 at least one workshop open to, and accessible at a time and
17 place convenient to, the public and shall consider any
18 comments made by stakeholders or the public. Upon
19 development of the plan, copies of the plan shall be
20 posted and made publicly available on the Environmental
21 Protection Agency's, the Illinois Power Agency's, and the
22 Illinois Commerce Commission's websites. All interested
23 parties shall have 60 days following the date of posting
24 to provide comment to the Environmental Protection Agency
25 and the Illinois Power Agency on the plan. All comments
26 submitted to the Environmental Protection Agency and the

1 Illinois Power Agency shall be encouraged to be specific,
2 supported by data or other detailed analyses, and, if
3 objecting to all or a portion of the plan, accompanied by
4 specific alternative wording or proposals. All comments
5 shall be posted on the Environmental Protection Agency's,
6 the Illinois Power Agency's, and the Illinois Commerce
7 Commission's websites. Within 30 days following the end of
8 the 60-day review period, the Environmental Protection
9 Agency and the Illinois Power Agency shall revise the plan
10 as necessary based on the comments received and file its
11 revised plan with the Illinois Commerce Commission for
12 approval.

13 (2) Within 60 days after the filing of the revised
14 plan at the Illinois Commerce Commission, any person
15 objecting to the plan shall file an objection with the
16 Illinois Commerce Commission. Within 30 days after the
17 expiration of the comment period, the Illinois Commerce
18 Commission shall determine whether an evidentiary hearing
19 is necessary. The Illinois Commerce Commission shall also
20 host 3 public hearings within 90 days after the plan is
21 filed. Following the evidentiary and public hearings, the
22 Illinois Commerce Commission shall enter its order
23 approving or approving with modifications the reliability
24 mitigation plan within 180 days.

25 (3) The Illinois Commerce Commission shall only
26 approve the plan if the Illinois Commerce Commission

1 determines that it will resolve the resource adequacy or
2 reliability deficiency identified in the reliability
3 mitigation plan at the least amount of CO₂e and copollutant
4 emissions, taking into consideration the emissions impacts
5 on environmental justice communities, and that it will
6 ensure adequate, reliable, affordable, efficient, and
7 environmentally sustainable electric service at the lowest
8 total cost over time, taking into account the impact of
9 increases in emissions.

10 (4) If the resource adequacy or reliability deficiency
11 identified in the reliability mitigation plan is resolved
12 or reduced, the Environmental Protection Agency and the
13 Illinois Power Agency may file an amended plan adjusting
14 the reduction or delay in CO₂e and copollutant emission
15 reduction requirements identified in the plan.

16 (p) The Agency shall adopt rules implementing this Section
17 no later than July 1, 2027.

18 (Source: P.A. 104-458, eff. 6-1-26.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.