



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5479

Introduced 2/13/2026, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.15

Amends the Environmental Protection Act. In provisions establishing greenhouse gas emission reduction deadlines and requirements for electric generating units and large greenhouse gas-emitting units that use gas as a fuel, that are not public GHG-emitting units, and that are located within a specified distance of an equity investment eligible community, specifies that the equity investment eligible community must have been designated by the Restore, Reinvest, and Renew Program Board as of January 11, 2024 and must be located in an R3 Area established under the Cannabis Regulation and Tax Act.

LRB104 20606 AAS 34097 b

1 AN ACT concerning safety.

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 CO<sub>2</sub> 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 "CO<sub>2</sub>e" 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 CO<sub>2</sub>e, the total average tons-per-year of CO<sub>2</sub>e  
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<sub>x</sub> emission rate" means the plant annual NO<sub>x</sub> 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 "SO<sub>2</sub> emission rate" means the "plant annual SO<sub>2</sub> 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 CO<sub>2</sub>e 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 CO<sub>2</sub>e emissions to zero no later than  
11 December 31, 2045. Any source or plant with such units must  
12 also reduce their CO<sub>2</sub>e 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 CO<sub>2</sub>e 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 CO<sub>2</sub>e 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<sub>x</sub> emissions

1 rate of greater than 0.12 lbs/MWh or a SO<sub>2</sub> 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 that was designated by the Restore, Reinvest,  
6 and Renew Program Board as of January 11, 2024 and that is  
7 located in an R3 Area established under Section 10-40 of  
8 the Cannabis Regulation and Tax Act.

9 (2) No later than January 1, 2040: all EGUs and large  
10 greenhouse gas-emitting units that have a NO<sub>x</sub> emission  
11 rate of greater than 0.12 lbs/MWh or a SO<sub>2</sub> emission rate  
12 greater than 0.006 lb/MWh, and are not located in or  
13 within 3 miles of an environmental justice community  
14 designated as of January 1, 2021 or an equity investment  
15 eligible community that was designated by the Restore,  
16 Reinvest, and Renew Program Board as of January 11, 2024  
17 and that is located in an R3 Area established under  
18 Section 10-40 of the Cannabis Regulation and Tax Act.

19 After January 1, 2035, each such EGU and large greenhouse  
20 gas-emitting unit shall reduce its CO<sub>2</sub>e emissions by at  
21 least 50% from its existing emissions for CO<sub>2</sub>e, and shall  
22 be limited in operation to, on average, 6 hours or less per  
23 day, measured over a calendar year, and shall not run for  
24 more than 24 consecutive hours except in emergency  
25 conditions, as designated by a Regional Transmission  
26 Organization or Independent System Operator.

1           (3) No later than January 1, 2035: all EGUs and large  
2 greenhouse gas-emitting units that began operation prior  
3 to the effective date of this amendatory Act of the 102nd  
4 General Assembly and have a NO<sub>x</sub> emission rate of less than  
5 or equal to 0.12 lb/MWh and a SO<sub>2</sub> emission rate less than  
6 or equal to 0.006 lb/MWh, and are located in or within 3  
7 miles of an environmental justice community designated as  
8 of January 1, 2021 or an equity investment eligible  
9 community that was designated by the Restore, Reinvest,  
10 and Renew Program Board as of January 11, 2024 and that is  
11 located in an R3 Area established under Section 10-40 of  
12 the Cannabis Regulation and Tax Act. Each such EGU and  
13 large greenhouse gas-emitting unit shall reduce its CO<sub>2</sub>e  
14 emissions by at least 50% from its existing emissions for  
15 CO<sub>2</sub>e no later than January 1, 2030.

16           (4) No later than January 1, 2040: All remaining EGUs  
17 and large greenhouse gas-emitting units that have a heat  
18 rate greater than or equal to 7000 BTU/kWh. Each such EGU  
19 and Large greenhouse gas-emitting unit shall reduce its  
20 CO<sub>2</sub>e emissions by at least 50% from its existing emissions  
21 for CO<sub>2</sub>e no later than January 1, 2035.

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

24           (j) All EGUs and large greenhouse gas-emitting units that  
25 use gas as a fuel and are public GHG-emitting units shall  
26 permanently reduce all CO<sub>2</sub>e and copollutant emissions to zero,

1 including through unit retirement or the use of 100% green  
2 hydrogen or other similar technology that is commercially  
3 proven to achieve zero carbon emissions by January 1, 2045.

4 (k) All EGUs and large greenhouse gas-emitting units that  
5 utilize combined heat and power or cogeneration technology  
6 shall permanently reduce all CO<sub>2</sub>e and copollutant emissions to  
7 zero, including through unit retirement or the use of 100%  
8 green hydrogen or other similar technology that is  
9 commercially proven to achieve zero carbon emissions by  
10 January 1, 2045.

11 (k-5) No EGU or large greenhouse gas-emitting unit that  
12 uses gas as a fuel and is not a public GHG-emitting unit may  
13 emit, in any 12-month period, CO<sub>2</sub>e or copollutants in excess of  
14 that unit's existing emissions for those pollutants.

15 (l) Notwithstanding subsections (g) through (k-5), large  
16 GHG-emitting units including EGUs may temporarily continue  
17 emitting CO<sub>2</sub>e and copollutants after any applicable deadline  
18 specified in any of subsections (g) through (k-5) if it has  
19 been determined, as described in paragraphs (1) and (2) of  
20 this subsection, that ongoing operation of the EGU is  
21 necessary to maintain power grid supply and reliability or  
22 ongoing operation of large GHG-emitting unit that is not an  
23 EGU is necessary to serve as an emergency backup to  
24 operations. Up to and including the occurrence of an emission  
25 reduction deadline under subsection (i), all EGUs and large  
26 GHG-emitting units must comply with the following terms:

1           (1) if an EGU or large GHG-emitting unit that is a  
2 participant in a regional transmission organization  
3 intends to retire, it must submit documentation to the  
4 appropriate regional transmission organization by the  
5 appropriate deadline that meets all applicable regulatory  
6 requirements necessary to obtain approval to permanently  
7 cease operating the large GHG-emitting unit;

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

22           (3) any large GHG-emitting unit that is not a  
23 participant in a regional transmission organization shall  
24 be allowed to continue emitting CO<sub>2</sub>e and copollutants  
25 after the zero-emission date specified in subsection (g),  
26 (h), (i), (j), (k), or (k-5), as applicable, in the

1 capacity of an emergency backup unit if approved by the  
2 Illinois Commerce Commission.

3 (m) No variance, adjusted standard, or other regulatory  
4 relief otherwise available in this Act may be granted to the  
5 emissions reduction and elimination obligations in this  
6 Section.

7 (n) By June 30 of each year, beginning in 2025, the Agency  
8 shall prepare and publish on its website a report setting  
9 forth the actual greenhouse gas emissions from individual  
10 units and the aggregate statewide emissions from all units for  
11 the prior year.

12 (o) Every 5 years beginning in 2025, the Environmental  
13 Protection Agency, Illinois Power Agency, and Illinois  
14 Commerce Commission shall jointly prepare, and release  
15 publicly, a report to the General Assembly that examines the  
16 State's current progress toward its renewable energy resource  
17 development goals, the status of CO<sub>2</sub>e and copollutant  
18 emissions reductions, the current status and progress toward  
19 developing and implementing green hydrogen technologies, the  
20 current and projected status of electric resource adequacy and  
21 reliability throughout the State for the period beginning 5  
22 years ahead, and proposed solutions for any findings. The  
23 Environmental Protection Agency, Illinois Power Agency, and  
24 Illinois Commerce Commission shall consult PJM  
25 Interconnection, LLC and Midcontinent Independent System  
26 Operator, Inc., or their respective successor organizations

1 regarding forecasted resource adequacy and reliability needs,  
2 anticipated new generation interconnection, new transmission  
3 development or upgrades, and any announced large GHG-emitting  
4 unit closure dates and include this information in the report.  
5 The report shall be released publicly by no later than  
6 December 15 of the year it is prepared. If the Environmental  
7 Protection Agency, Illinois Power Agency, and Illinois  
8 Commerce Commission jointly conclude in the report that the  
9 data from the regional grid operators, the pace of renewable  
10 energy development, the pace of development of energy storage  
11 and demand response utilization, transmission capacity, and  
12 the CO<sub>2</sub>e and copollutant emissions reductions required by  
13 subsection (i) or (k-5) reasonably demonstrate that a resource  
14 adequacy shortfall will occur, including whether there will be  
15 sufficient in-state capacity to meet the zonal requirements of  
16 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the  
17 regional transmission organizations, or that the regional  
18 transmission operators determine that a reliability violation  
19 will occur during the time frame the study is evaluating, then  
20 the Illinois Power Agency, in conjunction with the  
21 Environmental Protection Agency shall develop a plan to reduce  
22 or delay CO<sub>2</sub>e and copollutant emissions reductions  
23 requirements only to the extent and for the duration necessary  
24 to meet the resource adequacy and reliability needs of the  
25 State, including allowing any plants whose emission reduction  
26 deadline has been identified in the plan as creating a

1 reliability concern to continue operating, including operating  
2 with reduced emissions or as emergency backup where  
3 appropriate. The plan shall also consider the use of renewable  
4 energy, energy storage, demand response, transmission  
5 development, or other strategies to resolve the identified  
6 resource adequacy shortfall or reliability violation.

7 (1) In developing the plan, the Environmental  
8 Protection Agency and the Illinois Power Agency shall hold  
9 at least one workshop open to, and accessible at a time and  
10 place convenient to, the public and shall consider any  
11 comments made by stakeholders or the public. Upon  
12 development of the plan, copies of the plan shall be  
13 posted and made publicly available on the Environmental  
14 Protection Agency's, the Illinois Power Agency's, and the  
15 Illinois Commerce Commission's websites. All interested  
16 parties shall have 60 days following the date of posting  
17 to provide comment to the Environmental Protection Agency  
18 and the Illinois Power Agency on the plan. All comments  
19 submitted to the Environmental Protection Agency and the  
20 Illinois Power Agency shall be encouraged to be specific,  
21 supported by data or other detailed analyses, and, if  
22 objecting to all or a portion of the plan, accompanied by  
23 specific alternative wording or proposals. All comments  
24 shall be posted on the Environmental Protection Agency's,  
25 the Illinois Power Agency's, and the Illinois Commerce  
26 Commission's websites. Within 30 days following the end of

1 the 60-day review period, the Environmental Protection  
2 Agency and the Illinois Power Agency shall revise the plan  
3 as necessary based on the comments received and file its  
4 revised plan with the Illinois Commerce Commission for  
5 approval.

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

18 (3) The Illinois Commerce Commission shall only  
19 approve the plan if the Illinois Commerce Commission  
20 determines that it will resolve the resource adequacy or  
21 reliability deficiency identified in the reliability  
22 mitigation plan at the least amount of CO<sub>2</sub>e and copollutant  
23 emissions, taking into consideration the emissions impacts  
24 on environmental justice communities, and that it will  
25 ensure adequate, reliable, affordable, efficient, and  
26 environmentally sustainable electric service at the lowest

1 total cost over time, taking into account the impact of  
2 increases in emissions.

3 (4) If the resource adequacy or reliability deficiency  
4 identified in the reliability mitigation plan is resolved  
5 or reduced, the Environmental Protection Agency and the  
6 Illinois Power Agency may file an amended plan adjusting  
7 the reduction or delay in CO<sub>2</sub>e and copollutant emission  
8 reduction requirements identified in the plan.

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

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

11 Sec. 9.15. Greenhouse gases.

12 (a) An air pollution construction 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  
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3 with other applicable rules or regulations.

4 (c) (Blank).

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7 (f) As used in this Section:

8 "Carbon dioxide emission" means the plant annual CO<sub>2</sub> total  
9 output emission as measured by the United States Environmental  
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11 Integrated Database (eGrid), or its successor.

12 "Carbon dioxide equivalent emissions" or "CO<sub>2</sub>e" means the  
13 sum total of the mass amount of emissions in tons per year,  
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21 that unit's operation; and

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11 greenhouse gas-emitting units that have a NO<sub>x</sub> emission  
12 rate of greater than 0.12 lbs/MWh or a SO<sub>2</sub> emission rate  
13 greater than 0.006 lb/MWh, and are not located in or  
14 within 3 miles of an environmental justice community  
15 designated as of January 1, 2021 or an equity investment  
16 eligible community that was designated by the Restore,  
17 Reinvest, and Renew Program Board as of January 11, 2024  
18 and that is located in an R3 Area established under  
19 Section 10-40 of the Cannabis Regulation and Tax Act.

20 After January 1, 2035, each such EGU and large greenhouse  
21 gas-emitting unit shall reduce its CO<sub>2</sub>e emissions by at  
22 least 50% from its existing emissions for CO<sub>2</sub>e, and shall  
23 be limited in operation to, on average, 6 hours or less per  
24 day, measured over a calendar year, and shall not run for  
25 more than 24 consecutive hours except in emergency  
26 conditions, as designated by a Regional Transmission

1 Organization or Independent System Operator.

2 (3) No later than January 1, 2035: all EGUs and large  
3 greenhouse gas-emitting units that began operation prior  
4 to the effective date of this amendatory Act of the 102nd  
5 General Assembly and have a NO<sub>x</sub> emission rate of less than  
6 or equal to 0.12 lb/MWh and a SO<sub>2</sub> emission rate less than  
7 or equal to 0.006 lb/MWh, and are located in or within 3  
8 miles of an environmental justice community designated as  
9 of January 1, 2021 or an equity investment eligible  
10 community that was designated by the Restore, Reinvest,  
11 and Renew Program Board as of January 11, 2024 and that is  
12 located in an R3 Area established under Section 10-40 of  
13 the Cannabis Regulation and Tax Act. Each such EGU and  
14 large greenhouse gas-emitting unit shall reduce its CO<sub>2</sub>e  
15 emissions by at least 50% from its existing emissions for  
16 CO<sub>2</sub>e no later than January 1, 2030.

17 (4) No later than January 1, 2040: All remaining EGUs  
18 and large greenhouse gas-emitting units that have a heat  
19 rate greater than or equal to 7000 BTU/kWh. Each such EGU  
20 and Large greenhouse gas-emitting unit shall reduce its  
21 CO<sub>2</sub>e emissions by at least 50% from its existing emissions  
22 for CO<sub>2</sub>e no later than January 1, 2035.

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

25 (j) All EGUs and large greenhouse gas-emitting units that  
26 use gas as a fuel and are public GHG-emitting units shall

1 permanently reduce all CO<sub>2</sub>e and copollutant emissions to zero,  
2 including through unit retirement or the use of 100% green  
3 hydrogen or other similar technology that is commercially  
4 proven to achieve zero carbon emissions by January 1, 2045.

5 (k) All EGUs and large greenhouse gas-emitting units that  
6 utilize combined heat and power or cogeneration technology  
7 shall permanently reduce all CO<sub>2</sub>e and copollutant emissions to  
8 zero, including through unit retirement or the use of 100%  
9 green hydrogen or other similar technology that is  
10 commercially proven to achieve zero carbon emissions by  
11 January 1, 2045.

12 (k-5) No EGU or large greenhouse gas-emitting unit that  
13 uses gas as a fuel and is not a public GHG-emitting unit may  
14 emit, in any 12-month period, CO<sub>2</sub>e or copollutants in excess of  
15 that unit's existing emissions for those pollutants.

16 (l) Notwithstanding subsections (g) through (k-5), large  
17 GHG-emitting units including EGUs may temporarily continue  
18 emitting CO<sub>2</sub>e and copollutants after any applicable deadline  
19 specified in any of subsections (g) through (k-5) if it has  
20 been determined, as described in paragraphs (1) and (2) of  
21 this subsection, that ongoing operation of the EGU is  
22 necessary to maintain power grid supply and reliability or  
23 ongoing operation of large GHG-emitting unit that is not an  
24 EGU is necessary to serve as an emergency backup to  
25 operations. Up to and including the occurrence of an emission  
26 reduction deadline under subsection (i), all EGUs and large

1 GHG-emitting units must comply with the following terms:

2 (1) if an EGU or large GHG-emitting unit that is a  
3 participant in a regional transmission organization  
4 intends to retire, it must submit documentation to the  
5 appropriate regional transmission organization by the  
6 appropriate deadline that meets all applicable regulatory  
7 requirements necessary to obtain approval to permanently  
8 cease operating the large GHG-emitting unit;

9 (2) if any EGU or large GHG-emitting unit that is a  
10 participant in a regional transmission organization  
11 receives notice that the regional transmission  
12 organization has determined that continued operation of  
13 the unit is required, the unit may continue operating  
14 until the issue identified by the regional transmission  
15 organization is resolved. The owner or operator of the  
16 unit must cooperate with the regional transmission  
17 organization in resolving the issue and must reduce its  
18 emissions to zero, consistent with the requirements under  
19 subsection (g), (h), (i), (j), (k), or (k-5), as  
20 applicable, as soon as practicable when the issue  
21 identified by the regional transmission organization is  
22 resolved; and

23 (3) any large GHG-emitting unit that is not a  
24 participant in a regional transmission organization shall  
25 be allowed to continue emitting CO<sub>2</sub>e and copollutants  
26 after the zero-emission date specified in subsection (g),

1 (h), (i), (j), (k), or (k-5), as applicable, in the  
2 capacity of an emergency backup unit if approved by the  
3 Illinois Commerce Commission.

4 (m) No variance, adjusted standard, or other regulatory  
5 relief otherwise available in this Act may be granted to the  
6 emissions reduction and elimination obligations in this  
7 Section.

8 (n) By June 30 of each year, beginning in 2025, the Agency  
9 shall prepare and publish on its website a report setting  
10 forth the actual greenhouse gas emissions from individual  
11 units and the aggregate statewide emissions from all units for  
12 the prior year.

13 (o) The Environmental Protection Agency, Illinois Power  
14 Agency, and Illinois Commerce Commission shall jointly  
15 prepare, and release publicly, a report to the General  
16 Assembly that examines the State's current progress toward its  
17 renewable energy resource development goals, the status of  
18 CO<sub>2</sub>e and copollutant emissions reductions, the current status  
19 and progress toward developing and implementing green hydrogen  
20 technologies, the current and projected status of electric  
21 resource adequacy and reliability throughout the State for the  
22 period beginning 5 years ahead, and proposed solutions for any  
23 findings. The Environmental Protection Agency, Illinois Power  
24 Agency, and Illinois Commerce Commission shall consult PJM  
25 Interconnection, LLC and Midcontinent Independent System  
26 Operator, Inc., or their respective successor organizations

1 regarding forecasted resource adequacy and reliability needs,  
2 anticipated new generation interconnection, new transmission  
3 development or upgrades, and any announced large GHG-emitting  
4 unit closure dates and include this information in the report.  
5 The report shall be released publicly by no later than  
6 December 15 of the year it is prepared. If the Environmental  
7 Protection Agency, Illinois Power Agency, and Illinois  
8 Commerce Commission jointly conclude in the report that the  
9 data from the regional grid operators, the pace of renewable  
10 energy development, the pace of development of energy storage  
11 and demand response utilization, transmission capacity, and  
12 the CO<sub>2</sub>e and copollutant emissions reductions required by  
13 subsection (i) or (k-5) reasonably demonstrate that a resource  
14 adequacy shortfall will occur, including whether there will be  
15 sufficient in-state capacity to meet the zonal requirements of  
16 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the  
17 regional transmission organizations, or that the regional  
18 transmission operators determine that a reliability violation  
19 will occur during the time frame the study is evaluating, then  
20 the Illinois Power Agency, in conjunction with the  
21 Environmental Protection Agency shall develop a plan to reduce  
22 or delay CO<sub>2</sub>e and copollutant emissions reductions  
23 requirements only to the extent and for the duration necessary  
24 to meet the resource adequacy and reliability needs of the  
25 State, including allowing any plants whose emission reduction  
26 deadline has been identified in the plan as creating a

1 reliability concern to continue operating, including operating  
2 with reduced emissions or as emergency backup where  
3 appropriate. The plan shall also consider the use of renewable  
4 energy, energy storage, demand response, transmission  
5 development, or other strategies to resolve the identified  
6 resource adequacy shortfall or reliability violation.

7 (1) In developing the plan, the Environmental  
8 Protection Agency and the Illinois Power Agency shall hold  
9 at least one workshop open to, and accessible at a time and  
10 place convenient to, the public and shall consider any  
11 comments made by stakeholders or the public. Upon  
12 development of the plan, copies of the plan shall be  
13 posted and made publicly available on the Environmental  
14 Protection Agency's, the Illinois Power Agency's, and the  
15 Illinois Commerce Commission's websites. All interested  
16 parties shall have 60 days following the date of posting  
17 to provide comment to the Environmental Protection Agency  
18 and the Illinois Power Agency on the plan. All comments  
19 submitted to the Environmental Protection Agency and the  
20 Illinois Power Agency shall be encouraged to be specific,  
21 supported by data or other detailed analyses, and, if  
22 objecting to all or a portion of the plan, accompanied by  
23 specific alternative wording or proposals. All comments  
24 shall be posted on the Environmental Protection Agency's,  
25 the Illinois Power Agency's, and the Illinois Commerce  
26 Commission's websites. Within 30 days following the end of

1 the 60-day review period, the Environmental Protection  
2 Agency and the Illinois Power Agency shall revise the plan  
3 as necessary based on the comments received and file its  
4 revised plan with the Illinois Commerce Commission for  
5 approval.

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

18 (3) The Illinois Commerce Commission shall only  
19 approve the plan if the Illinois Commerce Commission  
20 determines that it will resolve the resource adequacy or  
21 reliability deficiency identified in the reliability  
22 mitigation plan at the least amount of CO<sub>2</sub>e and copollutant  
23 emissions, taking into consideration the emissions impacts  
24 on environmental justice communities, and that it will  
25 ensure adequate, reliable, affordable, efficient, and  
26 environmentally sustainable electric service at the lowest

1 total cost over time, taking into account the impact of  
2 increases in emissions.

3 (4) If the resource adequacy or reliability deficiency  
4 identified in the reliability mitigation plan is resolved  
5 or reduced, the Environmental Protection Agency and the  
6 Illinois Power Agency may file an amended plan adjusting  
7 the reduction or delay in CO<sub>2</sub>e and copollutant emission  
8 reduction requirements identified in the plan.

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

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.