

SB3234



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3234

Introduced 2/2/2026, by Sen. Bill Cunningham

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 17965 AAS 31402 b

A BILL FOR

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 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 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_x emission
11 rate of greater than 0.12 lbs/MWh or a SO₂ 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 CO₂e emissions by at
21 least 50% from its existing emissions for CO₂e, 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_x emission rate of less than
5 or equal to 0.12 lb/MWh and a SO₂ 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 CO₂e
14 emissions by at least 50% from its existing emissions for
15 CO₂e 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 CO₂e emissions by at least 50% from its existing emissions
21 for CO₂e 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 CO₂e 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 CO₂e 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, CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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
15 defined by 40 CFR 52.21, as now or hereafter amended, for
16 greenhouse gases or is otherwise not addressed in this Section
17 or by the Board in regulations for greenhouse gases. These
18 exemptions do not relieve an owner or operator from the
19 obligation to comply with other applicable rules or
20 regulations.

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

1 regulations for greenhouse gases. These exemptions do not
2 relieve an owner or operator from the obligation to comply
3 with other applicable rules or regulations.

4 (c) (Blank).

5 (d) (Blank).

6 (e) (Blank).

7 (f) As used in this Section:

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

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

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

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

26 "Electric generating unit" or "EGU" means a fossil

1 fuel-fired stationary boiler, combustion turbine, or combined
2 cycle system that serves a generator that has a nameplate
3 capacity greater than 25 MWe and produces electricity for
4 sale.

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

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

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

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

26 "Equity investment eligible person" or "eligible person"

1 means the persons who would most benefit from equitable
2 investments by the State designed to combat discrimination and
3 foster sustainable economic growth. Specifically, eligible
4 person means the following people:

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

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

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

15 (4) persons who were formerly incarcerated.

16 "Existing emissions" means:

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

22 (2) for any copollutant, the total average
23 tons-per-year of that copollutant emitted by the EGU or
24 large GHG-emitting unit either in the years 2018 through
25 2020 or, if the unit was not yet in operation by January 1,
26 2018, in the first 3 full years of that unit's operation.

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

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

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

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

26 "SO₂ emission rate" means the "plant annual SO₂ total

1 output emission rate" as measured by the United States
2 Environmental Protection Agency in its Emissions & Generation
3 Resource Integrated Database (eGrid), or its successor, in the
4 most recent year for which data is available.

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

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

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

26 (1) No later than January 1, 2030: all EGUs and large

1 greenhouse gas-emitting units that have a NO_x emissions
2 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
3 greater than 0.006 lb/MWh, and are located in or within 3
4 miles of an environmental justice community designated as
5 of January 1, 2021 or an equity investment eligible
6 community that was designated by the Restore, Reinvest,
7 and Renew Program Board as of January 11, 2024 and that is
8 located in an R3 Area established under Section 10-40 of
9 the Cannabis Regulation and Tax Act.

10 (2) No later than January 1, 2040: all EGUs and large
11 greenhouse gas-emitting units that have a NO_x emission
12 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
13 greater than 0.006 lb/MWh, and are not located in or
14 within 3 miles of an environmental justice community
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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
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20 After January 1, 2035, each such EGU and large greenhouse
21 gas-emitting unit shall reduce its CO₂e emissions by at
22 least 50% from its existing emissions for CO₂e, 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_x emission rate of less than
6 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
7 or equal to 0.006 lb/MWh, and are located in or within 3
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15 emissions by at least 50% from its existing emissions for
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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 CO₂e emissions by at least 50% from its existing emissions
22 for CO₂e 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

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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 CO₂e 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, CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e 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.