

SB2718



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2718

Introduced 10/28/2025, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.15

Specifies that the amendatory Act may be referred to as the Save Our Power Plants Act. Amends the Environmental Protection Act. In a provision concerning the regulation of greenhouse gases, extends by 15 years the deadlines for attaining specified emission reductions. Effective immediately.

LRB104 15725 AAS 28908 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 1. References to Act. This Act may be referred to
5 as the Save Our Power Plants Act.

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

8 (415 ILCS 5/9.15)

9 Sec. 9.15. Greenhouse gases.

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

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

1 otherwise not addressed in this Section or by the Board in
2 regulations for greenhouse gases. These exemptions do not
3 relieve an owner or operator from the obligation to comply
4 with other applicable rules or regulations.

5 (c) (Blank).

6 (d) (Blank).

7 (e) (Blank).

8 (f) As used in this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (4) persons who were formerly incarcerated.

17 "Existing emissions" means:

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

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

1 2018, in the first 3 full years of that unit's operation.

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

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

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

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

1 "SO₂ emission rate" means the "plant annual SO₂ total
2 output emission rate" as measured by the United States
3 Environmental Protection Agency in its Emissions & Generation
4 Resource Integrated Database (eGrid), or its successor, in the
5 most recent year for which data is available.

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, 2045 ~~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, 2060 ~~2045~~. Any source or plant with such units
14 must 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, 2050
17 ~~2035~~, the plant shall retire one or more units or otherwise
18 reduce its CO₂e emissions by 45% from existing emissions by
19 June 30, 2053 ~~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, 2045 ~~2030~~: all EGUs and
2 large greenhouse gas-emitting units that have a NO_x
3 emissions rate of greater than 0.12 lbs/MWh or a SO₂
4 emission rate of greater than 0.006 lb/MWh, and are
5 located in or within 3 miles of an environmental justice
6 community designated as of January 1, 2021 or an equity
7 investment eligible community.

8 (2) No later than January 1, 2055 ~~2040~~: all EGUs and
9 large greenhouse gas-emitting units that have a NO_x
10 emission rate of greater than 0.12 lbs/MWh or a SO₂
11 emission rate greater than 0.006 lb/MWh, and are not
12 located in or within 3 miles of an environmental justice
13 community designated as of January 1, 2021 or an equity
14 investment eligible community. After January 1, 2050 ~~2035~~,
15 each such EGU and large greenhouse gas-emitting unit shall
16 reduce its CO₂e emissions by at least 50% from its existing
17 emissions for CO₂e, and shall be limited in operation to,
18 on average, 6 hours or less per day, measured over a
19 calendar year, and shall not run for more than 24
20 consecutive hours except in emergency conditions, as
21 designated by a Regional Transmission Organization or
22 Independent System Operator.

23 (3) No later than January 1, 2050 ~~2035~~: all EGUs and
24 large greenhouse gas-emitting units that began operation
25 prior to the effective date of this amendatory Act of the
26 102nd General Assembly and have a NO_x emission rate of less

1 than or equal to 0.12 lb/MWh and a SO₂ emission rate less
2 than or equal to 0.006 lb/MWh, and are located in or within
3 3 miles of an environmental justice community designated
4 as of January 1, 2021 or an equity investment eligible
5 community. Each such EGU and large greenhouse gas-emitting
6 unit shall reduce its CO₂e emissions by at least 50% from
7 its existing emissions for CO₂e no later than January 1,
8 2045 ~~2030~~.

9 (4) No later than January 1, 2055 ~~2040~~: All remaining
10 EGUs and large greenhouse gas-emitting units that have a
11 heat rate greater than or equal to 7000 BTU/kWh. Each such
12 EGU and Large greenhouse gas-emitting unit shall reduce
13 its CO₂e emissions by at least 50% from its existing
14 emissions for CO₂e no later than January 1, 2035.

15 (5) No later than January 1, 2060 ~~2045~~: all remaining
16 EGUs and large greenhouse gas-emitting units.

17 (j) All EGUs and large greenhouse gas-emitting units that
18 use gas as a fuel and are public GHG-emitting units shall
19 permanently reduce all CO₂e and copollutant emissions to zero,
20 including through unit retirement or the use of 100% green
21 hydrogen or other similar technology that is commercially
22 proven to achieve zero carbon emissions by January 1, 2060
23 ~~2045~~.

24 (k) All EGUs and large greenhouse gas-emitting units that
25 utilize combined heat and power or cogeneration technology
26 shall permanently reduce all CO₂e and copollutant emissions to

1 zero, including through unit retirement or the use of 100%
2 green hydrogen or other similar technology that is
3 commercially proven to achieve zero carbon emissions by
4 January 1, 2060 ~~2045~~.

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

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

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

1 cease operating the large GHG-emitting unit;

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

1 (n) By June 30 of each year, beginning in 2025, the Agency
2 shall prepare and publish on its website a report setting
3 forth the actual greenhouse gas emissions from individual
4 units and the aggregate statewide emissions from all units for
5 the prior year.

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

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

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

26 (2) Within 60 days after the filing of the revised

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

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

23 (4) If the resource adequacy or reliability deficiency
24 identified in the reliability mitigation plan is resolved
25 or reduced, the Environmental Protection Agency and the
26 Illinois Power Agency may file an amended plan adjusting

1 the reduction or delay in CO₂e and copollutant emission
2 reduction requirements identified in the plan.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.