



Rep. Lawrence Walsh, Jr.

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10200SB3866ham002

LRB102 24630 AMQ 37952 a

1 AMENDMENT TO SENATE BILL 3866

2 AMENDMENT NO. _____. Amend Senate Bill 3866 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Transition Act is amended by
5 changing Section 5-40 as follows:

6 (20 ILCS 730/5-40)

7 (Section scheduled to be repealed on September 15, 2045)

8 Sec. 5-40. Illinois Climate Works Preapprenticeship
9 Program.

10 (a) Subject to appropriation, the Department shall
11 develop, and through Regional Administrators administer, the
12 Illinois Climate Works Preapprenticeship Program. The goal of
13 the Illinois Climate Works Preapprenticeship Program is to
14 create a network of hubs throughout the State that will
15 recruit, prescreen, and provide preapprenticeship skills
16 training, for which participants may attend free of charge and

1 receive a stipend, to create a qualified, diverse pipeline of
2 workers who are prepared for careers in the construction and
3 building trades and clean energy jobs opportunities therein.
4 Upon completion of the Illinois Climate Works
5 Preapprenticeship Program, the candidates will be connected to
6 and prepared to successfully complete an apprenticeship
7 program.

8 (b) Each Climate Works Hub that receives funding from the
9 Energy Transition Assistance Fund shall provide an annual
10 report to the Illinois Works Review Panel by April 1 of each
11 calendar year. The annual report shall include the following
12 information:

13 (1) a description of the Climate Works Hub's
14 recruitment, screening, and training efforts, including a
15 description of training related to construction and
16 building trades opportunities in clean energy jobs;

17 (2) the number of individuals who apply to,
18 participate in, and complete the Climate Works Hub's
19 program, broken down by race, gender, age, and veteran
20 status;

21 (3) the number of the individuals referenced in
22 paragraph (2) of this subsection who are initially
23 accepted and placed into apprenticeship programs in the
24 construction and building trades; and

25 (4) the number of individuals referenced in paragraph
26 (2) of this subsection who remain in apprenticeship

1 programs in the construction and building trades or have
2 become journeymen one calendar year after their placement,
3 as referenced in paragraph (3) of this subsection.

4 (c) Subject to appropriation, the Department shall provide
5 funding to 3 Climate Works Hubs throughout the State,
6 including one to the Illinois Department of Transportation
7 Region 1, one to the Illinois Department of Transportation
8 Regions 2 and 3, and one to the Illinois Department of
9 Transportation Regions 4 and 5. Climate Works Hubs shall be
10 awarded grants in multi-year increments not to exceed 36
11 months with the opportunity for grant renewal and modification
12 for subsequent years. The Department shall initially select a
13 community-based provider in each region and shall subsequently
14 select a community-based provider in each region every 3
15 years.

16 (d) Each Climate Works Hub that receives funding from the
17 Energy Transition Assistance Fund shall: ~~The Climate Works~~
18 ~~Hubs shall recruit, prescreen, and provide preapprenticeship~~
19 ~~training to equity investment eligible persons. This training~~
20 ~~shall include information related to opportunities and~~
21 ~~certifications relevant to clean energy jobs in the~~
22 ~~construction and building trades.~~

23 (1) recruit, prescreen, and provide preapprenticeship
24 training to equity investment eligible persons;

25 (2) provide training information related to
26 opportunities and certifications relevant to clean energy

1 jobs in the construction and building trades; and

2 (3) provide preapprentices with stipends not less than
3 the State minimum wage unless a higher wage is required by
4 a locality where the preapprenticeship training program is
5 sited.

6 (d-5) Priority shall be given to Climate Works Hubs that
7 have an agreement with North American Building Trades Unions
8 (NABTU) to utilize the Multi-Craft Core Curriculum or
9 successor curriculums.

10 (e) Funding for the Program is subject to appropriation
11 from the Energy Transition Assistance Fund.

12 (f) The Department shall adopt any rules deemed necessary
13 to implement this Section.

14 (Source: P.A. 102-662, eff. 9-15-21.)

15 Section 10. The Public Utilities Act is amended by
16 changing Sections 5-117, 8-218, and 16-108.30 and by adding
17 Section 16-111.11 as follows:

18 (220 ILCS 5/5-117)

19 Sec. 5-117. Supplier diversity goals.

20 (a) The public policy of this State is to collaboratively
21 work with companies that serve Illinois residents to improve
22 their supplier diversity in a non-antagonistic manner.

23 (b) The Commission shall require all gas, electric, and
24 water utilities ~~companies~~ with at least 100,000 customers

1 under its authority, ~~as well as suppliers of wind energy,~~
2 ~~solar energy, hydroelectricity, nuclear energy, and any other~~
3 ~~supplier of energy within this State,~~ to submit an annual
4 report by April 15, 2015 and every April 15 thereafter, in a
5 searchable Adobe PDF format, on all procurement goals and
6 actual spending for female-owned, minority-owned,
7 veteran-owned, and small business enterprises in the previous
8 calendar year. These goals shall be expressed as a percentage
9 of the total work performed by the entity submitting the
10 report, and the actual spending for all female-owned,
11 minority-owned, veteran-owned, and small business enterprises
12 shall also be expressed as a percentage of the total work
13 performed by the entity submitting the report.

14 (c) Each participating company in its annual report shall
15 include the following information:

16 (1) an explanation of the plan for the next year to
17 increase participation;

18 (2) an explanation of the plan to increase the goals;

19 (3) the areas of procurement each company shall be
20 actively seeking more participation in the next year;

21 (3.5) a buying plan for the specific goods and
22 services the company intends to buy in the next 6 to 18
23 months, that is either (i) organized by and reported at
24 the level of each applicable North American Industry
25 Classification System code, (ii) provided using a method,
26 system, or description similar to the North American

1 Industry Classification System, or (iii) provided using
2 the major categories of goods and related services
3 utilized in the company's procurement system, and
4 including any procurement codes used by the company, to
5 assist entrepreneurs and diverse companies to understand
6 upcoming opportunities to work with the company, however,
7 a utility shall not be required to include
8 commercially-sensitive data, nonpublic procurement
9 information, or other information that could compromise a
10 utility's ability to negotiate the most advantageous price
11 or terms;

12 (4) an outline of the plan to alert and encourage
13 potential vendors in that area to seek business from the
14 company;

15 (5) an explanation of the challenges faced in finding
16 quality vendors and offer any suggestions for what the
17 Commission could do to be helpful to identify those
18 vendors;

19 (6) a list of the certifications the company
20 recognizes;

21 (7) the point of contact for any potential vendor who
22 wishes to do business with the company and explain the
23 process for a vendor to enroll with the company as a
24 minority-owned, women-owned, or veteran-owned company; and

25 (8) any particular success stories to encourage other
26 companies to emulate best practices.

1 (d) Each annual report shall include as much
2 State-specific data as possible. If the submitting entity does
3 not submit State-specific data, then the company shall include
4 any national data it does have and explain why it could not
5 submit State-specific data and how it intends to do so in
6 future reports, if possible.

7 (e) Each annual report shall include the rules,
8 regulations, and definitions used for the procurement goals in
9 the company's annual report.

10 (f) The Commission and all participating entities shall
11 hold an annual workshop open to the public in 2015 and every
12 year thereafter on the state of supplier diversity to
13 collaboratively seek solutions to structural impediments to
14 achieving stated goals, including testimony from each
15 participating entity as well as subject matter experts and
16 advocates. The Commission shall publish a database on its
17 website of the point of contact for each participating entity
18 for supplier diversity, along with a list of certifications
19 each company recognizes from the information submitted in each
20 annual report. The Commission shall publish each annual report
21 on its website and shall maintain each annual report for at
22 least 5 years.

23 (Source: P.A. 102-558, eff. 8-20-21; 102-662, eff. 9-15-21;
24 102-673, eff. 11-30-21.)

1 Sec. 8-218. Utility-scale pilot projects.

2 (a) Electric utilities serving greater than 500,000
3 customers but less than 3,000,000 customers may propose, plan
4 for, construct, install, control, own, manage, or operate up
5 to 2 pilot projects consisting of utility-scale photovoltaic
6 energy generation facilities. A pilot project may consist of
7 photovoltaic energy generation facilities located on one or
8 more sites and may be installed or constructed in phases.
9 Energy storage facilities that are planned for, constructed,
10 installed, controlled, owned, managed, or operated may be
11 constructed in connection with the photovoltaic electricity
12 generation pilot projects.

13 (b) Pilot projects shall be sited in equity investment
14 eligible communities in or near the towns of Peoria and East
15 St. Louis and must result in economic benefits for the members
16 of the communities in which the project will be located. The
17 amount paid per pilot project with or without energy storage
18 facilities cannot exceed \$20,000,000. The electric utility's
19 costs of planning for, constructing, installing, controlling,
20 owning, managing, or operating the photovoltaic electricity
21 generation facilities and energy storage facilities may be
22 recovered, on a kilowatt hour basis, via an automatic
23 adjustment clause tariff applicable to all retail customers,
24 with the tariff to be approved by the Commission after
25 opportunity for review, and with an annual reconciliation
26 component; and for purposes of cost recovery, the photovoltaic

1 electricity production facilities may be treated as regulatory
2 assets, using the same ratemaking treatment in paragraph (1)
3 of subsection (h) of Section 16-107.6 of this Act, provided:

4 (1) the Commission shall have the authority to determine the
5 reasonableness of the costs of the facilities, and (2) any
6 monetary value of power and energy from the facilities shall
7 be credited against the delivery services revenue requirement.

8 (c) Any electric utility seeking to propose, plan for,
9 construct, install, control, own, manage, or operate a pilot
10 project pursuant to this Section must commit to using a
11 diverse and equitable workforce and a diverse set of
12 contractors, including minority-owned businesses,
13 disadvantaged businesses, trade unions, graduates of any
14 workforce training programs established by this amendatory Act
15 of the 102nd General Assembly, and small businesses. An
16 electric utility must comply with the equity commitment
17 requirements in subsection (c-10) of Section 1-75 of the
18 Illinois Power Agency Act. The electric utility must certify
19 that not less than the prevailing wage will be paid to
20 employees engaged in construction activities associated with
21 the pilot project. The electric utility must file a project
22 labor agreement, as defined in the Illinois Power Agency Act,
23 with the Commission prior to constructing, installing,
24 controlling, or owning a pilot project authorized by this
25 Section.

26 (Source: P.A. 102-662, eff. 9-15-21.)

1 (220 ILCS 5/16-108.30)

2 Sec. 16-108.30. Energy Transition Assistance Fund.

3 (a) The Energy Transition Assistance Fund is hereby
4 created as a special fund in the State Treasury. The Energy
5 Transition Assistance Fund is authorized to receive moneys
6 collected pursuant to this Section. Subject to appropriation,
7 the Department of Commerce and Economic Opportunity shall use
8 moneys from the Energy Transition Assistance Fund consistent
9 with the purposes of this Act.

10 (b) An electric utility serving more than 500,000
11 customers in the State shall assess an energy transition
12 assistance charge on all its retail customers for the Energy
13 Transition Assistance Fund. The utility's total charge shall
14 be set based upon the value determined by the Department of
15 Commerce and Economic Opportunity pursuant to subsection (d)
16 or (e), as applicable, of Section 605-1075 of the Department
17 of Commerce and Economic Opportunity Law of the Civil
18 Administrative Code of Illinois. For each utility, the charge
19 shall be recovered through a single, uniform cents per
20 kilowatt-hour charge applicable to all retail customers. For
21 each utility, the charge shall not exceed 1.3% of the amount
22 paid per kilowatthour by eligible retail ~~those~~ customers
23 during the year ending May 31, 2009.

24 (c) Within 75 days of the effective date of this
25 amendatory Act of the 102nd General Assembly, each electric

1 utility serving more than 500,000 customers in the State shall
2 file with the Illinois Commerce Commission tariffs
3 incorporating the energy transition assistance charge in other
4 charges stated in such tariffs, which energy transition
5 assistance charges shall become effective no later than the
6 beginning of the first billing cycle that begins on or after
7 January 1, 2022. Each electric utility serving more than
8 500,000 customers in the State shall, prior to the beginning
9 of each calendar year starting with calendar year 2023, file
10 with the Illinois Commerce Commission tariff revisions to
11 incorporate annual revisions to the energy transition
12 assistance charge as prescribed by the Department of Commerce
13 and Economic Opportunity pursuant to Section 605-1075 of the
14 Department of Commerce and Economic Opportunity Law of the
15 Civil Administrative Code of Illinois so that such revision
16 becomes effective no later than the beginning of the first
17 billing cycle in each respective year.

18 (d) The energy transition assistance charge shall be
19 considered a charge for public utility service.

20 (e) By the 20th day of the month following the month in
21 which the charges imposed by this Section were collected, each
22 electric utility serving more than 500,000 customers in the
23 State shall remit to Department of Revenue all moneys received
24 as payment of the energy transition assistance charge on a
25 return prescribed and furnished by the Department of Revenue
26 showing such information as the Department of Revenue may

1 reasonably require. If a customer makes a partial payment, a
2 public utility may apply such partial payments first to
3 amounts owed to the utility. No customer may be subjected to
4 disconnection of his or her utility service for failure to pay
5 the energy transition assistance charge.

6 If any payment provided for in this subsection exceeds the
7 electric utility's liabilities under this Act, as shown on an
8 original return, the Department may authorize the electric
9 utility to credit such excess payment against liability
10 subsequently to be remitted to the Department under this Act,
11 in accordance with reasonable rules adopted by the Department.

12 All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,
13 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13
14 of the Retailers' Occupation Tax Act that are not inconsistent
15 with this Act apply, as far as practicable, to the charge
16 imposed by this Act to the same extent as if those provisions
17 were included in this Act. References in the incorporated
18 Sections of the Retailers' Occupation Tax Act to retailers, to
19 sellers, or to persons engaged in the business of selling
20 tangible personal property mean persons required to remit the
21 charge imposed under this Act.

22 (f) The Department of Revenue shall deposit into the
23 Energy Transition Assistance Fund all moneys remitted to it in
24 accordance with this Section.

25 (g) The Department of Revenue may establish such rules as
26 it deems necessary to implement this Section.

1 (h) The Department of Commerce and Economic Opportunity
2 may establish such rules as it deems necessary to implement
3 this Section.

4 (Source: P.A. 102-662, eff. 9-15-21.)

5 (220 ILCS 5/16-111.11 new)

6 Sec. 16-111.11. Supplier diversity reporting for
7 non-utilities.

8 (a) The following entities shall submit an annual supplier
9 diversity report to the Commission for a given year:

10 (1) entities that received a contract to provide more
11 than 10,000 renewable energy credits approved by the
12 Commission in a given year pursuant to subparagraph (iii)
13 of paragraph (5) of subsection (b) of Section 16-111.5;

14 (2) entities that received a contract to provide more
15 than 10,000 renewable energy credits approved by the
16 Commission in a given year pursuant to subsection (e) of
17 Section 16-111.5;

18 (3) alternative retail electric suppliers that have
19 yearly sales in the State of 1,000,000,000 kilowatt hours
20 or more, and alternative gas suppliers as defined in
21 Section 19-105 that have yearly sales in the State of
22 1,000,000 dekatherms or more;

23 (4) entities constructing or operating an HVDC
24 transmission line as defined in Section 1-10 of the
25 Illinois Power Agency Act or entities constructing or

1 operating transmission facilities under a certificate of
2 public convenience and necessity issued pursuant to
3 subsection (b-5) of Section 8-406;

4 (5) entities installing more than 100 energy
5 efficiency measures with a certificate approved by the
6 Commission pursuant to Section 16-128B; and

7 (6) other suppliers of electricity generated from any
8 resource, including, but not limited to, hydro, nuclear,
9 coal, natural gas, and any other supplier of energy within
10 this State.

11 (b) An annual report filed pursuant to this Section shall
12 be filed on an electronic form as designed by the Commission by
13 June 1, 2023 and every June 1 thereafter, in a searchable Adobe
14 PDF format, on all procurement goals and actual spending for
15 women-owned businesses, minority-owned businesses,
16 veteran-owned businesses, and small business enterprises in
17 the previous calendar year related to the performance of
18 obligations in the State of the contracts of licenses listed
19 in subsection (a). These goals shall be expressed as a
20 percentage of the total work performed by the entity
21 submitting the report. The actual spending for all women-owned
22 businesses, minority-owned businesses, veteran-owned
23 businesses, and small business enterprises shall also be
24 expressed as a percentage of the total work performed by the
25 entity submitting the report. Notwithstanding any provision of
26 law to the contrary, any entity with obligations related to

1 equity eligible actions pursuant to the Illinois Power Agency
2 Act may express such goals and spending in those terms.

3 Each participating entity in its annual report shall
4 include the following information related to the entity's
5 operations in the State related to the certificates or
6 activities listed in subsection (a):

7 (1) an explanation of the plan for the next year to
8 increase participation;

9 (2) an explanation of the plan to increase the goals;

10 (3) the areas of procurement each entity shall be
11 actively seeking more participation in the next year;

12 (4) an outline of the plan to alert and encourage
13 potential vendors in that area to seek business from the
14 entity;

15 (5) an explanation of the challenges faced in finding
16 quality vendors and offer any suggestions for what the
17 Commission could do to be helpful to identify those
18 vendors;

19 (6) a list of the certifications the entity
20 recognizes;

21 (7) the point of contact for any potential vendor who
22 wants to do business with the entity and explain the
23 process for a vendor to enroll with the company as a
24 minority-owned, women-owned, or veteran-owned company; and

25 (8) any particular success stories to encourage other
26 entities to emulate best practices.

1 (c) Each annual report shall include as much
2 State-specific data as possible. If the submitting entity does
3 not submit State-specific data, then the entity shall include
4 any national data it does have and explain why it could not
5 submit State-specific data and how it intends to do so in
6 future reports.

7 (d) Each annual report shall include the rules,
8 regulations, and definitions used for the procurement goals in
9 the entity's annual report.

10 (e) Each annual report filed or submitted under this
11 Section shall be submitted with the Commission. The Commission
12 shall not be required or authorized to compel production of
13 any report under this Section. The Commission shall hold an
14 annual workshop open to the public in 2024 and every year
15 thereafter on the state of supplier diversity to
16 collaboratively seek solutions to structural impediments to
17 achieving stated goals, including testimony from participating
18 entities as well as subject matter experts and advocates in a
19 non-antagonistic manner. The Commission shall invite all
20 entities submitting a report pursuant to this Section. The
21 Commission shall publish a database on its website of the
22 point of contact for each participating entity for supplier
23 diversity, along with a list of certifications each company
24 recognizes from the information submitted in each annual
25 report. The Commission shall publish each annual report on its
26 website and shall maintain each annual report for at least 5

1 years.

2 "Section 15. The Environmental Protection Act is amended
3 by changing Section 9.15 as follows:

4 (415 ILCS 5/9.15)

5 Sec. 9.15. Greenhouse gases.

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

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

23 (c) (Blank).

24 (d) (Blank).

1 (e) (Blank).

2 (f) As used in this Section:

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

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

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

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

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

26 "Environmental justice community" means the definition of

1 that term based on existing methodologies and findings, used
2 and as may be updated by the Illinois Power Agency and its
3 program administrator in the Illinois Solar for All Program.

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

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

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

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

26 (1) persons whose primary residence is in an equity

1 investment eligible community;

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

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

10 (4) persons who were formerly incarcerated.

11 "Existing emissions" means:

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

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

22 "Green hydrogen" means a power plant technology in which
23 an EGU creates electric power exclusively from electrolytic
24 hydrogen, in a manner that produces zero carbon and
25 copollutant emissions, using hydrogen fuel that is
26 electrolyzed using a 100% renewable zero carbon emission

1 energy source.

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

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

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

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

26 (g) All EGUs and large greenhouse gas-emitting units that

1 use coal or oil as a fuel and are not public GHG-emitting units
2 shall permanently reduce all CO₂e and copollutant emissions to
3 zero no later than January 1, 2030.

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

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

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

1 community.

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

16 (3) No later than January 1, 2035: all EGUs and large
17 greenhouse gas-emitting units that began operation prior
18 to the effective date of this amendatory Act of the 102nd
19 General Assembly and have a NO_x emission rate of less than
20 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
21 or equal to 0.006 lb/MWh, and are located in or within 3
22 miles of an environmental justice community designated as
23 of January 1, 2021 or an equity investment eligible
24 community. Each such EGU and large greenhouse gas-emitting
25 unit shall reduce its CO₂e emissions by at least 50% from
26 its existing emissions for CO₂e no later than January 1,

1 2030.

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

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

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

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

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

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

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

21 (2) if any EGU or large GHG-emitting unit that is a
22 participant in a regional transmission organization
23 receives notice that the regional transmission
24 organization has determined that continued operation of
25 the unit is required, the unit may continue operating
26 until the issue identified by the regional transmission

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

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

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

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

25 (o) Every 5 years beginning in 2025, the Environmental
26 Protection Agency, Illinois Power Agency, and Illinois

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

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

20 (1) In developing the plan, the Environmental
21 Protection Agency and the Illinois Power Agency shall hold
22 at least one workshop open to, and accessible at a time and
23 place convenient to, the public and shall consider any
24 comments made by stakeholders or the public. Upon
25 development of the plan, copies of the plan shall be
26 posted and made publicly available on the Environmental

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

19 (2) Within 60 days after the filing of the revised
20 plan at the Illinois Commerce Commission, any person
21 objecting to the plan shall file an objection with the
22 Illinois Commerce Commission. Within 30 days after the
23 expiration of the comment period, the Illinois Commerce
24 Commission shall determine whether an evidentiary hearing
25 is necessary. The Illinois Commerce Commission shall also
26 host 3 public hearings within 90 days after the plan is

1 filed. Following the evidentiary and public hearings, the
2 Illinois Commerce Commission shall enter its order
3 approving or approving with modifications the reliability
4 mitigation plan within 180 days.

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

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."