

1 AN ACT concerning regulation.

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

4 Section 5. The Clean Coal FutureGen for Illinois Act is
5 amended by changing Sections 5, 10, 15, and 998 as follows:

6 (20 ILCS 1107/5)

7 (Section scheduled to be repealed on December 31, 2010)

8 Sec. 5. Purpose. Recognizing that the FutureGen Project is
9 a first-of-a-kind research project to permanently sequester
10 underground captured CO2 ~~carbon-dioxide~~ emissions from: (1) a
11 coal-fueled power plant that uses as its primary fuel source
12 high volatile bituminous rank coal with greater than 1.7 pounds
13 of sulfur per million btu content or (2) other approved and
14 permitted captured CO2 sources in the State of Illinois, and
15 that such a project would have benefits to the economy and
16 environment of Illinois, the purpose of this Act is to provide
17 the FutureGen Alliance with adequate liability protection and
18 permitting certainty to facilitate the siting of the FutureGen
19 Project in the State of Illinois, to provide to the State of
20 Illinois certain financial benefits from environmental
21 attributes for the Project, and to help secure over \$1 billion
22 in federal funding for the Project.

23 (Source: P.A. 95-18, eff. 7-30-07.)

1 (20 ILCS 1107/10)

2 (Section scheduled to be repealed on December 31, 2010)

3 Sec. 10. Legislative findings. The General Assembly finds
4 and determines that:

5 (1) human-induced greenhouse gas emissions have been
6 identified as contributing to global warming, the effects
7 of which pose a threat to public health and safety and the
8 economy of the State of Illinois;

9 (2) in order to meet the energy needs of the State of
10 Illinois, keep its economy strong and protect the
11 environment while reducing its contribution to
12 human-induced greenhouse gas emissions, the State of
13 Illinois must be a leader in developing new low-carbon
14 technologies;

15 (3) carbon capture and storage is a low-carbon
16 technology that involves capturing the captured CO2 ~~carbon~~
17 ~~dioxide~~ from fossil fuel energy electric ~~and hydrogen~~
18 generating units and other industrial facilities and
19 injecting it into secure geologic strata for permanent
20 storage;

21 (4) the FutureGen Project is a public-private
22 partnership between the Federal Department of Energy and
23 the FutureGen Alliance that proposes to use this new
24 technology as part of a plan to transport and store
25 captured CO2 from a coal-fueled power plant that uses as

1 its primary fuel source high-volatile bituminous rank coal
2 with greater than 1.7 pounds of sulfur per million btu
3 content and other captured CO2 sources that are approved by
4 the appropriate State of Illinois agency and permitted in
5 the State of Illinois ~~build and operate a near zero~~
6 ~~emission coal fueled power plant;~~

7 (5) the FutureGen Project will help ensure the
8 long-term viability of Illinois Basin coal as a major
9 energy source in the State of Illinois and throughout the
10 nation and represents a significant step in the State of
11 Illinois' efforts to become a self-sufficient, clean
12 energy producer;

13 (6) the FutureGen Project provides an opportunity for
14 the State of Illinois to partner with the Federal
15 Department of Energy and the FutureGen Alliance in the
16 development of these innovative clean-coal technologies;

17 (7) the FutureGen Project will make the State of
18 Illinois a center for developing and refining clean coal
19 technology, ~~hydrogen production~~ and carbon capture and
20 storage, and will result in the development of new
21 technologies designed to improve the efficiency of the
22 energy industry that will be replicated world wide;

23 (8) the FutureGen Project is an important coal
24 development and conversion project that will create jobs in
25 the State of Illinois during the construction and
26 operational phases, contribute to the overall economy of

1 the State of Illinois and help reinvigorate the Illinois
2 Basin coal industry; and

3 (9) the FutureGen Project and the property necessary
4 for the FutureGen Project serve a substantial public
5 purpose as its advanced clean-coal ~~coal gasification,~~
6 electricity generation, ~~hydrogen production,~~ advanced
7 emissions control and carbon capture and storage
8 technologies will benefit the citizens of the State of
9 Illinois.

10 (Source: P.A. 95-18, eff. 7-30-07.)

11 (20 ILCS 1107/15)

12 (Section scheduled to be repealed on December 31, 2010)

13 Sec. 15. Definitions. For the purposes of this Act:

14 "Agency" means the Illinois Environmental Protection
15 Agency.

16 "Captured CO2" means CO2 and other trace chemical
17 constituents approved by the Agency for injection into the
18 Mount Simon Formation.

19 "Carbon capture and storage" means the process of
20 collecting captured CO2 ~~capturing CO2 and other chemical~~
21 ~~constituents~~ from coal combustion by-products for the purpose
22 of injecting and storing the captured CO2 ~~gas~~ for permanent
23 storage.

24 "Carbon dioxide" or "CO2" means a colorless, odorless gas
25 in the form of one carbon and 2 oxygen atoms that is the

1 principal greenhouse gas.

2 "Department" means the Department of Commerce and Economic
3 Opportunity.

4 "Director" means the Director of Commerce and Economic
5 Opportunity.

6 "Federal Department" means the federal Department of
7 Energy.

8 "FutureGen Alliance" is a 501(c)(3) non-profit consortium
9 of coal and energy producers created to benefit the public
10 interest and the interest of science through the research,
11 development, and demonstration of near zero-emission coal
12 technology, with the cooperation of the Federal Department
13 ~~that, as of the effective date of this Act, includes American~~
14 ~~Electric Power, Anglo American plc, BHP Billiton, E. ON US,~~
15 ~~China Huaneng Group, CONSOL Energy, Foundation Coal, Kennecott~~
16 ~~Energy, Peabody Energy, PPL Corporation, Rio Tinto Energy~~
17 ~~American, Southern Company, and Xstrata Coal.~~

18 "FutureGen Project" means the public-private partnership
19 between the Federal Department and the FutureGen Alliance that
20 will control captured CO2 and will construct and operate a
21 pipeline and storage field for captured CO2 ~~coal-fueled power~~
22 ~~plant utilizing state-of-the-art clean coal technology and~~
23 ~~carbon capture and storage. Two locations in Illinois, Tuscola~~
24 ~~and Mattoon, are under consideration for the FutureGen Project.~~
25 ~~These are the only locations eligible for benefits under this~~
26 ~~Act.~~

1 "Mount Simon Formation" means the deep sandstone reservoir
2 into which the sequestered CO2 gas is to be injected at a depth
3 greater than 3,500 feet ~~depths generally ranging between 5,500~~
4 ~~and 8,500 feet~~ below ground surface and that is bounded by the
5 granitic basement below and the Eau Claire Shale above.

6 "Operator" means the FutureGen Alliance and its member
7 companies, including their parent companies, subsidiaries,
8 affiliates, directors, officers, employees, and agents, or a
9 not-for-profit successor-in-interest approved by the
10 Department.

11 "Post-injection" means after the captured CO2 gas has been
12 successfully injected into the wellhead at the point at which
13 the captured CO2 gas is transferred into the wellbore for
14 carbon sequestration and storage into the Mount Simon
15 Formation.

16 "Pre-injection" means all activities and occurrences prior
17 to successful delivery into the wellhead at the point at which
18 the captured CO2 gas is transferred into the wellbore for
19 carbon sequestration and storage into the Mount Simon
20 Formation, including but not limited to, the operation of the
21 FutureGen Project.

22 "Public liability" means any civil legal liability arising
23 out of or resulting from the storage, escape, release, or
24 migration of the post-injection sequestered CO2 gas that was
25 injected by the Operator and for which title is transferred to
26 the State pursuant to Section 20 of this Act ~~during the~~

1 ~~operation of the FutureGen Project by the FutureGen Alliance.~~
2 The term "public liability", however, does not include any
3 legal liability arising out of or resulting from the
4 construction, operation, or other pre-injection activity of
5 the Operator or any other third party.

6 "Public liability action" or "action" means a written
7 demand, lawsuit, or claim from any third party received by the
8 Operator seeking a remedy or alleging liability on behalf of
9 Operator resulting from any public liability.

10 "Sequestered CO2 gas" means the captured CO2 ~~and other~~
11 ~~chemical constituents~~ from the FutureGen Project operations
12 that is ~~are~~ injected into the Mount Simon Formation by the
13 Operator.

14 (Source: P.A. 95-18, eff. 7-30-07.)

15 (20 ILCS 1107/998)

16 (Section scheduled to be repealed on December 31, 2010)

17 Sec. 998. Repeal. This Act is repealed on March 1, 2011
18 ~~December 31, 2010 unless the FutureGen Project has been located~~
19 ~~at either the Mattoon or Tuscola site in Illinois.~~

20 (Source: P.A. 95-18, eff. 7-30-07.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.