

1 AMENDMENT TO HOUSE BILL 885

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 885 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended  
5 by adding Section 9.10 as follows:

6 (415 ILCS 5/9.10 new)

7 Sec. 9.10. Fossil fuel-fired electric generating plants.

8 (a) The General Assembly finds and declares that:

9 (1) fossil fuel-fired electric generating plants  
10 are a significant source of air emissions in this State  
11 and have become the subject of a number of important new  
12 studies of their effects on the public health;

13 (2) existing state and federal policies, that allow  
14 older, unmodified plants to operate without meeting the  
15 more stringent requirements applicable to new plants, are  
16 being questioned on the basis of their environmental  
17 impacts and the economic distortions such policies cause  
18 in a deregulated energy market;

19 (3) fossil fuel-fired electric generating plants  
20 are, or may be, affected by a number of regulatory  
21 programs, some of which are under review or development  
22 on the state and national levels, and to a certain extent

1 the international level, including the federal acid rain  
2 program, ozone, sulfur dioxide, mercury and other  
3 hazardous pollutant control requirements, regional haze,  
4 and global warming;

5 (4) scientific uncertainty regarding the formation  
6 of certain components of regional haze and the air  
7 quality modeling that predict impacts of control measures  
8 requires careful consideration of the timing of the  
9 control of some of the pollutants from these facilities,  
10 particularly sulfur dioxides and nitrogen oxides that  
11 each interact with ammonia and other substances in the  
12 atmosphere;

13 (5) the development of energy policies to promote a  
14 safe, sufficient, reliable, and affordable energy supply  
15 on the state and national levels is being affected by the  
16 on-going deregulation of the power generation industry  
17 and the evolving energy markets;

18 (6) the Governor's formation of an Energy Cabinet  
19 and the development of a State energy policy calls for  
20 actions by the Agency and the Board that are in harmony  
21 with the energy needs and policy of the State, while  
22 protecting human health and the environment;

23 (7) Illinois coal is an abundant resource and an  
24 important component of Illinois economy whose use should  
25 be encouraged to the greatest extent possible consistent  
26 with protecting human health and the environment;

27 (8) renewable forms of energy should be promoted as  
28 important elements of the energy and environmental  
29 policies of the State and that it is a goal of the State  
30 that at least 5% of the State's energy production and use  
31 be derived from renewable forms of energy by 2010 and at  
32 least 15% from renewables by 2020;

33 (9) efforts on the state and federal levels are  
34 underway to consider the multiple environmental

1 regulations affecting electric generating plants in order  
2 to improve the ability of government and the affected  
3 industry to engage in effective planning through the use  
4 of multi-pollutant strategies; and,

5 (10) these issues, taken together, call for a  
6 comprehensive review of the impact of these facilities on  
7 the public health, considering also the energy supply,  
8 reliability, and costs, the role of renewable forms of  
9 energy, and the developments in federal law and  
10 regulations that may affect any state actions, prior to  
11 making final decisions in Illinois.

12 (b) In order to protect and preserve public health and  
13 the environment, the Illinois Environmental Protection Agency  
14 shall, on or before June 30, 2002, propose regulations to the  
15 Board that provide for the control or reduction of emissions  
16 from fossil fuel-fired electric generating plants, including  
17 the following provisions:

18 (1) reduction of nitrogen oxide emissions, as  
19 appropriate, with consideration of maximum annual  
20 emissions limits and establishment of an emissions  
21 trading program consistent with the emissions trading  
22 program contained in the NOx SIP Call or any other  
23 applicable federal program or requirement;

24 (2) reduction of sulfur dioxide emissions, as  
25 appropriate, with consideration of maximum annual  
26 emissions limits and establishment of an emissions  
27 trading program that is coordinated with the federal acid  
28 rain program;

29 (3) reduction of mercury, as appropriate, through  
30 the establishment of control technology requirements,  
31 industry practice requirements, or incentive programs, or  
32 some combination of these approaches that is sufficient  
33 to prevent unacceptable local impacts from individual  
34 facilities;

1           (4) capping of the aggregate emissions of carbon  
2           dioxide that fossil fuel-fired electric generating  
3           facilities in the State would be permitted to emit each  
4           calendar year using any combination of emission  
5           limitations, carbon sequestration strategies, or  
6           emissions trading; and

7           (5) incentives to promote renewable sources of  
8           energy consistent with the goal set forth in item (8) of  
9           subsection (a) of this Section.

10          In proposing these emission reductions, the Illinois  
11          Environmental Protection Agency shall take into account the  
12          findings and declarations of the General Assembly contained  
13          in subsection (a) of this Section and shall consider the  
14          threat to human and ecological health, the technological  
15          feasibility of emission controls, and the economic  
16          reasonableness of such controls.

17          (c) The Board shall adopt regulations within one year of  
18          the Agency's proposal consistent with the provisions in  
19          subsection (b) of this Section and taking into account the  
20          findings and declarations of the General Assembly contained  
21          in subsection (a) of this Section.

22          (d) Nothing in this Section is intended to or should be  
23          interpreted in a manner to limit or restrict the authority of  
24          the Agency to propose, or the Board to adopt, any regulations  
25          applicable or that may become applicable to the facilities  
26          covered by this Section, including any requirements of  
27          federal law.

28          Section 99. Effective date. This Act takes effect upon  
29          becoming law."