

AN ACT concerning regulation.

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

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

(20 ILCS 1107/5)

(Section scheduled to be repealed on December 31, 2010)

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

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

(20 ILCS 1107/10)

(Section scheduled to be repealed on December 31, 2010)

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 1107/15)

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

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

"Agency" means the Illinois Environmental Protection Agency.

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

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

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

principal greenhouse gas.

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

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

"Federal Department" means the federal Department of Energy.

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

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

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

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

"Post-injection" means after the captured CO<sub>2</sub> gas has been successfully injected into the wellhead at the point at which the captured CO<sub>2</sub> gas is transferred into the wellbore for carbon sequestration and storage into the Mount Simon Formation.

"Pre-injection" means all activities and occurrences prior to successful delivery into the wellhead at the point at which the captured CO<sub>2</sub> gas is transferred into the wellbore for carbon sequestration and storage into the Mount Simon Formation, including but not limited to, the operation of the FutureGen Project.

"Public liability" means any civil legal liability arising out of or resulting from the storage, escape, release, or migration of the post-injection sequestered CO<sub>2</sub> gas that was injected by the Operator and for which title is transferred to the State pursuant to Section 20 of this Act ~~during the~~

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

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

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

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

(20 ILCS 1107/998)

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

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

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

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