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LRB096 06735 ASK 44242 a

1 AMENDMENT TO SENATE BILL 678

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 678, by replacing  
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on December 31, 2010)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

1 the FutureGen Alliance with adequate liability protection and  
2 permitting certainty to facilitate the siting of the FutureGen  
3 Project in the State of Illinois, to provide to the State of  
4 Illinois certain financial benefits from environmental  
5 attributes for the Project, and to help secure over \$1 billion  
6 in federal funding for the Project.

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

8 (20 ILCS 1107/10)

9 (Section scheduled to be repealed on December 31, 2010)

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

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

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

22 (3) carbon capture and storage is a low-carbon  
23 technology that involves capturing the captured CO2 ~~carbon~~  
24 ~~dioxide~~ from fossil fuel energy electric ~~and hydrogen~~  
25 generating units and other industrial facilities and

1 injecting it into secure geologic strata for permanent  
2 storage;

3 (4) the FutureGen Project is a public-private  
4 partnership between the Federal Department of Energy and  
5 the FutureGen Alliance that proposes to use this new  
6 technology as part of a plan to transport and store  
7 captured CO2 from a coal-fueled power plant that uses as  
8 its primary fuel source high-volatile bituminous rank coal  
9 with greater than 1.7 pounds of sulfur per million btu  
10 content and other captured CO2 sources that are approved by  
11 the appropriate State of Illinois agency and permitted in  
12 the State of Illinois ~~build and operate a near zero~~  
13 ~~emission coal fueled power plant;~~

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

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

24 (7) the FutureGen Project will make the State of  
25 Illinois a center for developing and refining clean coal  
26 technology, ~~hydrogen production~~ and carbon capture and

1 storage, and will result in the development of new  
2 technologies designed to improve the efficiency of the  
3 energy industry that will be replicated world wide;

4 (8) the FutureGen Project is an important coal  
5 development and conversion project that will create jobs in  
6 the State of Illinois during the construction and  
7 operational phases, contribute to the overall economy of  
8 the State of Illinois and help reinvigorate the Illinois  
9 Basin coal industry; and

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

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

18 (20 ILCS 1107/15)

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

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

21 "Agency" means the Illinois Environmental Protection  
22 Agency.

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

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

6 "Carbon dioxide" or "CO2" means a colorless, odorless gas  
7 in the form of one carbon and 2 oxygen atoms that is the  
8 principal greenhouse gas.

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

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

13 "Federal Department" means the federal Department of  
14 Energy.

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

25 "FutureGen Project" means the public-private partnership  
26 between the Federal Department and the FutureGen Alliance that

1 will control captured CO2 and will construct and operate a  
2 pipeline and storage field for captured CO2 ~~coal-fueled power~~  
3 ~~plant utilizing state-of-the-art clean coal technology and~~  
4 ~~carbon capture and storage. Two locations in Illinois, Tuscola~~  
5 ~~and Mattoon, are under consideration for the FutureGen Project.~~  
6 ~~These are the only locations eligible for benefits under this~~  
7 ~~Act.~~

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

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

18 "Post-injection" means after the captured CO2 gas has been  
19 successfully injected into the wellhead at the point at which  
20 the captured CO2 gas is transferred into the wellbore for  
21 carbon sequestration and storage into the Mount Simon  
22 Formation.

23 "Pre-injection" means all activities and occurrences prior  
24 to successful delivery into the wellhead at the point at which  
25 the captured CO2 gas is transferred into the wellbore for  
26 carbon sequestration and storage into the Mount Simon

1 Formation, including but not limited to, the operation of the  
2 FutureGen Project.

3 "Public liability" means any civil legal liability arising  
4 out of or resulting from the storage, escape, release, or  
5 migration of the post-injection sequestered CO2 gas that was  
6 injected by the Operator and for which title is transferred to  
7 the State pursuant to Section 20 of this Act ~~during the~~  
8 ~~operation of the FutureGen Project by the FutureGen Alliance.~~  
9 The term "public liability", however, does not include any  
10 legal liability arising out of or resulting from the  
11 construction, operation, or other pre-injection activity of  
12 the Operator or any other third party.

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

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

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

22 (20 ILCS 1107/998)

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

24 Sec. 998. Repeal. This Act is repealed on March 1, 2011  
25 ~~December 31, 2010 unless the FutureGen Project has been located~~

1 ~~at either the Mattoon or Tuscola site in Illinois.~~

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

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