

Amend CSHB 2201 (committee printing) as follows:

(1) On page 7, line 10, between "technology" and the underscored semicolon, insert "in a manner that meets the FutureGen project profile".

(2) On page 7, line 13, between "facility" and "in", insert "in a manner that meets the FutureGen project profile".

(3) On page 7, line 17, between "recovery" and the underscored comma, insert "in a manner that meets the FutureGen project profile".

(4) On page 7, line 22, strike "in order to complete" and substitute "to perform the sampling, analysis, or research necessary to submit".

(5) On page 8, strike lines 7-27 and on page 9, strike lines 1-7 and substitute:

SECTION 6. Subchapter M, Chapter 5, Water Code, is amended by adding Section 5.558 to read as follows:

Sec. 5.558. CLEAN COAL PROJECT PERMITTING PROCEDURE. (a) The United States Department of Energy may specify the FutureGen emissions profile for a project in that department's request for proposals or request for a contract. If the United States Department of Energy does not specify in a request for proposals or a request for a contract the FutureGen emissions profile, the profile means emissions of air contaminants at a component of the FutureGen project that equal not more than:

(1) one percent of the average sulphur content of the coal or coals used for the generation of electricity at the component;

(2) 10 percent of the average mercury content of the coal or coals used for the generation of electricity at the component;

(3) 0.05 pounds of nitrogen oxides per million British thermal units of energy produced at the component; and

(4) 0.005 pounds of particulate matter per million British thermal units of energy produced at the component.

(b) As authorized by federal law, the commission by rule shall implement reasonably streamlined processes for issuing permits required to construct a component of the FutureGen project

designed to meet the FutureGen emissions profile.

(c) When acting under a rule adopted under Subsection (b), the commission shall use public meetings, informal conferences, or advisory committees to gather the opinions and advice of interested persons.

(d) A permit proceeding under the rules adopted under Subsection (b) is not a contested case hearing under Chapter 2001, Government Code, and is not subject to contested case hearing requirements of this chapter or Chapter 382, Health and Safety Code.

(e) This section does not apply to an application for a permit to construct or modify a new or existing coal-fired electric generating facility that will use pulverized or supercritical pulverized coal.

SECTION 7. Section 16.053, Water Code, is amended by adding Subsection (r) to read as follows:

(r) The board by rule shall provide for reasonable flexibility to allow for a timely amendment of a regional water plan, the board's approval of an amended regional water plan, and the amendment of the state water plan, to facilitate planning for water supplies reasonably required for a clean coal project, as defined by Section 5.001. The rules may allow for amending a regional water plan without providing notice and without a public meeting or hearing under Subsection (h) if the amendment does not:

(1) significantly change the regional water plan, as reasonably determined by the board; or

(2) adversely affect other water management strategies in the regional water plan.

(6) On page 9, strike lines 16-23 and substitute:
by federal law, into a reservoir productive of oil, gas, or geothermal resources by a Class II injection well, or by a Class I injection well if required by federal law.

(7) Add the following SECTION to the bill, numbered appropriately, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 27, Water Code, is amended by adding Section 27.022 to read as follows:

Sec. 27.022. JURISDICTION OVER CARBON DIOXIDE INJECTION.

The commission has jurisdiction over injection of carbon dioxide produced by a clean coal project, to the extent authorized by federal law, into a zone that is below the base of usable quality water and that is not productive of oil, gas, or geothermal resources by a Class II injection well, or by a Class I injection well if required by federal law.

(8) On page 10, line 1, strike "Section 5.558" and substitute "Sections 5.558 and 27.022".