



ILLINOIS ENVIRONMENTAL COUNCIL LOBBY DAY 2013

ENVIRONMENTAL LAW & POLICY CENTER - FAITH IN PLACE - ILLINOIS SOLAR ENERGY ASSOCIATION
ILLINOIS STUDENT ENVIRONMENTAL COALITION - NATURAL RESOURCES DEFENSE COUNCIL
OPENLANDS - PRAIRIE RIVERS NETWORK - PROTESTANTS FOR THE COMMON GOOD- SIERRA CLUB

Protect Consumers, Create Jobs and Produce Clean Energy Now! Support SB 103

The Unintended Problem

Passed in 2007, Illinois' renewable portfolio standard (RPS) requires 25% of the state's power to come from clean sources by 2025. The RPS has attracted billions in investment, created thousands of jobs and **cut wholesale power costs by \$177 million**, according to the Illinois Power Agency (IPA).

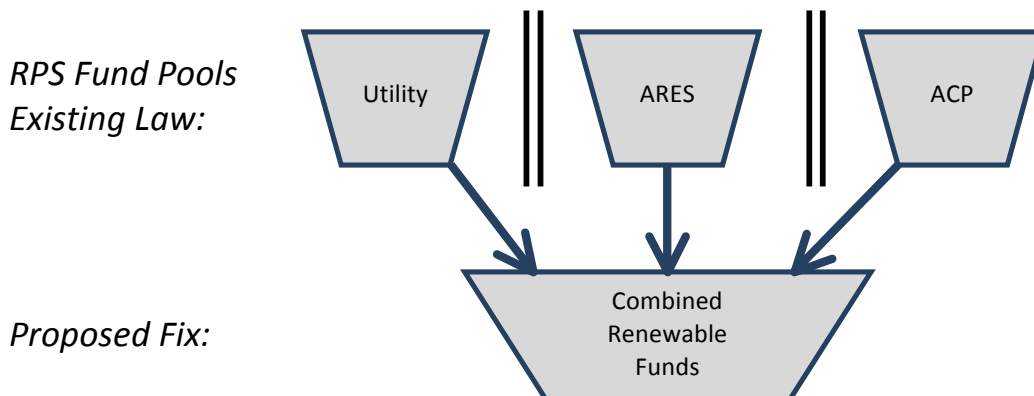
Unfortunately, the current RPS law was written for a world without municipal aggregation. And now, because these two laws are inadvertently in conflict for purely technical reasons, the **RPS has broken down**.

\$4.5 Billion Dollars in IL Investment at Risk

Renewable developers have more than **\$4.5 billion in Illinois projects ready for development**. Unless the RPS is fixed, billions in investments and thousands of jobs will remain on the drawing board.

A No-Cost Fix

SB 103 contains a simple, no-cost, solution to resolve this problem. Here's how it works. The RPS is currently satisfied through a charge on the energy side of an electric bill. Depending upon who a customer purchases electricity from, three different fund pools could theoretically be used for renewables. This structure no longer works, does not ensure the lowest cost renewable energy over time and most importantly, is easily fixed.



SB 103 simply **moves all renewable energy costs** from the energy side of the bill to the utility distribution side, and empowers the IPA to manage a cost-effective competitive procurement process. Rate caps remain in force and increased efficiencies ensure **no additional costs for ratepayers or utilities**.

JOBS, SAVINGS, CLEAN AIR

Illinois' Renewable Portfolio Standard has generated huge benefits for the state:



SAVED CONSUMERS \$177 MILLION



CREATED 19,047 JOBS



ELIMINATED 5 MILLION TONS OF POLLUTION

SOURCES

<http://www2.illinois.gov/ipa/Documents/201304-IPA-Renewables-Report.pdf>
<http://renewableenergy.illinoisstate.edu/wind/publications/2012EconomicImpactReportForWeb.pdf>
<http://www2.illinois.gov/ipa/Documents/201304-IPA-Renewables-Report.pdf>

Support SB 103



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RESTORE LANDOWNER LIABILITY PROTECTIONS SUPPORT SB 1042

Support SB1042 to amend the Recreational Use of Land and Water Areas Act to increase land available for recreation by offering liability protection for landowners.

For more than 40 years, the Recreational Use of Land and Water Areas Act limited liability of landowners that allowed the public free access to their land for recreation, conservation and educational purposes. The Act was a key incentive for private landowners, land trusts, corporations and public agencies to provide more land for hiking, biking, fishing, bird-watching, restoration activities, and all other forms of outdoor recreation and conservation.

In 2005, the Act was amended to only cover landowners that offered their land to individuals and the public for hunting and recreational shooting. It **eliminated coverage for landowners who opened their property to the public for all other recreational and conservation activities**. As a result, landowners have begun to restrict or eliminate public access to their property.

- Private land trusts and individuals may restrict or close public access to beautiful natural areas for nature walks, bird watching, and educational programs for children.
- Recreational activities that require unique landscapes may no longer be available in Illinois.
- Landowners may no longer allow trails to cross their land, which will sever access for hikers, bicycle riders, and kayakers throughout the State.



Photo: Lake County Forest Preserve District

Illinois State Parks will be overburdened at a time when there are fewer tax dollars for park maintenance, and fewer alternatives for outdoor recreation will be available to the public.

Recreational Land Use

Support SB1042 to amend the Recreational Use of Land and Water Areas Act to increase land available for recreation by offering liability protection for landowners:

- Reinstate protection for landowners who open their land to the public for recreation and conservation purposes.
- Retain the protections for landowners who open their land to individuals for hunting and recreational shooting gained through the legislation in 2005. (Public Act 94-0625).



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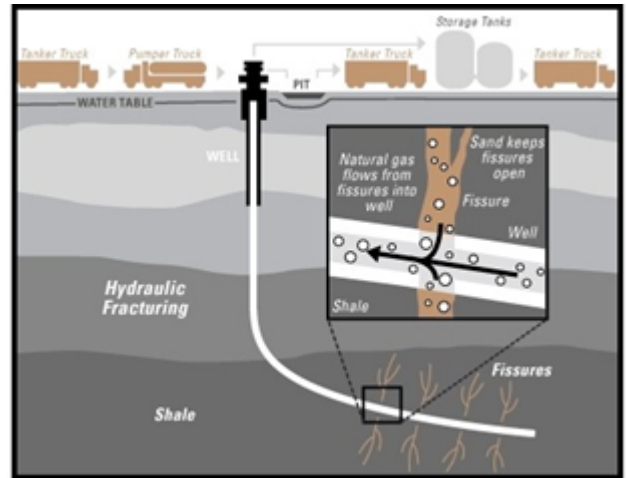
*Hydraulic fracturing, or fracking, is coming to Illinois this year and we currently have virtually **no regulations** in place for this procedure.*

Background:

Hydraulic fracturing, or fracking, is a process where water, sand and (typically undisclosed) chemicals are injected underground at high pressure to create fractures into rock formation to release oil and gas deposits.

The Problem:

Oil and gas companies have been running roughshod over communities across the country fueled by a gold rush mentality and not surprisingly, this process has led to surface and groundwater contamination, methane leaking into the water supply and people's homes, and occasionally earthquakes when the vast volumes of wastewater are injected underground for disposal.



Support Comprehensive Safeguards: HB 2615

HB 2615: Strongest Water Pollution Protection

The Act includes numerous precedent-setting provisions designed to protect against water pollution—amounting to the strongest protections against fracking-related water pollution in the country. They include:

- Ban on open pit wastewater storage;
- Strong waste fluid management requirements—including closed tanks;
- Comprehensive water monitoring requirements;
- Presumption of liability for water pollution;
- Setbacks from water resources, nature preserves, and population centers;
- Well construction standards;
- Required Water Usage plan

HB 2615: Transparency and Public Participation

The Act ensures that the public will have access to information about fracking, including what chemicals are used, how much water is used, the source of the water, and detailed descriptions of fracking operations. The Act also makes certain that the public will have the opportunity to engage in the oversight of fracking operations. Examples include:

- The strongest chemical disclosure provisions in the nation.
- **Trade Secrets.** The public can challenge trade secret designations, and that health needs trump companies' right to protect chemical information.
- **Public notice and comment, Public hearing and appeal, and wide ability to file Citizen suits.**

Enforcement:

The Act grants DNR broad authority to administer and enforce the Act, including authority to inspect fracking sites, collect data, require testing or sampling, examine records and logs, hold hearings, adopt rules, and take other actions as may be necessary to enforce the Act.

UPGRADED PROTECTIONS: HOUSE BILL 2615 vs CURRENT LAW		
Oil & Gas Regulations	Under Current Regs	Under HB 2615
Chemical disclosure--type and volume--before & after fracking.	No	Yes
Baseline water quality testing of all water sources within 1,500 feet of the well site.	No	Yes
Post fracking water testing of same water sources 6, 18 and 30 months after completion of fracking operation.	No	Yes
Presumption of pollution or diminution: loss or contamination of a person's water during or within 30 months of fracking is automatically presumed to be caused by fracking and the operator will be required to haul water or supply bottled water.	No	Yes
Requires public notice; allows for comments, requests for hearings, and permit appeals.	No	Yes
Statement of consent from the municipal authorities.	Yes	Yes
Fresh water withdrawal management plan, including methods to be used to minimize water withdrawals.	No	Yes
Plotting and plugging all known previous well bores within 750 feet of any part of the horizontal well bore.	No	Yes
During fracking operation waste fluid stored in sealed tanks; no open-pit storage.	No	Yes
Report annually to DNR the amount of gas vented or flared from each well; tri-annual DNR report to General Assembly.	No	Yes
Allows citizen enforcement and provides for criminal and civil penalties.	No	Yes
Provides for Class 4 and Class 3 felony penalties for surface water and groundwater violations.	No	Yes
DNR required to report back to the General Assembly after first two years, and every three years after that, on the environmental, public health, and economic impact of high-volume, horizontal hydraulic fracturing in Illinois and make recommendations on changes to this statute.	No	Yes

Support the Illinois Hydraulic Fracturing Regulatory Act.

The Act, a result of extensive negotiations among industry groups, an environmental coalition, state legislators and state agencies, **is one of the most comprehensive bills on hydraulic fracturing ("fracking") in the nation and contains extensive provisions to protect water quality, assure transparency, and promote public involvement**

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