

1           AN ACT concerning safety.

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

4           Section 1. Findings and intent. The General Assembly finds  
5           that:

6           (1) The Underground Injection Control (UIC) program is  
7           authorized by the Safe Drinking Water Act (SDWA) to develop  
8           requirements and provisions for the injection of fluids into  
9           the subsurface for the purposes of storage or disposal. The  
10           main goal of the UIC Program is the protection of Underground  
11           Sources of Drinking Water (USDWs). USDWs are aquifers or parts  
12           of aquifers that supply a public water system or contain a  
13           sufficient quantity of groundwater to supply a public water  
14           system now or in the future.

15           (2) The General Assembly finds that the Mahomet Aquifer is  
16           unique in that it is the sole source of drinking water for  
17           central Illinois residents.

18           (3) The General Assembly further finds that, although  
19           carbon sequestration undergoes rigorous federal and State  
20           permitting, the uniqueness of the Mahomet Aquifer being the  
21           sole source of drinking water for central Illinois residents  
22           warrants additional protections.

23           (4) The General Assembly further finds that, although  
24           additional review of carbon sequestration activity in the

1 Mahomet Aquifer area is warranted because it is a sole source  
2 aquifer, carbon sequestration activities are allowed in areas  
3 outside of the aquifer, and carbon sequestration technologies  
4 are useful and reliable tools in addressing climate change and  
5 allowing the State to meet its decarbonization goals.

6 Section 5. The Environmental Protection Act is amended by  
7 changing Sections 59 and 59.5 and by adding Section 59.18 as  
8 follows:

9 (415 ILCS 5/59)

10 Sec. 59. Definitions. As used in this Title:

11 "Carbon dioxide capture project" mean a project or  
12 facility that:

13 (1) uses equipment to capture a significant quantity  
14 of carbon dioxide directly from the ambient air or uses a  
15 process to separate carbon dioxide from industrial or  
16 energy-related sources, other than oil or gas production  
17 from a well; and

18 (2) produces a concentrated fluid of carbon dioxide.

19 "Carbon dioxide stream" means carbon dioxide, any  
20 incidental associated substances derived from the source  
21 materials and process of producing or capturing carbon  
22 dioxide, and any substance added to the stream to enable or  
23 improve the injection process or the detection of a leak or  
24 rupture.

1        "Carbon sequestration activity" means the injection of one  
2        or more carbon dioxide streams into underground geologic  
3        formations under at least one Class VI well permit for  
4        long-term sequestration.

5        "Criteria pollutants" means the 6 pollutants for which the  
6        United States Environmental Protection Agency has set National  
7        Ambient Air Quality Standards under Section 109 of the Clean  
8        Air Act, together with recognized precursors to those  
9        pollutants.

10        "Injection" means the placement of materials into the  
11        subsurface from a well.

12        "Project labor agreement" means a prehire collective  
13        bargaining agreement that covers all terms and conditions of  
14        employment on a specific construction project and must include  
15        the following:

16                (1) provisions establishing the minimum hourly wage  
17        for each class of labor organization employee;

18                (2) provisions establishing the benefits and other  
19        compensation for each class of labor organization  
20        employee;

21                (3) provisions establishing that no strike or disputes  
22        will be engaged in by the labor organization employees;

23                (4) provisions establishing that no lockout or  
24        disputes will be engaged in by the general contractor  
25        building the project; and

26                (5) provisions for minorities and women, as defined

1       under the Business Enterprise for Minorities, Women, and  
2       Persons with Disabilities Act, setting forth goals for  
3       apprenticeship hours to be performed by minorities and  
4       women and setting forth goals for total hours to be  
5       performed by underrepresented minorities and women.

6       "Project labor agreement" includes other terms and conditions  
7       a labor organization or general contractor building the  
8       project deems necessary.

9       "Sequestration facility" means the carbon dioxide  
10      sequestration reservoir, underground equipment, including, but  
11      not limited to, well penetrations, and surface facilities and  
12      equipment used or proposed to be used in a carbon  
13      sequestration activity. "Sequestration facility" includes each  
14      injection well and equipment used to connect surface  
15      activities to the carbon dioxide sequestration reservoir and  
16      underground equipment. "Sequestration facility" does not  
17      include pipelines used to transport carbon dioxide to a  
18      sequestration facility.

19       "Sole source aquifer" means an aquifer designated as a  
20      sole source or principal aquifer by the United States  
21      Environmental Protection Agency under the Safe Drinking Water  
22      Act, which, for purposes of this definition, consists of the  
23      Sole Source Aquifer Area, as designated by the United States  
24      Environmental Protection Agency on March 19, 2015.

25       (Source: P.A. 103-651, eff. 7-18-24.)

(415 ILCS 5/59.5)

### Sec. 59.5. Prohibitions.

16 (b) No person shall conduct a carbon sequestration  
17 activity in violation of this Act.

18 (c) No person shall conduct a carbon sequestration  
19 activity in violation of any applicable rules adopted by the  
20 Pollution Control Board.

21 (d) No person shall conduct a carbon sequestration  
22 activity in violation of a permit issued by the Agency under  
23 this Act.

24 (e) No person shall fail to submit reports required by  
25 this Act or required by a permit issued by the Agency under  
26 this Act.

(f) No person shall conduct a carbon sequestration activity without obtaining an order for integration of pore space from the Department of Natural Resources, if applicable.

(g) No person shall conduct a carbon sequestration activity within a sequestration facility that overlies, underlies, or passes through a sole source aquifer. Nothing in this subsection deprives the Agency of authority to deny a carbon sequestration permit.

(Source: P.A. 103-651, eff. 7-18-24.)

(415 ILCS 5/59.18 new)

Sec. 59.18. Mahomet Aquifer Advisory Study Commission.

(a) The Mahomet Aquifer Advisory Study Commission is hereby created to study and review any reports submitted to the Mahomet Aquifer Advisory Study Commission regarding the safety of carbon capture and storage in the Mahomet Aquifer Area and any sole source aquifer project review areas designated by the United States Environmental Protection Agency. The Commission shall consist of the following members:

(1) the Director of the Environmental Protection Agency or the Director's designee;

(2) the Director of Natural Resources or the Director's designee:

(3) the Director of the Illinois Emergency Management Agency and Office of Homeland Security or the Director's designee;

1                   (4) the Director of Agriculture or the Director's  
2                   designee;

3                   (5) the Attorney General or the Attorney General's  
4                   designee;

5                   (6) 3 members appointed by the President of the  
6                   Senate, only one of whom may be a Senator;

7                   (7) 3 members appointed by the Speaker of the House of  
8                   Representatives, only one of whom may be a Representative;

9                   (8) 3 members appointed by the Minority Leader of the  
10                   Senate, only one of whom may be a Senator; and

11                   (9) 3 members appointed by the Minority Leader of the  
12                   House of Representatives, only one of whom may be a  
13                   Representative.

14                   All meetings of the Mahomet Aquifer Advisory Study  
15                   Commission shall be open to the public and shall be held within  
16                   the Mahomet Aquifer Area region or within 25 miles of the  
17                   region. The Mahomet Aquifer Advisory Study Commission shall  
18                   maintain a website where all reports and studies submitted to  
19                   or approved by the Mahomet Aquifer Advisory Study Commission  
20                   shall be posted for public display. The University of Illinois  
21                   shall provide administrative assistance to the Mahomet Aquifer  
22                   Advisory Study Commission. No later than 90 days after the  
23                   effective date of this amendatory Act of the 104th General  
24                   Assembly, the Commission shall hold its first meeting at the  
25                   call of the Director of the Environmental Protection Agency,  
26                   at which meeting the members shall select a chairperson from

1 among themselves. After its first meeting, the Commission  
2 shall meet at the call of the chairperson. Members of the  
3 Commission shall serve without compensation. Members' terms  
4 shall be 3 years, and members may be reappointed by their  
5 respective appointing authority.

6 (b) Subject to appropriation, the Prairie Research  
7 Institute at the University of Illinois at Urbana-Champaign  
8 shall submit a final report on the potential for carbon  
9 sequestration in the Mahomet Aquifer Area and any project  
10 review areas to the Mahomet Aquifer Advisory Study Commission  
11 no later than December 31, 2030. The Prairie Research  
12 Institute shall submit annual status reports by December 31,  
13 2027 and December 31 of each year thereafter until the final  
14 report is submitted on December 31, 2030. The final report  
15 shall provide an assessment of the safety and risks of carbon  
16 dioxide storage in the Mahomet Aquifer and its project review  
17 areas, including, but not limited to, any effects on human,  
18 animal, and environmental health. The report shall review  
19 carbon sequestration conducted in Illinois and other similarly  
20 situated states, particularly how carbon sequestration affects  
21 aquifers and other underground water sources. The report shall  
22 review the permitting processes and the coordination with  
23 applicable federal law or regulatory commissions, including  
24 the Class VI injection well permitting process.

25 (c) The Mahomet Aquifer Advisory Study Commission shall  
26 also engage with interested stakeholders throughout the State

1       to gain insights into safety perspectives from residents,  
2       environmental justice organizations, environmental  
3       nongovernmental organizations, representatives of industry,  
4       landowners, farm bureaus, manufacturing interests, labor  
5       unions, and others.

6       (d) The Mahomet Aquifer Advisory Study Commission shall  
7       submit a final report of its findings regarding the Mahomet  
8       Aquifer and its project review areas to the Governor and the  
9       General Assembly no later than December 31, 2031. The  
10       Commission may file status updates with the Governor and the  
11       General Assembly as determined by a majority of the members.

12       (e) The Mahomet Aquifer Advisory Study Commission is  
13       dissolved and this Section is repealed on January 1, 2032.