

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.)

1 (415 ILCS 5/59.5)

2 Sec. 59.5. Prohibitions.

3 (a) No person shall conduct a carbon sequestration
4 activity without a permit issued by the Agency under Section
5 59.6. This prohibition does not apply to any carbon
6 sequestration activity in existence and permitted by the
7 United States Environmental Protection Agency on or before the
8 effective date of this amendatory Act of the 103rd General
9 Assembly or to any Class VI well for which (1) a Class VI well
10 permit has been filed with the United States Environmental
11 Protection Agency and a completeness determination had been
12 received prior to January 1, 2023, and (2) the sequestration
13 activity will occur on a contiguous property with common
14 ownership where the carbon dioxide is generated, captured, and
15 injected.

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.

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

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

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

10 (415 ILCS 5/59.18 new)

11 Sec. 59.18. Mahomet Aquifer Advisory Study Commission.

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

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

21 (2) the Director of Natural Resources or the
22 Director's designee;

23 (3) the Director of the Illinois Emergency Management
24 Agency and Office of Homeland Security or the Director's
25 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.