



Sen. Chapin Rose

Filed: 5/5/2026

10400SB4004sam001

LRB104 20379 BDA 37483 a

1 AMENDMENT TO SENATE BILL 4004

2 AMENDMENT NO. _____. Amend Senate Bill 4004 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Data
5 Center Water Transparency and Aquifer Protection Act.

6 Section 5. Purpose. The purpose of this Act is to ensure
7 Illinoisans living on the Mahomet Aquifer have adequate access
8 to water and to ensure transparency regarding the water usage
9 of data centers operating in the State.

10 Section 10. Definitions. As used in this Act:

11 "Adverse resource impact" means depletion of source
12 waters, including groundwater and stream, lake, or river
13 flows, such that ecological systems, agricultural uses,
14 commercial uses, or drinking water supplies are negatively
15 impacted.

1 "Aquifer" means saturated soils and geologic materials
2 that are sufficiently permeable to readily yield economically
3 useful quantities of water to wells, springs, or streams under
4 ordinary hydraulic gradients.

5 "Community water supply" has the meaning given to that
6 term in Section 3.145 of the Environmental Protection Act.

7 "Data center" means a facility used to house computer
8 systems and associated components, including
9 telecommunications and storage systems, where the primary
10 function is the storage, management, and dissemination of
11 data.

12 "Groundwater" means underground water that occurs within
13 the saturated zone and in geologic materials where the fluid
14 pressure in the pore space is equal to or greater than
15 atmospheric pressure.

16 "Nondisclosure agreement" means any contract, agreement,
17 clause, term, condition, or understanding that has the purpose
18 or effect of restricting, prohibiting, delaying, or
19 conditioning the disclosure of information, including
20 confidentiality agreements, secrecy provisions, side letters,
21 memoranda of understanding, and settlement agreements.

22 "Water consumption" means the total amount of water
23 consumed by a data center, including water used for cooling,
24 measured in gallons.

25 Section 15. Water resources plan.

1 (a) The owner or operator of a data center proposed to be
2 constructed in this State shall produce a water resources plan
3 containing all of the following information:

4 (1) a description of the data center, including the
5 location, the identification of the owner and operator,
6 and a detailed description of the business to be conducted
7 at the site;

8 (2) a detailed accounting of the data center's
9 expected water intake expressed in gallons per day and
10 total volume, including maximum and average daily demand,
11 maximum and average monthly demand, and average 12-month
12 consecutive period demand; the plan shall also distinguish
13 between withdrawals and deliveries of water; if water
14 intake demand is expected to vary over the operating life
15 of the facility, the plan shall describe the phases of
16 growth or expansion, identify the points at which
17 additional water demand will occur, and quantify expected
18 increases under full-build-out and peak operation
19 scenarios;

20 (3) a detailed explanation of each direct water use,
21 including, but not limited to, cooling systems,
22 humidification, potable and sanitary uses, fire
23 suppression and emergency systems, and commissioning,
24 testing, and maintenance operations; for each use,
25 identify input water quality requirements, whether the use
26 is wholly or in part a consumptive water use, and, if so,

1 the average volume consumed per day, whether the use is
2 continuous, intermittent, or seasonal, and opportunities
3 for reuse or closed-loop systems;

4 (4) an analysis of water-use-efficient cooling
5 alternatives that examines the impact of the data center's
6 cooling method on the data center's consumptive water
7 usage as compared to a wide variety of alternative
8 methods; the owner or operator of the data center shall
9 include in the analysis an evaluation of water use at the
10 data center and at the site of energy generation, an
11 evaluation of the impact of water use on the source water
12 and scarcity, and consider closed-loop cooling as one of
13 the alternatives;

14 (5) a detailed estimate of the indirect water use for
15 energy production, with explanations of energy use by
16 generation type and water use by generation type;

17 (6) for each water source to be used by the data
18 center:

19 (A) a description of the anticipated sources of
20 water;

21 (B) any agreements or contracts to supply water
22 from the source to the data center;

23 (C) a description of the existing uses and users
24 of the water source, including, but not limited to,
25 drinking water, agricultural uses, and ecological
26 uses;

1 (D) a detailed assessment of the data center's
2 impacts to each water use, such as aquifer drawdown or
3 river flow reductions, and to the users, such as rate
4 changes and drought-related scarcity, due to the data
5 center's use (i) immediately following the data
6 center's initial operations, (ii) at the end of the
7 data center's expected operational life, and (iii)
8 during a drought or other similar event;

9 (E) if the source is a community water supply:

10 (i) the percent of the community water
11 supply's total drinking water system capacity the
12 data center is expected to use;

13 (ii) the sources of the community water
14 supply's water;

15 (iii) a list of any modifications to the
16 community water supply required as a result of
17 providing water to the data center;

18 (iv) the anticipated annual increased
19 operating and capital costs accruing to the
20 community water supply as a result of the data
21 center, as calculated using the American Water
22 Works Association (AWWA) M1 Cost of Service model
23 or a similar methodology;

24 (v) a cost-of-service study for the community
25 water supply, consistent with the American Water
26 Works Association (AWWA) M1 Cost of Service model

1 or equivalent and completed within the last 5
2 years; if no such cost-of-service study exists,
3 the data center shall incur all costs for the
4 production of a cost-of-service study on behalf of
5 the community water supply; and

6 (vi) a list of noncompliance or violations of
7 the community water supply with the Safe Drinking
8 Water Act and the Clean Water Act for the last 5
9 years, any modifications necessary to bring the
10 community water supply into compliance, and the
11 estimated costs of those modifications;

12 (F) if the source is treated wastewater from a
13 wastewater treatment plant:

14 (i) the name of the receiving water body of
15 the wastewater treatment plant discharge; and

16 (ii) if the wastewater treatment plant
17 discharges to a flowing water body, the percentage
18 of the 7Q10 flow, as that term is used by the U.S.
19 Environmental Protection Agency, that is treated
20 wastewater before the data center begins
21 operation;

22 (iii) a list of any modifications to the
23 wastewater treatment plant required as a result of
24 providing water to the data center; and

25 (iv) the anticipated annual increased
26 operating and capital costs accruing to the

1 wastewater treatment plant, as calculated by a
2 wastewater cost-of-service study;

3 (v) a cost-of-service study for the receiving
4 treated wastewater from the wastewater treatment
5 plant completed within the last 5 years; if no
6 such cost-of-service studies exist, the data
7 center shall incur all costs for the production of
8 a cost-of-service study on behalf of the
9 wastewater treatment plant; and

10 (vi) a list of noncompliance or violations of
11 the wastewater treatment plant with the Clean
12 Water Act, as applicable, for the last 5 years,
13 any modifications necessary to bring the
14 wastewater treatment plant into compliance, and
15 the costs of those modifications; and

16 (G) if the source is direct pumping from surface
17 water or groundwater:

18 (i) a description of the water body, such as
19 its name, its location, whether it is surface
20 water or groundwater, its characteristic size, and
21 its average flow rate or volume;

22 (ii) a description of how the water will be
23 extracted, including any methods of pumping used
24 by the data center and the maximum and expected
25 daily pumping rates for the pumps used by the data
26 center; and

1 (iii) a description of how the water will be
2 transported to the data center;

3 (7) identification of all water discharges from the
4 data center; for each discharge:

5 (A) anticipated volumes in gallons per day and
6 total volume for the average day, average month, and
7 average 12-month period;

8 (B) whether and how the data center will treat the
9 wastewater prior to discharge, including thermal
10 treatments, and a description of any byproducts of the
11 water treatment and their disposal;

12 (C) anticipated pollutants or contaminants in the
13 discharge, including concentration effects;

14 (D) a list of applicable discharge permits, the
15 status of those permits, and permit identification
16 numbers; and

17 (E) for discharges into a wastewater treatment
18 plant, include:

19 (i) which wastewater treatment plant is
20 receiving the wastewater;

21 (ii) a list of any modifications to the
22 wastewater treatment plant required to receive and
23 treat water from the data center;

24 (iii) the anticipated annual increased
25 operating and capital costs accruing to the
26 wastewater treatment plant, as calculated by a

1 wastewater cost-of-service study;

2 (iv) a cost-of-service study for the receiving
3 treated wastewater from the wastewater treatment
4 plant completed within the last 5 years; if no
5 such cost-of-service studies exist, the data
6 center shall incur all costs for the production of
7 a cost-of-service study on behalf of the
8 wastewater treatment plant; and

9 (v) a list of noncompliance or violations of
10 the wastewater treatment plant for the last 5
11 years and any modifications necessary to bring it
12 into compliance;

13 (8) the data center's policy for sustainable water use
14 and water conservation, including the data center's plans
15 to conserve, reuse, and replace water, with, at a minimum,
16 the following measures: using water efficient fixtures and
17 practices; treating, infiltrating, and harvesting
18 rainwater; recycling water before discharging; partnering
19 with external stakeholders to use discharged water for
20 other purposes; using treated wastewater where possible
21 for data center operations; supporting restoration in
22 local watersheds; promoting aquifer recharge practices,
23 such as constructed wetlands; and using a non-evaporative
24 cooling system; and

25 (9) any other information the Illinois State Water
26 Survey may request.

1 (b) The owner or operator of a data center shall submit the
2 water resources plan to the Illinois State Water Survey and
3 post the plan on its publicly accessible website.

4 Section 20. Water Resources Impact Report.

5 (a) The owner or operator of a data center proposed to be
6 constructed in this State shall submit the water resources
7 plan to the Illinois State Water Survey and pay the Illinois
8 State Water Survey a fee-for-service to produce a Water
9 Resources Impact Report. The fee shall not exceed (i) the cost
10 of producing the Water Resources Impact Report and (ii) the
11 costs authorized under subsection (c). The Water Resources
12 Impact Report shall describe the anticipated effects of the
13 data center on its water sources, including:

14 (1) local and regional groundwater and surface water
15 quantity, availability, sustainability, and water shortage
16 response;

17 (2) groundwater quality, surface water quality, and
18 ecological uses;

19 (3) flood risk and stormwater dynamics; and

20 (4) any other hydrologic or water resource impacts the
21 Survey deems relevant.

22 (b) The Illinois State Water Survey shall transmit a
23 completed report, with a summary and recommendations, to the
24 General Assembly, the Department of Natural Resources, and the
25 data center. The data center shall post the water impact

1 report on a publicly accessible website.

2 (c) The Illinois State Water Survey may use a portion of
3 the service fee to support development of a publicly
4 accessible water-availability dashboard to support the public
5 in understanding impacts of a data center on water
6 availability and help assess whether a data center's water use
7 is likely to result in an adverse resource impact. The
8 dashboard shall assess how much water will be depleted from
9 nearby source waters. The dashboard shall also determine if
10 the data center's water usage is likely to cause adverse
11 impacts on ecological systems.

12 Section 25. Data center groundwater withdrawal
13 prohibition. A data center may not use water from the Mahomet
14 Aquifer if the Illinois State Water Survey determines that the
15 data center is likely to cause an adverse resource impact on
16 the Mahomet Aquifer.

17 Section 30. Existing data centers. The owner or operator
18 of a data center that overlies the Mahomet Aquifer, consisting
19 of the Sole Source Aquifer Area, as designated by the United
20 States Environmental Protection Agency on March 19, 2015, and
21 operating before the effective date of this Act shall:

22 (1) no later than 6 months after the effective date of
23 this Act, file a water resources plan with the Illinois
24 State Water Survey in compliance with this Act; and

1 (2) transition to alternative water sources or cooling
2 technologies, including, but not limited to, reclaimed
3 water, surface water, closed-loop systems, and air-cooled
4 systems if the Illinois State Water Survey determines the
5 data center is likely to cause an adverse resource impact
6 on the Mahomet Aquifer.

7 The Illinois State Water Survey shall complete a Water
8 Resources Impact Report for the data center. If the Illinois
9 State Water Survey determines that the data center is likely
10 to cause an adverse resource impact on the Mahomet Aquifer,
11 the data center shall cease all groundwater withdrawals from
12 the Mahomet Aquifer no later than January 1, 2028.

13 Section 35. Water usage reporting.

14 (a) The owner or operator of a data center shall track the
15 following water-use parameters and include the parameters in a
16 water usage report:

17 (1) water intake, water withdrawals, and water
18 deliveries;

19 (2) consumptive water usage, both total and by usage
20 type;

21 (3) water discharges, both total and by discharge
22 point; and

23 (4) the indirect water use for energy production.

24 (b) The water parameters shall be reported as follows:

25 (1) by the day in each month with the highest total

1 water use, expressed in gallons;

2 (2) by monthly volume in total gallons and gallons per
3 day; and

4 (3) by annual volume in total gallons and gallons per
5 day.

6 (c) The water usage reports shall also identify any
7 reported values that differ from the estimates in the water
8 resources plan and shall explain any differences.

9 (d) On or before January 10, April 10, July 10, and October
10 10 of each year after tracking begins, the data center owner or
11 operator shall submit to the Department of Natural Resources
12 and post the report on its publicly accessible website an
13 up-to-date water usage report.

14 (e) No later than 6 months after the effective date of this
15 Act, the Department of Natural Resources shall develop a
16 standardized reporting form capable of generating
17 machine-readable data that the data center will use to report
18 its water usage.

19 (f) If the Department of Natural Resources determines that
20 a data center's water usage reporting differs substantially
21 from its water resources plan, the Department of Natural
22 Resources may require the data center to obtain a new Water
23 Resources Impact Report from the Illinois State Water Survey.

24 Section 40. Water Scarcity Plan.

25 (a) A data center owner or operator shall develop and

1 maintain a Water Scarcity Plan demonstrating how the data
2 center will reduce, modify, or curtail water use under
3 conditions of water scarcity or supply disruption.

4 (b) The Water Scarcity Plan must include the following:

5 (1) The Water Scarcity Plan shall specify measures to
6 be implemented under 25-year, 50-year, and 100-year
7 drought scenarios, using drought-of-record and hydrologic
8 analyses consistent with State drought planning guidance,
9 including staged reductions in withdrawals, nonessential
10 water-use curtailment, internal recycling and reuse,
11 thermal-load reductions, and, where necessary, temporary
12 load shedding or relocation;

13 (2) Upon declaration of a drought stage by the State,
14 or by a local government consistent with State guidance,
15 the data center shall implement the corresponding measures
16 in its approved Water Scarcity Plan and shall report
17 implementation status and withdrawal data to the
18 Department of Natural Resources at intervals established
19 by rule;

20 (3) The Department of Natural Resources may issue
21 orders requiring the data center to implement or modify
22 drought-response measures during declared drought stages.

23 (c) The data center owner or operator shall submit the
24 Water Scarcity Plan to the Department of Natural Resources and
25 post the Plan on its publicly accessible website.

1 Section 45. Prohibition on nondisclosure agreements
2 related to water use.

3 (a) A person may not enter into, enforce, or renew a
4 nondisclosure agreement or other confidentiality clause or
5 similar contractual provision with a data center that
6 restricts the disclosure of information related to the data
7 center's water use. In this Section:

8 "Person" includes, but is not limited to:

- 9 (1) a unit of local government;
10 (2) a county or municipal board member;
11 (3) an alderperson;
12 (4) a township official;
13 (5) a wastewater operator; and
14 (6) a procurement officer.

15 "Information related to water use" includes, but is not
16 limited to:

- 17 (1) the source or sources of water used by a data
18 center;
19 (2) the volume, rate, or timing of water withdrawals,
20 consumption, or discharge;
21 (3) groundwater or surface-water impacts;
22 (4) water use permit applications, approvals,
23 compliance reports, and monitoring data; and
24 (5) water conservation, reuse, or cooling practices.

25 (b) Failure to comply with the provisions of this Section
26 renders any promise of confidentiality related to water use

1 void as against public policy and severable from an otherwise
2 valid and enforceable agreement.

3 (c) A home rule unit may not regulate a nondisclosure
4 agreement, confidentiality clause, or similar contractual
5 provision with a data center that restricts the disclosure of
6 information related to the data center's water use in a manner
7 that is inconsistent with the State's regulation of such
8 agreements. This Section is a limitation under subsection (i)
9 of Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of powers and functions
11 exercised by the State.

12 Section 50. Data confidentiality and public access.

13 (a) Proprietary information held by a public body is
14 exempt from disclosure to the extent provided in the Freedom
15 of Information Act. Aggregated and anonymized data shall be
16 made available to the public.

17 (b) The Department of Natural Resources shall publish an
18 annual report summarizing statewide water consumption trends
19 in data centers, including, but not limited to, legislative
20 recommendations to address identified issues.

21 Section 55. Enforcement and penalties. Any person that
22 violates Section 15 of this Act or subsection (a) of Section 20
23 of this Act is liable for a civil penalty not to exceed \$50,000
24 for the violation and an additional civil penalty not to

1 exceed \$10,000 for each day during which the violation
2 continues. Civil penalties imposed under this Section shall,
3 upon order of a court, be made payable to the Environmental
4 Protection Trust Fund, to be used in accordance with the
5 provisions of the Environmental Protection Trust Fund Act.

6 Section 60. Rules. The Department of Natural Resources may
7 adopt rules to implement and administer this Act.

8 Section 97. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.".