

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 5. The Illinois Underground Natural Gas Storage
5 Safety Act is amended by changing Section 5 and by adding
6 Section 27 as follows:

7 (415 ILCS 160/5)

8 Sec. 5. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Commission" means the Illinois Commerce Commission.

11 "Contaminant" means gas, salt water, or any other
12 deleterious substance released from an underground natural gas
13 storage facility.

14 "Department" means the Department of Natural Resources.

15 "Director" means the Director of Natural Resources.

16 "Downhole" means the portion of the underground natural
17 gas storage facility from the first flange attaching the
18 wellhead to the pipeline equipment and continuing down the
19 well casing to and including the storage reservoir.

20 "Federal Act" has the meaning given to that term in the
21 Illinois Gas Pipeline Safety Act.

22 "Gas" means natural gas.

23 "Notice of probable violation" means a written notice,

1 satisfying the criteria set forth in Section 35, given by the
2 underground natural gas storage safety manager to a person who
3 operates an underground natural gas storage facility that
4 identifies a failure of such person to comply with the
5 provisions of this Act or the provisions of 49 U.S.C. Chapter
6 601 concerning underground natural gas storage facilities, or
7 any Department order or rule issued under this Act, and may
8 include recommendations for a penalty in connection therewith,
9 subject to the terms of this Act.

10 "Person" means an individual, firm, joint venture,
11 partnership, corporation, company, limited liability company,
12 firm, association, municipality, cooperative association, or
13 joint stock association. "Person" includes a trustee,
14 receiver, assignee, or personal representative thereof.

15 "Underground natural gas storage facility" means a gas
16 pipeline facility that stores natural gas in an underground
17 facility, including a depleted hydrocarbon reservoir, an
18 aquifer reservoir, and a solution-mined salt cavern reservoir.

19 "Underground natural gas storage safety manager" means the
20 manager of the Department's Underground Natural Gas Storage
21 Safety Program or other staff of the Department assigned to
22 underground natural gas storage safety issues.

23 "Verified facility release" means a suspected or known
24 natural gas or contaminant release that: (i) is regulated by
25 the Department; (ii) originates from a natural gas storage
26 facility; and (iii) is confirmed by chemical analysis to have

1 occurred or be occurring within the perimeter of the
2 underground natural gas storage facility or within one-quarter
3 mile of that perimeter.

4 (Source: P.A. 100-1172, eff. 1-4-19.)

5 (415 ILCS 160/27 new)

6 Sec. 27. Verified facility release. The owner or operator
7 of an underground natural gas storage facility shall create
8 procedures for a suspected natural gas leak or suspected
9 unintentional release from an underground natural gas storage
10 facility that is identified by either the Department or the
11 owner or operator. The procedures shall contain guidance to
12 direct the owner or operator to, if possible, collect the gas
13 from the suspected leak or suspected unintentional release for
14 purposes of testing and verifying the source of the gas.

15 Collecting and testing shall be performed by an
16 independent contractor at the expense of the owner or
17 operator. Testing of the gas shall be performed using either
18 gas chromatography or isotopic analysis to determine if the
19 gas composition has markers of thermogenic origins that are
20 indicative of pipeline gas. If the quantities released are
21 insufficient to perform a test or if quantities are
22 insufficient to confirm a leak exists, the owner or operator
23 shall notify the Department, and no further action related to
24 the collection and testing of the gas is required by the owner
25 or operator. Previous failed attempts to collect and test the

1 gas at the same site shall not remove the owner's or operator's
2 responsibility to collect the gas and verify the source of the
3 gas if a sufficient amount of gas for collection and testing is
4 available later.

5 The owner or operator may acknowledge that the leak or
6 unintentional release is from the underground natural gas
7 storage facility and treat it as a verified facility release
8 in lieu of performing collection and testing.

9 The owner or operator must have procedures to be used if
10 the gas is identified or conceded to be a verified facility
11 release. The procedures shall provide guidance on when
12 atmospheric conditions within a dwelling resulting from a
13 verified leak pose health or hazard issues. The owner or
14 operator shall offer, at the owner's or operator's expense,
15 reasonable lodging and accommodation as determined by the
16 owner or operator to those living in the domicile for the
17 duration of the health or hazard issue.

18 The owner or operator shall perform sampling at a
19 frequency as determined by the owner or operator for natural
20 gas in private drinking water wells in the areas determined by
21 the owner or operator impacted by the leak or unintentional
22 release. The owner or operator shall maintain routine
23 monitoring of the areas impacted by the leak or unintentional
24 release as determined by the owner's or operator's procedures.

25 If natural gas is detected at levels posing health or
26 hazard issues as determined by the Department of Public

1 Health, the owner or operator shall offer and maintain gas
2 water separators, at the owner's or operator's expense, in
3 affected areas impacting the water supply, including
4 domiciles. Where gas water separators are provided, the gas
5 water separators shall be approved and installed in accordance
6 with the Illinois Plumbing License Law, and any rules adopted
7 thereunder, and shall be accompanied by an approved
8 disinfection system or other associated water treatment device
9 necessary to provide potable water to the affected area.

10 With the property owner's or occupant's consent, the owner
11 or operator of an underground natural gas storage facility
12 shall provide, install, and maintain natural gas detection
13 devices, at the owner's or operator's expense, determined to
14 be appropriate by the owner or operator in the affected areas,
15 including domiciles, to monitor the presence of natural gas.
16 The owner or operator shall maintain and calibrate the devices
17 according to the recommendations, if any, set by the
18 manufacturers of the device. The owner or operator shall
19 provide the device manufacturer's specifications to the
20 property owner or occupant for the specific gas detector,
21 including the installed functions and the alarm levels set on
22 the installed device. The alarm shall be set no higher than 25%
23 of the lower explosive level for methane. If the property
24 owner or occupant denies consent, the owner or operator of the
25 underground natural gas storage facility shall notify the
26 Department, and no further action related to the installation

1 of devices is required by the owner or operator.

2 The owner or operator shall maintain routine monitoring of
3 the areas impacted by the leak or unintentional release by
4 method and frequency as determined by the owner or operator
5 and create a schedule to be shared with the Department of
6 Natural Resources, the Environmental Protection Agency, and
7 the Department of Public Health. If the Department of Natural
8 Resources, the Environmental Protection Agency, or the
9 Department of Public Health determines that the monitoring
10 schedule is insufficient, then the owner or operator shall
11 defer to the most rigorous recommended schedule. The owner or
12 operator shall undertake a comprehensive inspection to an
13 extent as determined by the owner or operator.

14 Monitoring of the area impacted shall be maintained for a
15 period after corrective action is completed. The
16 post-correction monitoring period shall end as prescribed in
17 the owner's or operator's procedures or otherwise required by
18 the Department.