

# SB3968



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3968

Introduced 10/11/2024, by Sen. Paul Faraci

### SYNOPSIS AS INTRODUCED:

415 ILCS 5/59  
415 ILCS 5/59.5

Amends the Environmental Protection Act. Provides that no person shall conduct a carbon sequestration activity within a sequestration facility that overlies, underlies, or passes through a sole-source aquifer. Defines "sole-source aquifer". Effective immediately.

LRB103 42050 BDA 75274 b

A BILL FOR

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 Environmental Protection Act is amended by  
5 changing Sections 59 and 59.5 as follows:

6 (415 ILCS 5/59)

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

8 "Carbon dioxide capture project" mean a project or  
9 facility that:

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

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

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

22 "Carbon sequestration activity" means the injection of one  
23 or more carbon dioxide streams into underground geologic

1 formations under at least one Class VI well permit for  
2 long-term sequestration.

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

8 "Project labor agreement" means a prehire collective  
9 bargaining agreement that covers all terms and conditions of  
10 employment on a specific construction project and must include  
11 the following:

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

14 (2) provisions establishing the benefits and other  
15 compensation for each class of labor organization  
16 employee;

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

19 (4) provisions establishing that no lockout or  
20 disputes will be engaged in by the general contractor  
21 building the project; and

22 (5) provisions for minorities and women, as defined  
23 under the Business Enterprise for Minorities, Women, and  
24 Persons with Disabilities Act, setting forth goals for  
25 apprenticeship hours to be performed by minorities and  
26 women and setting forth goals for total hours to be

1 performed by underrepresented minorities and women.

2 "Project labor agreement" includes other terms and conditions  
3 a labor organization or general contractor building the  
4 project deems necessary.

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

15 "Sole-source aquifer" means an aquifer designated as a  
16 sole-source or principal aquifer by the United States  
17 Environmental Protection Agency under the federal Safe  
18 Drinking Water Act, together with the aquifer's upstream  
19 areas, which, for purposes of this definition, consist of the  
20 project review area of the aquifer, as identified by the  
21 United States Environmental Protection Agency.

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

23 (415 ILCS 5/59.5)

24 Sec. 59.5. Prohibitions.

25 (a) No person shall conduct a carbon sequestration

1 activity without a permit issued by the Agency under Section  
2 59.6. This prohibition does not apply to any carbon  
3 sequestration activity in existence and permitted by the  
4 United States Environmental Protection Agency on or before the  
5 effective date of this amendatory Act of the 103rd General  
6 Assembly or to any Class VI well for which (1) a Class VI well  
7 permit has been filed with the United States Environmental  
8 Protection Agency and a completeness determination had been  
9 received prior to January 1, 2023, and (2) the sequestration  
10 activity will occur on a contiguous property with common  
11 ownership where the carbon dioxide is generated, captured, and  
12 injected.

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

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

18 (d) No person shall conduct a carbon sequestration  
19 activity in violation of a permit issued by the Agency under  
20 this Act.

21 (e) No person shall fail to submit reports required by  
22 this Act or required by a permit issued by the Agency under  
23 this Act.

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

1       (g) No person shall conduct a carbon sequestration  
2       activity within a sequestration facility that overlies,  
3       underlies, or passes through a sole-source aquifer.

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

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.