

AN ACT concerning safety.

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

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

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

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

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

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

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

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

(415 ILCS 5/59)

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

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

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

(2) produces a concentrated fluid of carbon dioxide.

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

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

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

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

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

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

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

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

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

(5) provisions for minorities and women, as defined

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

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

"Sequestration facility" means the carbon dioxide sequestration reservoir, underground equipment, including, but not limited to, well penetrations, and surface facilities and equipment used or proposed to be used in a carbon sequestration activity. "Sequestration facility" includes each injection well and equipment used to connect surface activities to the carbon dioxide sequestration reservoir and underground equipment. "Sequestration facility" does not include pipelines used to transport carbon dioxide to a sequestration facility.

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

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

(415 ILCS 5/59.5)

Sec. 59.5. Prohibitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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