



Rep. Bob Morgan

Filed: 3/10/2023

10300HB1190ham001

LRB103 05716 LNS 58873 a

1 AMENDMENT TO HOUSE BILL 1190

2 AMENDMENT NO. _____. Amend House Bill 1190 by replacing
3 everything after the enacting clause with the following:

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

1 gas storage facility from the first flange attaching the
2 wellhead to the pipeline equipment and continuing down the
3 well casing to and including the storage reservoir.

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

6 "Gas" means natural gas.

7 "Notice of probable violation" means a written notice,
8 satisfying the criteria set forth in Section 35, given by the
9 underground natural gas storage safety manager to a person who
10 operates an underground natural gas storage facility that
11 identifies a failure of such person to comply with the
12 provisions of this Act or the provisions of 49 U.S.C. Chapter
13 601 concerning underground natural gas storage facilities, or
14 any Department order or rule issued under this Act, and may
15 include recommendations for a penalty in connection therewith,
16 subject to the terms of this Act.

17 "Person" means an individual, firm, joint venture,
18 partnership, corporation, company, limited liability company,
19 firm, association, municipality, cooperative association, or
20 joint stock association. "Person" includes a trustee,
21 receiver, assignee, or personal representative thereof.

22 "Underground natural gas storage facility" means a gas
23 pipeline facility that stores natural gas in an underground
24 facility, including a depleted hydrocarbon reservoir, an
25 aquifer reservoir, and a solution-mined salt cavern reservoir.

26 "Underground natural gas storage safety manager" means the

1 manager of the Department's Underground Natural Gas Storage
2 Safety Program or other staff of the Department assigned to
3 underground natural gas storage safety issues.

4 "Verified facility release" means a suspected or known
5 natural gas or contaminant release that: (i) is regulated by
6 the Department; (ii) originates from a natural gas storage
7 facility; and (iii) is confirmed by chemical analysis
8 conducted in accordance with Board rules to have occurred or
9 be occurring within the perimeter of the underground natural
10 gas storage facility or within one-quarter mile of that
11 perimeter.

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

13 (415 ILCS 160/27 new)

14 Sec. 27. Verified facility release. The owner or operator
15 of an underground natural gas storage facility shall create
16 procedures for a suspected natural gas leak or suspected
17 unintentional release from an underground natural gas storage
18 facility that is identified by either the Department or the
19 owner or operator. The procedures shall contain guidance to
20 direct the owner or operator to, if possible, collect the gas
21 from the suspected leak or suspected unintentional release for
22 purposes of testing and verifying the source of the gas.

23 Collecting and testing shall be performed by an
24 independent contractor at the expense of the owner or
25 operator. Testing of the gas shall be performed using either

1 gas chromatography or isotopic analysis to determine if the
2 gas composition has markers of thermogenic origins that are
3 indicative of pipeline gas. If the quantities released are
4 insufficient to perform a test or if quantities are
5 insufficient to confirm a leak exists, the owner or operation
6 shall notify the Department, and no further action related to
7 the collection and testing of the gas is required by the owner
8 or operator. Previous failed attempts to collect and test the
9 gas at the same site shall not remove the owner's or operator's
10 responsibility to collect the gas and verify the source of the
11 gas if a sufficient amount of gas for collection and testing is
12 available later.

13 The owner or operator may acknowledge that the leak or
14 unintentional release is from the underground natural gas
15 storage facility and treat it as a verified facility release
16 in lieu of performing collection and testing.

17 The owner or operator must have procedures to be used if
18 the gas is identified or conceded to be a verified facility
19 release. The procedures shall provide guidance on when
20 atmospheric conditions within a dwelling resulting from a
21 verified leak pose health or hazard issues. The owner or
22 operator shall offer, at the owner's or operator's expense,
23 reasonable lodging and accommodation as determined by the
24 owner or operator to those living in the domicile for the
25 duration of the health or hazard issue.

26 The owner or operator shall perform sampling at a

1 frequency as determined by the owner or operator for natural
2 gas in private drinking water wells in the areas determined by
3 the owner or operator impacted by the leak or unintentional
4 release. The owner or operator shall maintain routine
5 monitoring of the areas impacted by the leak or unintentional
6 release as determined by the owner's or operator's procedures.

7 If natural gas is detected at levels posing health or
8 hazard issues as determined by the Department of Public
9 Health, the owner or operator shall offer and maintain gas
10 water separators, at the owner's or operator's expense, in
11 affected areas impacting the water supply, including
12 domiciles. Where gas water separators are provided, the gas
13 water separators shall be approved and installed in accordance
14 with the Illinois Plumbing License Law, and any rules adopted
15 thereunder, and shall be accompanied by an approved
16 disinfection system or other associated water treatment device
17 necessary to provide potable water to the affected area.

18 With the property owner's or occupant's consent, the owner
19 or operator of an underground natural gas storage facility
20 shall provide, install, and maintain natural gas detection
21 devices, at the owner's or operator's expense, determined to
22 be appropriate by the owner or operator in the affected areas,
23 including domiciles, to monitor the presence of natural gas.
24 The owner or operator shall maintain and calibrate the devices
25 according to the recommendations, if any, set by the
26 manufacturers of the device. The owner or operator shall

1 provide the device manufacturer's specifications to the
2 property owner or occupant for the specific gas detector,
3 including the installed functions and the alarm levels set on
4 the installed device. The alarm shall be set no higher than 25%
5 of the lower explosive level for methane. If the property
6 owner or occupant denies consent, the owner or operator of the
7 underground natural gas storage facility shall notify the
8 Department, and no further action related to the installation
9 of devices is required by the owner or operator.

10 The owner or operator shall maintain routine monitoring of
11 the areas impacted by the leak or unintentional release by
12 method and frequency as determined by the owner or operator
13 and create a schedule to be shared with the Department of
14 Natural Resources, the Environmental Protection Agency, and
15 the Department of Public Health. If the Department of Natural
16 Resources, the Environmental Protection Agency, or the
17 Department of Public Health determines that the monitoring
18 schedule is insufficient, then the owner or operator shall
19 defer to the most rigorous recommended schedule. The owner or
20 operator shall undertake a comprehensive inspection to an
21 extent as determined by the owner or operator.

22 Monitoring of the area impacted shall be maintained for a
23 period after corrective action is completed. The
24 post-correction monitoring period shall end as prescribed in
25 the owner's or operator's procedures or otherwise required by
26 the Department."