

HB5874



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5874

by Rep. Carol Ammons

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 42450 LNS 75680 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.