

1 AN ACT concerning regulation.

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

4 Section 1. Short title; references to Act.

5 (a) This Act may be cited as the Safety and Aid for the
6 Environment in Carbon Capture and Sequestration Act.

7 (b) This Act may be referred to as the SAFE CCS Act.

8 Section 5. Definitions. As used in this Act:

9 "Carbon dioxide sequestration reservoir" means a portion
10 of a sedimentary geologic stratum or formation containing pore
11 space, including, but not limited to, depleted reservoirs and
12 saline formations, that is suitable for the injection and
13 permanent storage of carbon dioxide.

14 "Nonconsenting pore space owner" means a titleholder, as
15 identified in the deed, of any surface estate that overlies
16 pore space proposed to be used for sequestration of carbon
17 dioxide, who does not consent to the use of their pore space
18 for the sequestration of carbon dioxide.

19 "Pore space" means the portion of geologic media that
20 contains gas or fluid, including, but not limited to, oil or
21 water, and that can be used to store carbon dioxide. "Pore
22 space" also includes solution-mined cavities.

23 "Pore space owner" means the person who has title to a pore

1 space.

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

12 Section 10. Ownership and conveyance of pore space.

13 (a) Title to pore space belongs to and is vested in the
14 surface owner of the surface estate.

15 (b) A conveyance of title to a surface estate conveys
16 title to the pore space in all strata underlying the surface
17 estate.

18 (c) Title to pore space may not be severed from title to
19 the surface estate. A grant of easement or lease for use of
20 pore space is not a severance prohibited under this
21 subsection.

22 (d) A grant of easement or lease for use of pore space
23 shall not confer any right to enter upon or otherwise use the
24 surface of the land unless the grant of easement or lease
25 expressly so provides that right.

1 (e) Any grant of easement for use of pore space or pore
2 space lease abstract shall be recorded in the same manner as
3 easements of real estate. If the holder of an easement or lease
4 of pore space withdraws or is denied a permit for
5 sequestration of carbon dioxide under Section 59.6 of the
6 Environmental Protection Act, including, but not limited to,
7 the disapproval of financial assurance under subsection (e) of
8 Section 22.64 of the Environmental Protection Act, the owner
9 of the surface estate shall have the right to have the title or
10 interest returned for any amounts paid to the holder of the
11 easement or lease.

12 (f) Nothing in this Section shall be construed to change
13 or alter the common law existing as of the effective date of
14 this Act as it relates to the rights belonging to, or the
15 dominance of, the mineral estate.

16 Section 15. Integration and unitization of ownership
17 interests.

18 (a) If at least 2 pore space owners own pore space located
19 within a proposed sequestration facility, the owners may agree
20 to integrate the owners' interests to develop the pore space
21 as a proposed sequestration facility for the underground
22 sequestration of carbon dioxide.

23 (b) If all of the pore space owners within a proposed or
24 permitted sequestration facility do not agree to integrate the
25 pore space owners' interests, the sequestration operator may

1 petition the Department of Natural Resources to issue an order
2 requiring the pore space owners to integrate their interests
3 and authorizing the sequestration operator or sequestration
4 facility permit holder to develop and use the integrated pore
5 space as a sequestration facility for carbon sequestration.
6 Such an order for unitization and integration of pore space
7 may only be issued if the sequestration operator has obtained
8 the rights from pore space owners of pore space underlying at
9 least 75% of the surface area above the proposed sequestration
10 facility. The petition shall include, but is not limited to:

11 (1) the name and address of the petitioners;

12 (2) the property index numbers or legal descriptions
13 for the parcels of property and a geologic description of
14 the pore space within the proposed or permitted
15 sequestration facility;

16 (3) a disclosure of any parcels of property overlying
17 the pore space to be integrated, identified by property
18 index numbers or legal descriptions, in which the
19 applicant, any of its owners, officers, corporate
20 subsidiaries, or parents, sister companies, or affiliates,
21 at the time of submission of the application or within 10
22 years prior to the submission of the application, have or
23 had any real or personal interest, whether direct or
24 indirect;

25 (4) the names and addresses of all pore space owners
26 owning property within the proposed or permitted

1 sequestration facility as disclosed by the records of the
2 office of the recorder for the county or counties in which
3 the proposed or permitted sequestration facility is
4 situated and a list of consenting and nonconsenting pore
5 space owners, as well as a list of all properties for which
6 a pore space owner is unknown or nonlocatable;

7 (5) a statement that the petitioner has exercised due
8 diligence to locate each pore space owner and to seek an
9 agreement with each for pore space rights for the
10 sequestration facility, including a description of the
11 good faith efforts taken to identify, contact, and
12 negotiate with each nonconsenting pore space owner;

13 (6) a statement of the type of operations for the
14 proposed or permitted sequestration facility;

15 (7) a plan for determining the quantity of pore space
16 sequestration capacity to be assigned to each separately
17 owned parcel of property based on the surface area acreage
18 overlying the proposed or permitted sequestration facility
19 and for using the surface for Class VI well permit
20 required activities under Section 35;

21 (8) the method by which pore space owners will be
22 compensated for use of the pore space, and a copy of all
23 agreements entered into with consenting pore space owners
24 regarding the compensation paid to a consenting pore space
25 owner;

26 (9) the method by which nonconsenting pore space

1 owners will receive just compensation; and

2 (10) a nonrefundable application fee of \$250,000.

3 The application fee shall be deposited into the Oil and
4 Gas Resource Management Fund for the Department of Natural
5 Resources' costs related to administration of this Act.

6 (c) If the petition for a unitization order concerns
7 unknown or nonlocatable pore space owners, the applicant shall
8 provide public notice once a week for 2 consecutive weeks in
9 the newspaper of the largest circulation in each county in
10 which the proposed sequestration facility is located within 30
11 days prior to submission of the petition for a unitization and
12 integration order. The petitioner shall file proof of such
13 notice with the Department of Natural Resources with the
14 petition. The petitioner shall also provide public notice of
15 the public hearing described in subsection (d) in the same
16 manner within 30 days prior to the hearing on the petition for
17 a unitization order. The petitioner shall also send notice of
18 the filing of the petition and the notice of the public hearing
19 via certified mail to the last known address of each
20 nonlocatable pore space owner and provide copies of those
21 notices to the Department of Natural Resources. The notice
22 shall:

23 (1) state that a petition for a unitization and
24 integration order has been filed with the Department of
25 Natural Resources;

26 (2) describe the formation or formations and pore

1 space proposed to be unitized;

2 (3) in the case of an unknown pore space owner,
3 indicate the name of the last known pore space owner;

4 (4) in the case of a nonlocatable pore space owner,
5 identify the pore space owner and the owner's last known
6 address; and

7 (5) state that any person claiming an interest in the
8 properties proposed to be unitized should notify the
9 operator of the proposed sequestration facility at the
10 published address within 20 days of the publication date.

11 Unknown or nonlocatable pore space owners that have not
12 claimed an interest by the time of the Department of Natural
13 Resources' public notice in subsection (d) shall be deemed to
14 have consented to unitization and integration of their pore
15 space.

16 (d) Prior to issuing an order to unitize and integrate
17 pore space, the Department of Natural Resources shall issue a
18 public notice of the petition and shall hold a public hearing
19 on the petition. The public notice shall include copies of the
20 petition and all included attachments that are not protected
21 under the Freedom of Information Act. The public notice shall
22 include an opportunity for public comments and shall contain
23 the date, time, and location of the public hearing as decided
24 by the Department. At the public hearing, the Department shall
25 allow interested persons to present views and comments on the
26 petition. The hearings must be open to the public and recorded

1 by stenographic or mechanical means. The Department of Natural
2 Resources will make available on its website copies of all
3 comments received.

4 (e) The Department of Natural Resources shall issue an
5 order unitizing and integrating pore space under subsection
6 (b) within 60 days after the hearing upon a showing that:

7 (1) the petitioner has obtained a Class VI well permit
8 or, if the well permit application is still pending at
9 least one year from the date the petition has been filed,
10 that the petitioner has received a Finding of
11 Administrative Completeness from the United States
12 Environmental Protection Agency;

13 (2) the petitioner has made a good faith effort to
14 seek an agreement with all pore space owners located
15 within the proposed or permitted sequestration facility;

16 (3) the petitioner has obtained the rights from pore
17 space owners of at least 75% of the surface area above the
18 proposed sequestration facility; and

19 (4) all nonconsenting pore space owners have received
20 or will receive just compensation for use of the pore
21 space and use of the surface for Class VI well permit
22 required activities. Additionally, such compensation shall
23 be no less than the average total payment package,
24 considered as a whole with respect to an individual owner,
25 provided in agreements during the previous 365 days to
26 similarly situated consenting pore space owners. Such

1 compensation shall exclude any incentives, such as signing
2 bonuses, provided to consenting pore space owners prior to
3 the initiation of injection. Such compensation shall
4 include any operations term or injection term payments
5 made upon or after the initiation of injection provided to
6 consenting pore space owners in consideration of allowing
7 use of their pore space for sequestration of carbon
8 dioxide. In determining if pore space owners are similarly
9 situated, the Department of Natural Resources shall take
10 into account: the size, location, and proximity of the
11 pore space; the geologic characteristics of the pore
12 space; the restrictions on the use of the surface; the
13 actual use of the surface; the relevant law applicable at
14 the time the consenting pore space agreement was signed;
15 title defects and title warranties; the proximity of the
16 pore space owners' property to any carbon sequestration
17 infrastructure on the surface; whether the injection
18 interferes with any known mineral rights; and the fair
19 market value of pore space when entering into a commercial
20 contract. When evaluating the compensation provided to a
21 similarly situated pore space owner, the Department of
22 Natural Resources shall exclude any compensation provided
23 to a pore space owner of a property identified by the
24 applicant in paragraph (3) of subsection (b) and any
25 compensation that was not provided as part of an arm's
26 length transaction.

1 Unknown or nonlocatable pore space owners shall also
2 receive just compensation in the same manner as provided
3 to the other nonconsenting pore space owners that must be
4 held in a separate escrow account for 20 years for future
5 payment to the previously unknown or nonlocatable pore
6 space owner upon discovery of that owner. After 20 years,
7 the compensation shall be transferred to the State
8 Treasurer under the Revised Uniform Unclaimed Property
9 Act.

10 (f) The Department of Natural Resources' order for
11 unitization and integration of pore space under this Section
12 is not effective until the petitioner has been issued a Class
13 VI well permit from the United States Environmental Protection
14 Agency and the carbon sequestration permit from the Illinois
15 Environmental Protection Agency.

16 (g) An order for integration and unitization under this
17 Section shall: provide for the unitization of the pore space
18 identified in the petition; authorize the integration of pore
19 space of nonconsenting pore space owners in the pore space
20 identified; provide for who may unitize the pore space to
21 establish a sequestration facility to be permitted by the
22 Illinois Environmental Protection Agency; and make provision
23 for payment of just compensation to nonconsenting pore space
24 owner under the integration order.

25 (h) A petitioner shall provide a copy of any order for
26 unitization and integration of pore space to the Illinois

1 Environmental Protection Agency.

2 (i) If groundwater monitoring required by a Class VI
3 permit indicates that the source of drinking water has been
4 rendered unsafe to drink or to provide to livestock, the
5 sequestration operator shall provide an alternate supply of
6 potable drinking water within 24 hours of the monitoring
7 results becoming available and an alternate supply of water
8 that is safe for other uses necessary within 30 days of the
9 monitoring results becoming available. The alternate supplies
10 of both potable water and water that is safe for other uses
11 shall continue until additional monitoring by the
12 sequestration operator shows that the water is safe for
13 drinking and other uses.

14 (j) After an order for unitization and integration of pore
15 space is issued, the petitioner shall request that the
16 Department of Natural Resources issue separate orders
17 establishing the amount of just compensation to be provided to
18 each nonconsenting pore space owner. When submitting this
19 request, the petitioner shall provide information
20 demonstrating the good faith efforts taken to negotiate an
21 agreement with the nonconsenting pore space owner, including,
22 but not limited to, the number and extent of the petitioner's
23 contacts with the pore space owner, whether the petitioner
24 explained the compensation offer to the pore space owner,
25 whether the compensation offer was comparable to similarly
26 situated pore space owners, what efforts were made to address

1 the pore space owner's concerns, and the likelihood that
2 further negotiations would be successful. All orders requiring
3 the provision of just compensation shall be made after notice
4 and hearing in which the Department of Natural Resources shall
5 determine the appropriate amount of just compensation to be
6 provided to each nonconsenting pore space owner as described
7 in this Section. The Department shall adopt reasonable rules
8 governing such hearings as may be necessary. In such a
9 hearing, the burden shall be on the petitioner to prove the
10 appropriate amount of just compensation consistent with this
11 Section. Both the petitioner and the pore space owner shall be
12 permitted to provide testimony and evidence regarding the
13 appropriateness of the amount of just compensation proposed by
14 the sequestration operator. An order by the Department of
15 Natural Resources establishing the appropriate amount of just
16 compensation to be provided to a nonconsenting pore space
17 owner shall be a final agency decision subject to judicial
18 review under the Administrative Review Law. Such proceedings
19 for judicial review may be commenced in the circuit court of
20 the county in which any part of the pore space is situated. The
21 Department of Natural Resources shall not be required to
22 certify any record to the court or file any answer in court or
23 otherwise appear in any court in a judicial review proceeding,
24 unless there is filed in the court with the complaint a receipt
25 from the Department of Natural Resources acknowledging payment
26 of the costs of furnishing and certifying the record. Failure

1 on the part of the plaintiff to file such receipt in court
2 shall be grounds for dismissal of the action.

3 Section 20. Surface access for pore space owners.

4 (a) If a sequestration operator must enter upon the
5 surface property of an affected pore space owner to comply
6 with Class VI well permit requirements or carbon sequestration
7 activity permit requirements for the purposes of monitoring a
8 sequestration facility or to respond to an emergency causing
9 immediate risk to human health, environmental resources, or
10 infrastructure, the sequestration operator must undertake such
11 activities in such a way as to minimize the impact to the
12 surface of the parcel of property and to ensure that the
13 following requirements are met:

14 (1) The required actions under the Class VI well
15 permit or carbon sequestration activity permit shall be
16 limited to surface monitoring activities, such as
17 geophysical surveys, but does not include the installation
18 of surface infrastructure except as provided in paragraphs
19 (2) and (3).

20 (2) Shallow groundwater monitoring wells shall be
21 allowed to be installed on such property only if the
22 carbon dioxide plume may have unexpectedly migrated and
23 the United States Environmental Protection Agency or the
24 Illinois Environmental Protection Agency requires
25 monitoring of groundwater for potential carbon dioxide

1 impact.

2 (3) Injection wells, deep monitoring wells, and
3 surface infrastructure other than shallow groundwater
4 monitoring wells as allowed by paragraph (2) will not be
5 located on the parcel of property of an affected pore
6 space owner without the express written consent of such
7 owner.

8 (b) Except in an emergency causing immediate risk to human
9 health, environmental resources, or infrastructure, a
10 sequestration operator shall not enter upon the surface
11 property for purposes of undertaking required activities under
12 a Class VI well permit or carbon sequestration permit of any
13 affected pore space owner until 30 days after providing
14 written notice to the affected pore space owner by registered
15 mail and after providing a second notice to the pore space
16 owner of record, as identified in the records of the relevant
17 county tax assessor, by telephone or email or by registered
18 mail in the event the property owner has not been notified by
19 other means, at least 3 days, but not more than 15 days, prior
20 to the stated date in the notice, identifying the date when
21 access will first begin on the owner's property and informing
22 the affected pore space owner that the owner or the owner's
23 agent may be present when the access occurs.

24 Section 25. Compensation for damages to the surface.

25 (a) An affected pore space owner is entitled to reasonable

1 compensation from the sequestration operator for damages
2 resulting from surface access to the affected pore space
3 owner's property for required activities taken under a Class
4 VI well permit or carbon sequestration activity permit,
5 including:

6 (1) compensation for damage to growing crops, trees,
7 shrubs, fences, roads, structures, improvements, personal
8 property, and livestock thereon and compensation for the
9 loss of the value of a commercial crop impacted by
10 required activities taken by a sequestration operator
11 under a Class VI well permit or carbon sequestration
12 activity permit; the value of the crop shall be calculated
13 based on local market price by:

14 (A) determining the average per acre yield for the
15 same crop on comparable adjacent acreage;

16 (B) determining the price received for the sale of
17 the same crop on comparable adjacent acreage;

18 (C) determining the acreage of the area impacted
19 by Class VI well permit activities and applying the
20 determined price; and

21 (D) the initial determination of the value of the
22 crop shall be determined by the affected pore space
23 owner and submitted to the sequestration operator;

24 (2) compensation to return the surface estate,
25 including soil conservation practices, such as terraces,
26 grassed waterways, and other conservation practices, to a

1 condition as near as practicable to the condition of the
2 surface prior to accessing the property;

3 (3) compensation for damage to the productive
4 capability of the soil resulting from compaction or
5 rutting, including, but not limited to, compensation for
6 when a sequestration operator accesses a property where
7 excessively wet soil conditions would not allow normal
8 farming operations due to increased risk of soil erosion,
9 rutting, or compaction; if there is a dispute between the
10 sequestration operator and the affected pore space owner
11 regarding the value of the damage to the productive
12 capability of the soil, the sequestration operator shall
13 consult with a representative of the soil and water
14 conservation district in the respective county where the
15 parcel of property is located for recommendations to
16 restore the productive capability of the soil; and

17 (4) compensation for damage to surface and subsurface
18 drainage, including, but not limited to:

19 (A) compensation in that the sequestration
20 operator shall perform immediate and temporary repairs
21 for damage that occurs to subsurface drainage tiles
22 that have water actively flowing through them at the
23 time of damage; and

24 (B) compensation such that the sequestration
25 operator shall compensate the affected pore space
26 owner to permanently restore drainage to a condition

1 as near as practicable to the condition of the
2 drainage prior to accessing the property.

3 (b) The compensation for damages required by subsection
4 (a) shall be paid in any manner mutually agreed upon by the
5 sequestration operator and the affected pore space owners.
6 Unless otherwise agreed, the sequestration operator shall
7 tender to the surface owner payment by check or draft in
8 accordance with this Section 45 no later than 60 days after
9 completing the required activities under a Class VI well
10 permit or carbon sequestration permit if the occurrence or
11 value of damages is not disputed. The pore space owner's
12 remedy for unpaid or disputed compensation shall be an action
13 for damages in any court of competent jurisdiction for the
14 parcel of property or the greater part thereof on which the
15 activities were conducted and shall be entitled to recover
16 reasonable damages and attorney's fees if the pore space owner
17 prevails.

18 Section 30. Additional landowner rights.

19 (a) Any carbon dioxide injection well or deep monitoring
20 well authorized by the United States Environmental Protection
21 Agency through a valid UIC Class VI permit must adhere to the
22 new well set back requirements of 62 Ill. Adm. Code
23 240.410(f).

24 (b) If there is a significant leak of carbon dioxide from
25 an injection well, monitoring well, or other point on the

1 surface, which is associated with carbon sequestration
2 activity, all landowners shall be entitled to medical
3 monitoring of a scope and duration to be determined by the
4 Department of Public Health at the expense of the carbon
5 dioxide sequestration facility operator.

6 (c) Prior to the commencement of carbon dioxide injection,
7 the sequestration operator shall inform, via certified mail,
8 each property owner overlying the carbon sequestration
9 facility of the opportunity to request from the sequestration
10 operator an accurate, well-functioning carbon dioxide monitor,
11 which the sequestration operator shall provide to the property
12 owner within 30 days of receiving a written request.

13 (d) If monitoring conducted pursuant to United States
14 Environmental Protection Agency or Illinois Environmental
15 Protection Agency requirements shows that carbon dioxide has
16 migrated into the pore space of a pore space owner not
17 previously included within an application or order integrating
18 pore space, the sequestration operator shall, within 14 days,
19 notify that pore space owner of the migration and of the
20 opportunity to petition the Department of Natural Resources
21 for inclusion in the integrated area. If the pore space owner
22 submits such a petition, the sequestration operator shall
23 provide to the Department of Natural Resources, for its
24 consideration of the petition, the monitoring information
25 showing the migration of the carbon dioxide into the pore
26 space of the pore space owner at issue. The Department of

1 Natural Resources shall grant such a petition if it determines
2 that stored carbon dioxide from a permitted sequestration
3 facility is physically present in the pore space owned by the
4 pore space owner. If the Department of Natural Resources
5 grants the petition for inclusion in the integrated area and
6 the pore space owner has not entered into an agreement with the
7 sequestration operator for use of the pore space, the pore
8 space owner shall be considered a nonconsenting pore space
9 owner entitled to just compensation.

10 Section 35. The Illinois Emergency Management Agency Act
11 is amended by changing Section 5 as follows:

12 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

13 Sec. 5. Illinois Emergency Management Agency.

14 (a) There is created within the executive branch of the
15 State Government an Illinois Emergency Management Agency and a
16 Director of the Illinois Emergency Management Agency, herein
17 called the "Director" who shall be the head thereof. The
18 Director shall be appointed by the Governor, with the advice
19 and consent of the Senate, and shall serve for a term of 2
20 years beginning on the third Monday in January of the
21 odd-numbered year, and until a successor is appointed and has
22 qualified; except that the term of the first Director
23 appointed under this Act shall expire on the third Monday in
24 January, 1989. The Director shall not hold any other

1 remunerative public office. For terms beginning after January
2 18, 2019 (the effective date of Public Act 100-1179) and
3 before January 16, 2023, the annual salary of the Director
4 shall be as provided in Section 5-300 of the Civil
5 Administrative Code of Illinois. Notwithstanding any other
6 provision of law, for terms beginning on or after January 16,
7 2023, the Director shall receive an annual salary of \$180,000
8 or as set by the Governor, whichever is higher. On July 1,
9 2023, and on each July 1 thereafter, the Director shall
10 receive an increase in salary based on a cost of living
11 adjustment as authorized by Senate Joint Resolution 192 of the
12 86th General Assembly.

13 For terms beginning on or after January 16, 2023, the
14 Assistant Director of the Illinois Emergency Management Agency
15 shall receive an annual salary of \$156,600 or as set by the
16 Governor, whichever is higher. On July 1, 2023, and on each
17 July 1 thereafter, the Assistant Director shall receive an
18 increase in salary based on a cost of living adjustment as
19 authorized by Senate Joint Resolution 192 of the 86th General
20 Assembly.

21 (b) The Illinois Emergency Management Agency shall obtain,
22 under the provisions of the Personnel Code, technical,
23 clerical, stenographic and other administrative personnel, and
24 may make expenditures within the appropriation therefor as may
25 be necessary to carry out the purpose of this Act. The agency
26 created by this Act is intended to be a successor to the agency

1 created under the Illinois Emergency Services and Disaster
2 Agency Act of 1975 and the personnel, equipment, records, and
3 appropriations of that agency are transferred to the successor
4 agency as of June 30, 1988 (the effective date of this Act).

5 (c) The Director, subject to the direction and control of
6 the Governor, shall be the executive head of the Illinois
7 Emergency Management Agency and the State Emergency Response
8 Commission and shall be responsible under the direction of the
9 Governor, for carrying out the program for emergency
10 management of this State. The Director shall also maintain
11 liaison and cooperate with the emergency management
12 organizations of this State and other states and of the
13 federal government.

14 (d) The Illinois Emergency Management Agency shall take an
15 integral part in the development and revision of political
16 subdivision emergency operations plans prepared under
17 paragraph (f) of Section 10. To this end it shall employ or
18 otherwise secure the services of professional and technical
19 personnel capable of providing expert assistance to the
20 emergency services and disaster agencies. These personnel
21 shall consult with emergency services and disaster agencies on
22 a regular basis and shall make field examinations of the
23 areas, circumstances, and conditions that particular political
24 subdivision emergency operations plans are intended to apply.

25 (e) The Illinois Emergency Management Agency and political
26 subdivisions shall be encouraged to form an emergency

1 management advisory committee composed of private and public
2 personnel representing the emergency management phases of
3 mitigation, preparedness, response, and recovery. The Local
4 Emergency Planning Committee, as created under the Illinois
5 Emergency Planning and Community Right to Know Act, shall
6 serve as an advisory committee to the emergency services and
7 disaster agency or agencies serving within the boundaries of
8 that Local Emergency Planning Committee planning district for:

9 (1) the development of emergency operations plan
10 provisions for hazardous chemical emergencies; and

11 (2) the assessment of emergency response capabilities
12 related to hazardous chemical emergencies.

13 (f) The Illinois Emergency Management Agency shall:

14 (1) Coordinate the overall emergency management
15 program of the State.

16 (2) Cooperate with local governments, the federal
17 government, and any public or private agency or entity in
18 achieving any purpose of this Act and in implementing
19 emergency management programs for mitigation,
20 preparedness, response, and recovery.

21 (2.5) Develop a comprehensive emergency preparedness
22 and response plan for any nuclear accident in accordance
23 with Section 65 of the Nuclear Safety Law of 2004 and in
24 development of the Illinois Nuclear Safety Preparedness
25 program in accordance with Section 8 of the Illinois
26 Nuclear Safety Preparedness Act.

1 (2.6) Coordinate with the Department of Public Health
2 with respect to planning for and responding to public
3 health emergencies.

4 (3) Prepare, for issuance by the Governor, executive
5 orders, proclamations, and regulations as necessary or
6 appropriate in coping with disasters.

7 (4) Promulgate rules and requirements for political
8 subdivision emergency operations plans that are not
9 inconsistent with and are at least as stringent as
10 applicable federal laws and regulations.

11 (5) Review and approve, in accordance with Illinois
12 Emergency Management Agency rules, emergency operations
13 plans for those political subdivisions required to have an
14 emergency services and disaster agency pursuant to this
15 Act.

16 (5.5) Promulgate rules and requirements for the
17 political subdivision emergency management exercises,
18 including, but not limited to, exercises of the emergency
19 operations plans.

20 (5.10) Review, evaluate, and approve, in accordance
21 with Illinois Emergency Management Agency rules, political
22 subdivision emergency management exercises for those
23 political subdivisions required to have an emergency
24 services and disaster agency pursuant to this Act.

25 (6) Determine requirements of the State and its
26 political subdivisions for food, clothing, and other

1 necessities in event of a disaster.

2 (7) Establish a register of persons with types of
3 emergency management training and skills in mitigation,
4 preparedness, response, and recovery.

5 (8) Establish a register of government and private
6 response resources available for use in a disaster.

7 (9) Expand the Earthquake Awareness Program and its
8 efforts to distribute earthquake preparedness materials to
9 schools, political subdivisions, community groups, civic
10 organizations, and the media. Emphasis will be placed on
11 those areas of the State most at risk from an earthquake.
12 Maintain the list of all school districts, hospitals,
13 airports, power plants, including nuclear power plants,
14 lakes, dams, emergency response facilities of all types,
15 and all other major public or private structures which are
16 at the greatest risk of damage from earthquakes under
17 circumstances where the damage would cause subsequent harm
18 to the surrounding communities and residents.

19 (10) Disseminate all information, completely and
20 without delay, on water levels for rivers and streams and
21 any other data pertaining to potential flooding supplied
22 by the Division of Water Resources within the Department
23 of Natural Resources to all political subdivisions to the
24 maximum extent possible.

25 (11) Develop agreements, if feasible, with medical
26 supply and equipment firms to supply resources as are

1 necessary to respond to an earthquake or any other
2 disaster as defined in this Act. These resources will be
3 made available upon notifying the vendor of the disaster.
4 Payment for the resources will be in accordance with
5 Section 7 of this Act. The Illinois Department of Public
6 Health shall determine which resources will be required
7 and requested.

8 (11.5) In coordination with the Illinois State Police,
9 develop and implement a community outreach program to
10 promote awareness among the State's parents and children
11 of child abduction prevention and response.

12 (12) Out of funds appropriated for these purposes,
13 award capital and non-capital grants to Illinois hospitals
14 or health care facilities located outside of a city with a
15 population in excess of 1,000,000 to be used for purposes
16 that include, but are not limited to, preparing to respond
17 to mass casualties and disasters, maintaining and
18 improving patient safety and quality of care, and
19 protecting the confidentiality of patient information. No
20 single grant for a capital expenditure shall exceed
21 \$300,000. No single grant for a non-capital expenditure
22 shall exceed \$100,000. In awarding such grants, preference
23 shall be given to hospitals that serve a significant
24 number of Medicaid recipients, but do not qualify for
25 disproportionate share hospital adjustment payments under
26 the Illinois Public Aid Code. To receive such a grant, a

1 hospital or health care facility must provide funding of
2 at least 50% of the cost of the project for which the grant
3 is being requested. In awarding such grants the Illinois
4 Emergency Management Agency shall consider the
5 recommendations of the Illinois Hospital Association.

6 (13) Do all other things necessary, incidental or
7 appropriate for the implementation of this Act.

8 (g) The Illinois Emergency Management Agency is authorized
9 to make grants to various higher education institutions,
10 public K-12 school districts, area vocational centers as
11 designated by the State Board of Education, inter-district
12 special education cooperatives, regional safe schools, and
13 nonpublic K-12 schools for safety and security improvements.
14 For the purpose of this subsection (g), "higher education
15 institution" means a public university, a public community
16 college, or an independent, not-for-profit or for-profit
17 higher education institution located in this State. Grants
18 made under this subsection (g) shall be paid out of moneys
19 appropriated for that purpose from the Build Illinois Bond
20 Fund. The Illinois Emergency Management Agency shall adopt
21 rules to implement this subsection (g). These rules may
22 specify: (i) the manner of applying for grants; (ii) project
23 eligibility requirements; (iii) restrictions on the use of
24 grant moneys; (iv) the manner in which the various higher
25 education institutions must account for the use of grant
26 moneys; and (v) any other provision that the Illinois

1 Emergency Management Agency determines to be necessary or
2 useful for the administration of this subsection (g).

3 (g-5) The Illinois Emergency Management Agency is
4 authorized to make grants to not-for-profit organizations
5 which are exempt from federal income taxation under section
6 501(c)(3) of the Federal Internal Revenue Code for eligible
7 security improvements that assist the organization in
8 preventing, preparing for, or responding to threats, attacks,
9 or acts of terrorism. To be eligible for a grant under the
10 program, the Agency must determine that the organization is at
11 a high risk of being subject to threats, attacks, or acts of
12 terrorism based on the organization's profile, ideology,
13 mission, or beliefs. Eligible security improvements shall
14 include all eligible preparedness activities under the federal
15 Nonprofit Security Grant Program, including, but not limited
16 to, physical security upgrades, security training exercises,
17 preparedness training exercises, contracting with security
18 personnel, and any other security upgrades deemed eligible by
19 the Director. Eligible security improvements shall not
20 duplicate, in part or in whole, a project included under any
21 awarded federal grant or in a pending federal application. The
22 Director shall establish procedures and forms by which
23 applicants may apply for a grant and procedures for
24 distributing grants to recipients. Any security improvements
25 awarded shall remain at the physical property listed in the
26 grant application, unless authorized by Agency rule or

1 approved by the Agency in writing. The procedures shall
2 require each applicant to do the following:

3 (1) identify and substantiate prior or current
4 threats, attacks, or acts of terrorism against the
5 not-for-profit organization;

6 (2) indicate the symbolic or strategic value of one or
7 more sites that renders the site a possible target of a
8 threat, attack, or act of terrorism;

9 (3) discuss potential consequences to the organization
10 if the site is damaged, destroyed, or disrupted by a
11 threat, attack, or act of terrorism;

12 (4) describe how the grant will be used to integrate
13 organizational preparedness with broader State and local
14 preparedness efforts, as described by the Agency in each
15 Notice of Opportunity for Funding;

16 (5) submit (i) a vulnerability assessment conducted by
17 experienced security, law enforcement, or military
18 personnel, or conducted using an Agency-approved or
19 federal Nonprofit Security Grant Program self-assessment
20 tool, and (ii) a description of how the grant award will be
21 used to address the vulnerabilities identified in the
22 assessment; and

23 (6) submit any other relevant information as may be
24 required by the Director.

25 The Agency is authorized to use funds appropriated for the
26 grant program described in this subsection (g-5) to administer

1 the program. Any Agency Notice of Opportunity for Funding,
2 proposed or final rulemaking, guidance, training opportunity,
3 or other resource related to the grant program must be
4 published on the Agency's publicly available website, and any
5 announcements related to funding shall be shared with all
6 State legislative offices, the Governor's office, emergency
7 services and disaster agencies mandated or required pursuant
8 to subsections (b) through (d) of Section 10, and any other
9 State agencies as determined by the Agency. Subject to
10 appropriation, the grant application period shall be open for
11 no less than 45 calendar days during the first application
12 cycle each fiscal year, unless the Agency determines that a
13 shorter period is necessary to avoid conflicts with the annual
14 federal Nonprofit Security Grant Program funding cycle.
15 Additional application cycles may be conducted during the same
16 fiscal year, subject to availability of funds. Upon request,
17 Agency staff shall provide reasonable assistance to any
18 applicant in completing a grant application or meeting a
19 post-award requirement.

20 (h) Except as provided in Section 17.5 of this Act, any
21 moneys received by the Agency from donations or sponsorships
22 unrelated to a disaster shall be deposited in the Emergency
23 Planning and Training Fund and used by the Agency, subject to
24 appropriation, to effectuate planning and training activities.
25 Any moneys received by the Agency from donations during a
26 disaster and intended for disaster response or recovery shall

1 be deposited into the Disaster Response and Recovery Fund and
2 used for disaster response and recovery pursuant to the
3 Disaster Relief Act.

4 (i) The Illinois Emergency Management Agency may by rule
5 assess and collect reasonable fees for attendance at
6 Agency-sponsored conferences to enable the Agency to carry out
7 the requirements of this Act. Any moneys received under this
8 subsection shall be deposited in the Emergency Planning and
9 Training Fund and used by the Agency, subject to
10 appropriation, for planning and training activities.

11 (j) The Illinois Emergency Management Agency is authorized
12 to make grants to other State agencies, public universities,
13 units of local government, and statewide mutual aid
14 organizations to enhance statewide emergency preparedness and
15 response.

16 (k) Subject to appropriation from the Emergency Planning
17 and Training Fund, the Illinois Emergency Management Agency
18 and Office of Homeland Security shall obtain training services
19 and support for local emergency services and support for local
20 emergency services and disaster agencies for training,
21 exercises, and equipment related to carbon dioxide pipelines
22 and sequestration, and, subject to the availability of
23 funding, shall provide \$5,000 per year to the Illinois Fire
24 Service Institute for first responder training required under
25 Section 4-615 of the Public Utilities Act. Amounts in the
26 Emergency Planning and Training Fund will be used by the

1 Illinois Emergency Management Agency and Office of Homeland
2 Security for administrative costs incurred in carrying out the
3 requirements of this subsection. To carry out the purposes of
4 this subsection, the Illinois Emergency Management Agency and
5 Office of Homeland Security may accept moneys from all
6 authorized sources into the Emergency Planning and Training
7 Fund, including, but not limited to, transfers from the Carbon
8 Dioxide Sequestration Administrative Fund and the Public
9 Utility Fund.

10 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
11 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.
12 1-1-24.)

13 Section 40. The State Finance Act is amended by adding
14 Sections 5.1015, 5.1016, and 5.1017 as follows:

15 (30 ILCS 105/5.1015 new)

16 Sec. 5.1015. The Carbon Dioxide Sequestration
17 Administrative Fund.

18 (30 ILCS 105/5.1016 new)

19 Sec. 5.1016. The Environmental Justice Grant Fund.

20 (30 ILCS 105/5.1017 new)

21 Sec. 5.1017. The Water Resources Fund.

1 Section 45. The Public Utilities Act is amended by
2 changing Section 8-509 and by adding Sections 3-127, 4-615,
3 and 15-103 as follows:

4 (220 ILCS 5/3-127 new)

5 Sec. 3-127. Carbon dioxide pipeline. "Carbon dioxide
6 pipeline" has the same meaning given to that term in Section 10
7 of the Carbon Dioxide Transportation and Sequestration Act.

8 (220 ILCS 5/4-615 new)

9 Sec. 4-615. Training for carbon dioxide emergencies.

10 (a) Prior to any pipeline for the transportation of carbon
11 dioxide becoming operational, the Illinois Fire Service
12 Institute, in coordination with the Office of the State Fire
13 Marshal, an EMS System, the Department of Public Health, and
14 the Illinois Emergency Management Agency and Office of
15 Homeland Security, shall develop and offer at least one course
16 for first responders who respond when carbon dioxide is
17 released from a pipeline or a sequestration facility. At a
18 minimum, the course shall cover:

19 (1) how to identify a carbon dioxide release;

20 (2) communications procedures to quickly share
21 information about a carbon dioxide release, including
22 alarms, sirens, text message alerts, and other means of
23 alerting the public;

24 (3) procedures for locating residents and others in

1 the affected area and, when necessary, transporting
2 residents and others in the affected area out of the area
3 to health care facilities; and

4 (4) signs and symptoms of exposure to a carbon dioxide
5 release.

6 (b) Each year thereafter, the Illinois Fire Service
7 Institute, in coordination with the Office of the State Fire
8 Marshal, an EMS System and the Department of Public Health,
9 shall offer a training session at the Illinois Fire Service
10 Institute's Regions for Training Delivery on emergency
11 response procedures during carbon dioxide releases. These
12 trainings shall be available to first responders in the State
13 with priority participation given to counties in which carbon
14 dioxide is proposed to be or is transported or sequestered.

15 (c) Prior to a carbon dioxide pipeline becoming
16 operational, the owner or operator of the pipeline shall
17 develop, in coordination with the Illinois Emergency
18 Management Agency and Office of Homeland Security and
19 Department of Public Health, emergency preparedness materials
20 for residents and local businesses in the counties within 2
21 miles of where the owner or operator is transporting or
22 sequestering carbon dioxide. At a minimum, these materials
23 shall include:

24 (1) what to do in the event of a carbon dioxide
25 release;

26 (2) symptoms of exposure to a carbon dioxide release;

1 and

2 (3) recommendations for items residents and local
3 businesses may want to acquire, including, but not limited
4 to, carbon dioxide monitors and air supply respirators.

5 The Illinois Emergency Management Agency and Office of
6 Homeland Security and the Department of Public Health shall
7 publish this information on their websites and provide these
8 materials to local emergency management agencies and local
9 public health departments in relevant counties.

10 (d) For each carbon dioxide pipeline, the owner or
11 operator of the pipeline shall use modeling that can handle
12 non-flat terrain; obstacles, such as vegetation and buildings;
13 time or spatial variations in wind, including direction and
14 speed; ambient weather conditions, such as temperature and
15 humidity; variations to the direction of release of CO₂; and
16 concentrations and durations of CO₂, in addition to the
17 specifics related to the pipeline design, including, but not
18 limited to, diameter, thickness, and shutoff valves, to
19 develop a risk-based assessment and a chemical safety
20 contingency plan. The Illinois Emergency Management Agency and
21 Office of Homeland Security shall publish this information on
22 its website and provide these materials to local emergency
23 management agencies in relevant counties.

24 (e) Each year, the owner or operator of a pipeline, in
25 coordination with Department of Public Health and local
26 emergency response personnel, shall offer at least 2 public

1 training sessions for residents and local businesses in every
2 county in which carbon dioxide is transported or sequestered.
3 These trainings shall be offered in person and virtually. Each
4 training shall be recorded and provided to Illinois Emergency
5 Management Agency and Office of Homeland Security and the
6 Department of Public Health to maintain a copy on their
7 websites, as appropriate, with the emergency preparedness
8 materials identified in subsection (c).

9 (f) Each year, the owner or operator of the pipeline shall
10 develop, in coordination with the Department of Public Health,
11 and offer a training session for medical personnel in each
12 county along the pipeline route, including staff in hospitals
13 and emergency rooms, health clinics, and other health care
14 facilities. These trainings shall be offered in person and
15 virtually and be approved by the Department of Public Health.
16 Each training shall be recorded and provided to the Department
17 of Public Health to maintain a copy on its website, as
18 appropriate, and distribute to staff in hospitals and
19 emergency rooms, health clinics, and other health care
20 facilities.

21 (g) At least every 5 years, the Illinois Fire Service
22 Institute shall review and, if appropriate, revise or add
23 trainings developed under this Section to incorporate new best
24 practices, technologies, developments, or information that
25 improves emergency response and treatment for carbon dioxide
26 releases.

1 (h) At least every 5 years, the owner or operator, in
2 coordination with local emergency response personnel, the
3 Illinois Emergency Management Agency and Office of Homeland
4 Security, and the Department of Public Health, shall review
5 and, if appropriate, update emergency preparedness materials
6 and trainings for residents and local businesses identified in
7 subsections (c) and (d) to incorporate new best practices,
8 technologies, developments, or information that may assist
9 local residents and businesses to be prepared if a carbon
10 dioxide release occurs.

11 (220 ILCS 5/8-509) (from Ch. 111 2/3, par. 8-509)

12 Sec. 8-509. When necessary for the construction of any
13 alterations, additions, extensions or improvements ordered or
14 authorized under Section 8-406.1 or 8-503 of this Act, any
15 public utility may enter upon, take or damage private property
16 in the manner provided for by the law of eminent domain. If a
17 public utility seeks relief under this Section in the same
18 proceeding in which it seeks a certificate of public
19 convenience and necessity under Section 8-406.1 of this Act,
20 the Commission shall enter its order under this Section either
21 as part of the Section 8-406.1 order or at the same time it
22 enters the Section 8-406.1 order. If a public utility seeks
23 relief under this Section after the Commission enters its
24 order in the Section 8-406.1 proceeding, the Commission shall
25 issue its order under this Section within 45 days after the

1 utility files its petition under this Section.

2 This Section applies to the exercise of eminent domain
3 powers by telephone companies or telecommunications carriers
4 only when the facilities to be constructed are intended to be
5 used in whole or in part for providing one or more intrastate
6 telecommunications services classified as "noncompetitive"
7 under Section 13-502 in a tariff filed by the condemnor. The
8 exercise of eminent domain powers by telephone companies or
9 telecommunications carriers in all other cases shall be
10 governed solely by "An Act relating to the powers, duties and
11 property of telephone companies", approved May 16, 1903, as
12 now or hereafter amended.

13 This Section applies to the exercise of eminent domain
14 powers by an owner or operator of a pipeline designed,
15 constructed, and operated to transport carbon dioxide to which
16 the Commission has granted a certificate under Section 20 of
17 the Carbon Dioxide Transportation and Sequestration Act and
18 may seek eminent domain authority from the Commission under
19 this Section. If the applicant of such a certificate of
20 authority for a new carbon dioxide pipeline seeks relief under
21 this Section in the same proceeding in which it seeks a
22 certificate of authority for a new carbon dioxide pipeline
23 under Section 20 of the Carbon Dioxide Transportation and
24 Sequestration Act, the Commission shall enter its order under
25 this Section either as part of or at the same time as its order
26 under the Carbon Dioxide Transportation and Sequestration Act.

1 Notwithstanding anything to the contrary in this Section, the
2 owner or operator of such a pipeline shall not be considered to
3 be a public utility for any other provisions of this Act.

4 (Source: P.A. 100-840, eff. 8-13-18.)

5 (220 ILCS 5/15-103 new)

6 Sec. 15-103. Application of carbon dioxide pipelines. This
7 Article does not apply to a new carbon dioxide pipeline as
8 defined in Section 10 of the Carbon Dioxide Transportation and
9 Sequestration Act.

10 Section 50. The Carbon Dioxide Transportation and
11 Sequestration Act is amended by changing Sections 5, 10, 15,
12 and 20 and by adding Sections 35 and 40 as follows:

13 (220 ILCS 75/5)

14 Sec. 5. Legislative purpose. Pipeline transportation of
15 carbon dioxide for sequestration, ~~enhanced oil recovery,~~ and
16 other carbon management purposes other than enhanced oil
17 recovery is declared to be a public use and service, in the
18 public interest, and a benefit to the welfare of Illinois and
19 the people of Illinois because pipeline transportation is
20 necessary for sequestration, ~~enhanced oil recovery,~~ or other
21 carbon management purposes other than enhanced oil recovery
22 and thus is an essential component to compliance with required
23 or voluntary plans to reduce carbon dioxide emissions ~~from~~

1 ~~"clean coal" facilities and other sources.~~ Carbon dioxide
2 pipelines are critical to ~~the promotion and use of Illinois~~
3 ~~coal and also~~ advance economic development, environmental
4 protection, and energy security in the State.

5 (Source: P.A. 97-534, eff. 8-23-11.)

6 (220 ILCS 75/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Carbon dioxide pipeline" or "pipeline" means the in-state
9 portion of a pipeline, including appurtenant facilities,
10 property rights, and easements, that are used exclusively for
11 the purpose of transporting carbon dioxide to a point of sale,
12 storage, ~~enhanced oil recovery,~~ or other carbon management
13 application. "Carbon dioxide pipeline" or "pipeline" does not
14 include the portion of pipelines sold or used for enhanced oil
15 recovery in this State.

16 ~~"Clean coal facility" has the meaning ascribed to that~~
17 ~~term in Section 1-10 of the Illinois Power Agency Act.~~

18 ~~"Clean coal SNG facility" has the meaning ascribed to that~~
19 ~~term in Section 1-10 of the Illinois Power Agency Act.~~

20 "Commission" means the Illinois Commerce Commission.

21 "Legacy carbon dioxide pipeline" includes any carbon
22 dioxide pipeline constructed before July 1, 2024 that is less
23 than one mile in length, is located on property entirely owned
24 by the pipeline operator, and is used to transport carbon
25 dioxide to an injection well.

1 "New carbon dioxide pipeline" means any carbon dioxide
2 pipeline constructed after July 1, 2024.

3 "Sequester" has the meaning ascribed to that term in
4 Section 1-10 of the Illinois Power Agency Act. "Sequester"
5 does not include the sale or use of carbon dioxide for enhanced
6 oil recovery in Illinois.

7 "Transportation" means the physical movement of carbon
8 dioxide by pipeline conducted for a person's own use or
9 account or the use or account of another person or persons.
10 (Source: P.A. 97-534, eff. 8-23-11.)

11 (220 ILCS 75/15)

12 Sec. 15. Scope. This Act applies to the application
13 process for the issuance of a certificate of authority by an
14 owner or operator of a pipeline designed, constructed, and
15 operated to transport and to sequester carbon dioxide ~~produced~~
16 ~~by a clean coal facility, by a clean coal SNG facility, or by~~
17 ~~any other source that will result in the reduction of carbon~~
18 ~~dioxide emissions from that source.~~

19 (Source: P.A. 97-534, eff. 8-23-11.)

20 (220 ILCS 75/20)

21 Sec. 20. Application.

22 (a) No person or entity may construct, operate, or repair
23 a carbon dioxide pipeline unless the person or entity
24 possesses a certificate of authority. Nothing in this Act

1 requires a legacy carbon dioxide pipeline to obtain a
2 certificate of authority.

3 (b) The Commission, after a hearing, may grant an
4 application for a certificate of authority authorizing the
5 construction and operation of a carbon dioxide pipeline if it
6 makes a specific written finding as to each of the following:

7 (1) the application was properly filed;

8 (2) the applicant is fit, willing, and able to
9 construct and operate the pipeline in compliance with this
10 Act and with Commission regulations and orders of the
11 Commission or any applicable federal agencies;

12 (3) the applicant has entered into one or more
13 agreements ~~an agreement~~ with a ~~clean coal facility, a~~
14 ~~clean coal SNG facility, or any other~~ source or sources
15 that will result in the reduction of carbon dioxide
16 emissions from that source or sources and the applicant
17 has filed such agreement or agreements as part of its
18 application;

19 (4) the applicant has filed with the Pipeline and
20 Hazardous Materials Safety Administration of the U.S.
21 Department of Transportation all forms required by that
22 agency in advance of constructing a carbon dioxide
23 pipeline;

24 (5) the applicant has filed with the U.S. Army Corps
25 of Engineers all applications for permits required by that
26 agency in advance of constructing a carbon dioxide

1 pipeline;

2 (6) the applicant has entered into an agreement with
3 the Illinois Department of Agriculture that governs the
4 mitigation of agricultural impacts associated with the
5 construction of the proposed pipeline;

6 (6.1) the applicant has applied for any and all other
7 federal permits necessary to construct and operate a
8 carbon dioxide pipeline;

9 (6.2) the applicant has held at least 2 prefiling
10 public meetings to receive public comment concerning the
11 proposed carbon dioxide pipeline in each county where the
12 pipeline is to be located, no earlier than 6 months prior
13 to the filing of the application. Notice of the public
14 meeting shall be published in a newspaper of general
15 circulation within the affected county once a week for 3
16 consecutive weeks, beginning no earlier than one month
17 prior to the first public meeting. Notice of each public
18 meeting, including a description of the carbon dioxide
19 pipeline, must be provided in writing to the clerk of each
20 county where the project is to be located and to the chief
21 clerk of the Commission. A representative of the
22 Commission shall be invited to each prefiling public
23 meeting. The applicant shall maintain a dedicated public
24 website which provides details regarding the proposed
25 route of the pipeline, plans for construction, status of
26 the application, and the manner in which members of the

1 public may offer their opinions regarding the pipeline;

2 (6.3) the applicant has directly contacted the owner
3 of each parcel of land located within 2 miles of the
4 proposed pipeline route by certified mail, or made good
5 faith efforts if the owner of record cannot be located,
6 advising them of the proposed pipeline route and of the
7 date and time of each public meeting to be held in the
8 county in which each landowner's property is located;

9 (6.4) the applicant has prepared and submitted a
10 detailed emergency operations plan, which addresses at a
11 minimum, emergency operations plan requirements adopted by
12 the Illinois Emergency Management Agency and Office of
13 Homeland Security under paragraph (4) of subsection (f) of
14 Section 5 of the Illinois Emergency Management Agency Act.
15 The submitted emergency operations plan shall also provide
16 for post-emergency analysis and controller actions. In
17 addition, the applicant shall demonstrate that it has
18 communicated with the county emergency services and
19 disaster agency (ESDA), or other relevant mandated ESDA,
20 to coordinate its emergency operations plan for the
21 pipeline with the county ESDA's, or other relevant
22 mandated ESDA's, emergency operations plan;

23 (7) the applicant possesses the financial, managerial,
24 legal, and technical qualifications necessary to construct
25 and operate the proposed carbon dioxide pipeline; and

26 (8) the proposed pipeline is consistent with the

1 public interest, public benefit, and legislative purpose
2 as set forth in this Act. In addition to any other evidence
3 the Commission may consider on this specific finding, the
4 Commission shall consider the following:

5 (A) any evidence of the effect of the pipeline
6 upon the economy, infrastructure, and public safety
7 presented by local governmental units that will be
8 affected by the proposed pipeline route;

9 (B) any evidence of the effect of the pipeline
10 ~~upon property values~~ presented by property owners who
11 will be affected by the proposed pipeline or facility,
12 provided that the Commission need not hear evidence as
13 to the actual valuation of property such as that as
14 would be presented to and determined by the courts
15 under the Eminent Domain Act;

16 (C) any evidence presented by the Department of
17 Commerce and Economic Opportunity regarding the
18 current and future local, State-wide, or regional
19 economic effect, direct or indirect, of the proposed
20 pipeline or facility including, but not limited to,
21 ability of the State to attract economic growth, meet
22 future energy requirements, and ensure compliance with
23 environmental requirements and goals;

24 (D) any evidence addressing the factors described
25 in items (1) through (8) of this subsection (b) or
26 other relevant factors that is presented by any other

1 State agency, unit of local government, the applicant,
2 a party, or other entity that participates in the
3 proceeding, including evidence presented by the
4 Commission's staff; and

5 (E) any evidence presented by any State or federal
6 governmental entity as to how the proposed pipeline
7 will affect the security, stability, and reliability
8 of public infrastructure energy.

9 In its written order, the Commission shall address all of
10 the evidence presented, and if the order is contrary to any of
11 the evidence, the Commission shall state the reasons for its
12 determination with regard to that evidence.

13 (c) When an applicant files its application for a
14 certificate of authority with the Commission, it shall provide
15 notice to each unit of local government where the proposed
16 pipeline will be located and include a map of the proposed
17 pipeline route. The applicant shall also publish notice in a
18 newspaper of general circulation in each county where the
19 proposed pipeline is located.

20 (d) An application for a certificate of authority filed
21 pursuant to this Section shall request either that the
22 Commission review and approve a specific route for a carbon
23 dioxide pipeline, or that the Commission review and approve a
24 project route width that identifies the areas in which the
25 pipeline would be located, with such width ranging from the
26 minimum width required for a pipeline right-of-way up to 200

1 feet in width. A map of the route or route width shall be
2 included in the application. The purpose for allowing the
3 option of review and approval of a project route width is to
4 provide increased flexibility during the construction process
5 to accommodate specific landowner requests, avoid
6 environmentally sensitive areas, or address special
7 environmental permitting requirements.

8 (e) The Commission's rules shall ensure that notice of an
9 application for a certificate of authority is provided within
10 30 days after filing to the landowners along a proposed
11 project route, or to the potentially affected landowners
12 within a proposed project route width, using the notification
13 procedures set forth in the Commission's rules. If the
14 Commission grants approval of a project route width as opposed
15 to a specific project route, then the applicant must, as it
16 finalizes the actual pipeline alignment within the project
17 route width, file its final list of affected landowners with
18 the Commission at least 14 days in advance of beginning
19 construction on any tract within the project route width and
20 also provide the Commission with at least 14 days' notice
21 before filing a complaint for eminent domain in the circuit
22 court with regard to any tract within the project route width.

23 (f) If an applicant has obtained all necessary federal
24 licenses, permits, and authority necessary to construct and
25 operate a carbon dioxide pipeline before it files an
26 application pursuant to this Section, then the ~~The~~ Commission

1 shall make its determination on any application for a
2 certificate of authority ~~filed pursuant to this Section~~ and
3 issue its final order within 11 months after the date that the
4 application is filed. The Commission's failure to act within
5 this time period shall not be deemed an approval or denial of
6 the application.

7 (g) A final order of the Commission granting a certificate
8 of authority pursuant to this Act shall be conditioned upon
9 the applicant obtaining all required permits or approvals from
10 the Pipeline and Hazardous Materials Safety Administration of
11 the U.S. Department of Transportation, U.S. Army Corps of
12 Engineers, and Illinois Department of Agriculture, in addition
13 to all other permits and approvals necessary for the
14 construction and operation of the pipeline prior to the start
15 of any construction. The final order must specifically
16 prohibit the start of any construction until all such permits
17 and approvals have been obtained. The Commission shall not
18 issue any certificate of authority under this Act until (i)
19 the Pipeline and Hazardous Materials Safety Administration has
20 adopted final revisions to its pipeline safety rules intended
21 to enhance the safe transportation of carbon dioxide by
22 pipelines to accommodate an anticipated increase in the number
23 of carbon dioxide pipelines and volume of carbon dioxide
24 transported in the proposed rulemaking designated Regulatory
25 Information Number 2137-AF60, and (ii) the Commission has
26 verified that the submitted application complies with those

1 finalized rules. If, after July 1, 2026, the Pipeline and
2 Hazardous Materials Safety Administration has not adopted
3 final revisions to its pipeline safety rules under the
4 proposed rulemaking designated Regulatory Information Number
5 2137-AF60, the Commission may only approve a certificate of
6 authority under this Section if it finds that the applicant
7 has met all of the requirements of this Act, has already
8 acquired all of its other necessary approvals, and is
9 compliant with any requirements or conditions adopted by the
10 Commission subsection (g-5).

11 (g-5) In granting a certificate under this Act, the
12 Commission shall adopt such requirements or impose such
13 conditions upon a certificate as in its opinion are necessary
14 to preserve public safety, as long as such requirements are
15 compatible with the minimum standards prescribed by the
16 Pipeline and Hazardous Material Safety Administration.

17 (h) Within 6 months after the Commission's entry of an
18 order approving either a specific route or a project route
19 width under this Section, the owner or operator of the carbon
20 dioxide pipeline that receives that order may file
21 supplemental applications for minor route deviations outside
22 the approved project route width, allowing for additions or
23 changes to the approved route to address environmental
24 concerns encountered during construction or to accommodate
25 landowner requests. The supplemental application shall
26 specifically detail the environmental concerns or landowner

1 requests prompting the route changes, including the names of
2 any landowners or entities involved. Notice of a supplemental
3 application shall be provided to any State agency or unit of
4 local government that appeared in the original proceeding and
5 to any landowner affected by the proposed route deviation at
6 the time that supplemental application is filed. The route
7 deviations shall be approved by the Commission no sooner than
8 90 days after all interested parties receive notice of the
9 supplemental application, unless a written objection is filed
10 to the supplemental application within 45 days after such
11 notice is received. If a written objection is filed, then the
12 Commission shall issue an order either granting or denying the
13 route deviation within 90 days after the filing of the
14 objection. Hearings on any such supplemental application shall
15 be limited to the reasonableness of the specific variance
16 proposed, and the issues of the public interest and benefit of
17 the project or fitness of the applicant shall be considered
18 only to the extent that the route deviation has raised new
19 concerns with regard to those issues.

20 (i) A certificate of authority to construct and operate a
21 carbon dioxide pipeline issued by the Commission shall contain
22 and include all of the following:

23 (1) a grant of authority to construct and operate a
24 carbon dioxide pipeline as requested in the application,
25 subject to the laws of this State; and

26 (2) the right to seek eminent domain authority from

1 ~~the Commission under Section 8-509 of the Public Utilities~~
2 ~~Act. a limited grant of authority to take and acquire an~~
3 ~~easement in any property or interest in property for the~~
4 ~~construction, maintenance, or operation of a carbon~~
5 ~~dioxide pipeline in the manner provided for the exercise~~
6 ~~of the power of eminent domain under the Eminent Domain~~
7 ~~Act. The limited grant of authority shall be restricted~~
8 ~~to, and exercised solely for, the purpose of siting,~~
9 ~~rights of way, and easements appurtenant, including~~
10 ~~construction and maintenance. The applicant shall not~~
11 ~~exercise this power until it has used reasonable and good~~
12 ~~faith efforts to acquire the property or easement thereto.~~
13 ~~The applicant may thereafter use this power when the~~
14 ~~applicant determines that the easement is necessary to~~
15 ~~avoid unreasonable delay or economic hardship to the~~
16 ~~progress of activities carried out pursuant to the~~
17 ~~certificate of authority.~~

18 (j) All applications under this Act pending before the
19 Commission on the effective date of this amendatory Act of the
20 103rd General Assembly shall be dismissed without prejudice.

21 (Source: P.A. 97-534, eff. 8-23-11.)

22 (220 ILCS 75/35 new)

23 Sec. 35. Land surveys and land use studies. For the
24 purpose of making land surveys and land use studies, any
25 applicant that has been granted a certificate of authority

1 under this Section may, 30 days after providing written notice
2 to the landowner thereof by registered mail and after
3 providing a second notice to the owner of record, as
4 identified in the records of the relevant county tax assessor,
5 by telephone or email or by registered mail if the landowner
6 has not been notified by other means, at least 3 days, but not
7 more than 15 days, prior to the stated date in the notice,
8 identifying the date when land surveys and land use studies
9 will first begin on the landowner's property and informing the
10 landowner that the landowner or the landowner's agent may be
11 present when the land surveys or land use studies occur, enter
12 upon the property of any landowner who has refused permission
13 for entrance upon that property, but subject to responsibility
14 for all damages which may be inflicted thereby.

15 (220 ILCS 75/40 new)

16 Sec. 40. Pipeline operator fees. Any person or entity that
17 has been granted a certificate of authority authorizing the
18 construction and operation of a carbon dioxide pipeline
19 pursuant to this Section or any person or entity operating a
20 legacy carbon dioxide pipeline shall be assessed an annual fee
21 per pipeline system operated in the State, plus an additional
22 fee per mile of carbon dioxide pipeline in length that is
23 physically operated or proposed to be operated in the State.

24 The Commission may adopt any rules and procedures
25 necessary to enforce and administer the provisions of this

1 Act. The Commission may, by administrative rule, modify any
2 rules or procedures or adjust any Commission fees necessary to
3 regulate and enforce the provisions of this Act. The
4 Commission shall adopt such rules in consultation with the
5 Illinois Emergency Management Agency and Office of Homeland
6 Security in order to establish the total amount necessary to
7 cover the Commission's and Illinois Emergency Management
8 Agency and Office of Homeland Security's administrative costs
9 plus the amount necessary to fund the needs of emergency
10 responders as determined by the Illinois Emergency Management
11 Agency and Office of Homeland Security. The Commission rules
12 shall include, but shall not be limited to, the following
13 provisions:

14 (1) a provision requiring a portion of the fee to be
15 allocated to the Commission for purposes of assessing the
16 permit application and regulating the operating pipeline;

17 (2) a provision requiring the balance of the fee to be
18 allocated and transferred to the Illinois Emergency
19 Management Agency and Office of Homeland Security for
20 compiling and maintaining emergency response plans and
21 coordinating and funding training, exercises, and
22 equipment of first responders along the pipeline route
23 through agreements and grants to county emergency services
24 and disaster agencies;

25 (3) a provision requiring the fee to be payable to the
26 Commission and due 30 days after the certificate of

1 authority is granted by the Commission, and at the
2 conclusion of each State fiscal year. The Commission shall
3 transfer to the Illinois Emergency Management Agency and
4 Office of Homeland Security's Emergency Planning and
5 Training Fund its allocable share within 30 days following
6 the end of each fiscal year to be utilized as indicated in
7 paragraph (2);

8 (4) a provision requiring the fee to be assessed with
9 a flat fee per pipeline system, plus an additional fee
10 assessed per each mile of a pipeline, based on the actual
11 length of carbon dioxide pipeline that has been used to
12 transport carbon dioxide in the State in the State fiscal
13 year during which the fee is imposed;

14 (5) a provision requiring the fee structure to be
15 designed to collect the funds necessary for emergency
16 responders in a manner that facilitates the safe and
17 reliable development of new carbon dioxide pipelines
18 within the State; and

19 (6) a provision requiring the fee to be adjusted with
20 inflation.

21 Section 55. The Environmental Protection Act is amended by
22 changing Section 21 and by adding Title XVIII as follows:

23 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

24 Sec. 21. Prohibited acts. No person shall:

1 (a) Cause or allow the open dumping of any waste.

2 (b) Abandon, dump, or deposit any waste upon the public
3 highways or other public property, except in a sanitary
4 landfill approved by the Agency pursuant to regulations
5 adopted by the Board.

6 (c) Abandon any vehicle in violation of the "Abandoned
7 Vehicles Amendment to the Illinois Vehicle Code", as enacted
8 by the 76th General Assembly.

9 (d) Conduct any waste-storage, waste-treatment, or
10 waste-disposal operation:

11 (1) without a permit granted by the Agency or in
12 violation of any conditions imposed by such permit,
13 including periodic reports and full access to adequate
14 records and the inspection of facilities, as may be
15 necessary to assure compliance with this Act and with
16 regulations and standards adopted thereunder; provided,
17 however, that, except for municipal solid waste landfill
18 units that receive waste on or after October 9, 1993, and
19 CCR surface impoundments, no permit shall be required for
20 (i) any person conducting a waste-storage,
21 waste-treatment, or waste-disposal operation for wastes
22 generated by such person's own activities which are
23 stored, treated, or disposed within the site where such
24 wastes are generated, (ii) until one year after the
25 effective date of rules adopted by the Board under
26 subsection (n) of Section 22.38, a facility located in a

1 county with a population over 700,000 as of January 1,
2 2000, operated and located in accordance with Section
3 22.38 of this Act, and used exclusively for the transfer,
4 storage, or treatment of general construction or
5 demolition debris, provided that the facility was
6 receiving construction or demolition debris on August 24,
7 2009 (the effective date of Public Act 96-611), or (iii)
8 any person conducting a waste transfer, storage,
9 treatment, or disposal operation, including, but not
10 limited to, a waste transfer or waste composting
11 operation, under a mass animal mortality event plan
12 created by the Department of Agriculture;

13 (2) in violation of any regulations or standards
14 adopted by the Board under this Act;

15 (3) which receives waste after August 31, 1988, does
16 not have a permit issued by the Agency, and is (i) a
17 landfill used exclusively for the disposal of waste
18 generated at the site, (ii) a surface impoundment
19 receiving special waste not listed in an NPDES permit,
20 (iii) a waste pile in which the total volume of waste is
21 greater than 100 cubic yards or the waste is stored for
22 over one year, or (iv) a land treatment facility receiving
23 special waste generated at the site; without giving notice
24 of the operation to the Agency by January 1, 1989, or 30
25 days after the date on which the operation commences,
26 whichever is later, and every 3 years thereafter. The form

1 for such notification shall be specified by the Agency,
2 and shall be limited to information regarding: the name
3 and address of the location of the operation; the type of
4 operation; the types and amounts of waste stored, treated
5 or disposed of on an annual basis; the remaining capacity
6 of the operation; and the remaining expected life of the
7 operation.

8 Item (3) of this subsection (d) shall not apply to any
9 person engaged in agricultural activity who is disposing of a
10 substance that constitutes solid waste, if the substance was
11 acquired for use by that person on his own property, and the
12 substance is disposed of on his own property in accordance
13 with regulations or standards adopted by the Board.

14 This subsection (d) shall not apply to hazardous waste.

15 (e) Dispose, treat, store or abandon any waste, or
16 transport any waste into this State for disposal, treatment,
17 storage or abandonment, except at a site or facility which
18 meets the requirements of this Act and of regulations and
19 standards thereunder.

20 (f) Conduct any hazardous waste-storage, hazardous
21 waste-treatment or hazardous waste-disposal operation:

22 (1) without a RCRA permit for the site issued by the
23 Agency under subsection (d) of Section 39 of this Act, or
24 in violation of any condition imposed by such permit,
25 including periodic reports and full access to adequate
26 records and the inspection of facilities, as may be

1 necessary to assure compliance with this Act and with
2 regulations and standards adopted thereunder; or

3 (2) in violation of any regulations or standards
4 adopted by the Board under this Act; or

5 (3) in violation of any RCRA permit filing requirement
6 established under standards adopted by the Board under
7 this Act; or

8 (4) in violation of any order adopted by the Board
9 under this Act.

10 Notwithstanding the above, no RCRA permit shall be
11 required under this subsection or subsection (d) of Section 39
12 of this Act for any person engaged in agricultural activity
13 who is disposing of a substance which has been identified as a
14 hazardous waste, and which has been designated by Board
15 regulations as being subject to this exception, if the
16 substance was acquired for use by that person on his own
17 property and the substance is disposed of on his own property
18 in accordance with regulations or standards adopted by the
19 Board.

20 (g) Conduct any hazardous waste-transportation operation:

21 (1) without registering with and obtaining a special
22 waste hauling permit from the Agency in accordance with
23 the regulations adopted by the Board under this Act; or

24 (2) in violation of any regulations or standards
25 adopted by the Board under this Act.

26 (h) Conduct any hazardous waste-recycling or hazardous

1 waste-reclamation or hazardous waste-reuse operation in
2 violation of any regulations, standards or permit requirements
3 adopted by the Board under this Act.

4 (i) Conduct any process or engage in any act which
5 produces hazardous waste in violation of any regulations or
6 standards adopted by the Board under subsections (a) and (c)
7 of Section 22.4 of this Act.

8 (j) Conduct any special waste-transportation operation in
9 violation of any regulations, standards or permit requirements
10 adopted by the Board under this Act. However, sludge from a
11 water or sewage treatment plant owned and operated by a unit of
12 local government which (1) is subject to a sludge management
13 plan approved by the Agency or a permit granted by the Agency,
14 and (2) has been tested and determined not to be a hazardous
15 waste as required by applicable State and federal laws and
16 regulations, may be transported in this State without a
17 special waste hauling permit, and the preparation and carrying
18 of a manifest shall not be required for such sludge under the
19 rules of the Pollution Control Board. The unit of local
20 government which operates the treatment plant producing such
21 sludge shall file an annual report with the Agency identifying
22 the volume of such sludge transported during the reporting
23 period, the hauler of the sludge, and the disposal sites to
24 which it was transported. This subsection (j) shall not apply
25 to hazardous waste.

26 (k) Fail or refuse to pay any fee imposed under this Act.

1 (1) Locate a hazardous waste disposal site above an active
2 or inactive shaft or tunneled mine or within 2 miles of an
3 active fault in the earth's crust. In counties of population
4 less than 225,000 no hazardous waste disposal site shall be
5 located (1) within 1 1/2 miles of the corporate limits as
6 defined on June 30, 1978, of any municipality without the
7 approval of the governing body of the municipality in an
8 official action; or (2) within 1000 feet of an existing
9 private well or the existing source of a public water supply
10 measured from the boundary of the actual active permitted site
11 and excluding existing private wells on the property of the
12 permit applicant. The provisions of this subsection do not
13 apply to publicly owned sewage works or the disposal or
14 utilization of sludge from publicly owned sewage works.

15 (m) Transfer interest in any land which has been used as a
16 hazardous waste disposal site without written notification to
17 the Agency of the transfer and to the transferee of the
18 conditions imposed by the Agency upon its use under subsection
19 (g) of Section 39.

20 (n) Use any land which has been used as a hazardous waste
21 disposal site except in compliance with conditions imposed by
22 the Agency under subsection (g) of Section 39.

23 (o) Conduct a sanitary landfill operation which is
24 required to have a permit under subsection (d) of this
25 Section, in a manner which results in any of the following
26 conditions:

- 1 (1) refuse in standing or flowing waters;
- 2 (2) leachate flows entering waters of the State;
- 3 (3) leachate flows exiting the landfill confines (as
4 determined by the boundaries established for the landfill
5 by a permit issued by the Agency);
- 6 (4) open burning of refuse in violation of Section 9
7 of this Act;
- 8 (5) uncovered refuse remaining from any previous
9 operating day or at the conclusion of any operating day,
10 unless authorized by permit;
- 11 (6) failure to provide final cover within time limits
12 established by Board regulations;
- 13 (7) acceptance of wastes without necessary permits;
- 14 (8) scavenging as defined by Board regulations;
- 15 (9) deposition of refuse in any unpermitted portion of
16 the landfill;
- 17 (10) acceptance of a special waste without a required
18 manifest;
- 19 (11) failure to submit reports required by permits or
20 Board regulations;
- 21 (12) failure to collect and contain litter from the
22 site by the end of each operating day;
- 23 (13) failure to submit any cost estimate for the site
24 or any performance bond or other security for the site as
25 required by this Act or Board rules.

26 The prohibitions specified in this subsection (o) shall be

1 enforceable by the Agency either by administrative citation
2 under Section 31.1 of this Act or as otherwise provided by this
3 Act. The specific prohibitions in this subsection do not limit
4 the power of the Board to establish regulations or standards
5 applicable to sanitary landfills.

6 (p) In violation of subdivision (a) of this Section, cause
7 or allow the open dumping of any waste in a manner which
8 results in any of the following occurrences at the dump site:

9 (1) litter;

10 (2) scavenging;

11 (3) open burning;

12 (4) deposition of waste in standing or flowing waters;

13 (5) proliferation of disease vectors;

14 (6) standing or flowing liquid discharge from the dump
15 site;

16 (7) deposition of:

17 (i) general construction or demolition debris as
18 defined in Section 3.160(a) of this Act; or

19 (ii) clean construction or demolition debris as
20 defined in Section 3.160(b) of this Act.

21 The prohibitions specified in this subsection (p) shall be
22 enforceable by the Agency either by administrative citation
23 under Section 31.1 of this Act or as otherwise provided by this
24 Act. The specific prohibitions in this subsection do not limit
25 the power of the Board to establish regulations or standards
26 applicable to open dumping.

1 (q) Conduct a landscape waste composting operation without
2 an Agency permit, provided, however, that no permit shall be
3 required for any person:

4 (1) conducting a landscape waste composting operation
5 for landscape wastes generated by such person's own
6 activities which are stored, treated, or disposed of
7 within the site where such wastes are generated; or

8 (1.5) conducting a landscape waste composting
9 operation that (i) has no more than 25 cubic yards of
10 landscape waste, composting additives, composting
11 material, or end-product compost on-site at any one time
12 and (ii) is not engaging in commercial activity; or

13 (2) applying landscape waste or composted landscape
14 waste at agronomic rates; or

15 (2.5) operating a landscape waste composting facility
16 at a site having 10 or more occupied non-farm residences
17 within 1/2 mile of its boundaries, if the facility meets
18 all of the following criteria:

19 (A) the composting facility is operated by the
20 farmer on property on which the composting material is
21 utilized, and the composting facility constitutes no
22 more than 2% of the site's total acreage;

23 (A-5) any composting additives that the composting
24 facility accepts and uses at the facility are
25 necessary to provide proper conditions for composting
26 and do not exceed 10% of the total composting material

1 at the facility at any one time;

2 (B) the property on which the composting facility
3 is located, and any associated property on which the
4 compost is used, is principally and diligently devoted
5 to the production of agricultural crops and is not
6 owned, leased, or otherwise controlled by any waste
7 hauler or generator of nonagricultural compost
8 materials, and the operator of the composting facility
9 is not an employee, partner, shareholder, or in any
10 way connected with or controlled by any such waste
11 hauler or generator;

12 (C) all compost generated by the composting
13 facility, except incidental sales of finished compost,
14 is applied at agronomic rates and used as mulch,
15 fertilizer, or soil conditioner on land actually
16 farmed by the person operating the composting
17 facility, and the finished compost is not stored at
18 the composting site for a period longer than 18 months
19 prior to its application as mulch, fertilizer, or soil
20 conditioner;

21 (D) no fee is charged for the acceptance of
22 materials to be composted at the facility; and

23 (E) the owner or operator, by January 1, 2014 (or
24 the January 1 following commencement of operation,
25 whichever is later) and January 1 of each year
26 thereafter, registers the site with the Agency, (ii)

1 reports to the Agency on the volume of composting
2 material received and used at the site; (iii)
3 certifies to the Agency that the site complies with
4 the requirements set forth in subparagraphs (A),
5 (A-5), (B), (C), and (D) of this paragraph (2.5); and
6 (iv) certifies to the Agency that all composting
7 material was placed more than 200 feet from the
8 nearest potable water supply well, was placed outside
9 the boundary of the 10-year floodplain or on a part of
10 the site that is floodproofed, was placed at least 1/4
11 mile from the nearest residence (other than a
12 residence located on the same property as the
13 facility) or a lesser distance from the nearest
14 residence (other than a residence located on the same
15 property as the facility) if the municipality in which
16 the facility is located has by ordinance approved a
17 lesser distance than 1/4 mile, and was placed more
18 than 5 feet above the water table; any ordinance
19 approving a residential setback of less than 1/4 mile
20 that is used to meet the requirements of this
21 subparagraph (E) of paragraph (2.5) of this subsection
22 must specifically reference this paragraph; or

23 (3) operating a landscape waste composting facility on
24 a farm, if the facility meets all of the following
25 criteria:

26 (A) the composting facility is operated by the

1 farmer on property on which the composting material is
2 utilized, and the composting facility constitutes no
3 more than 2% of the property's total acreage, except
4 that the Board may allow a higher percentage for
5 individual sites where the owner or operator has
6 demonstrated to the Board that the site's soil
7 characteristics or crop needs require a higher rate;

8 (A-1) the composting facility accepts from other
9 agricultural operations for composting with landscape
10 waste no materials other than uncontaminated and
11 source-separated (i) crop residue and other
12 agricultural plant residue generated from the
13 production and harvesting of crops and other customary
14 farm practices, including, but not limited to, stalks,
15 leaves, seed pods, husks, bagasse, and roots and (ii)
16 plant-derived animal bedding, such as straw or
17 sawdust, that is free of manure and was not made from
18 painted or treated wood;

19 (A-2) any composting additives that the composting
20 facility accepts and uses at the facility are
21 necessary to provide proper conditions for composting
22 and do not exceed 10% of the total composting material
23 at the facility at any one time;

24 (B) the property on which the composting facility
25 is located, and any associated property on which the
26 compost is used, is principally and diligently devoted

1 to the production of agricultural crops and is not
2 owned, leased or otherwise controlled by any waste
3 hauler or generator of nonagricultural compost
4 materials, and the operator of the composting facility
5 is not an employee, partner, shareholder, or in any
6 way connected with or controlled by any such waste
7 hauler or generator;

8 (C) all compost generated by the composting
9 facility, except incidental sales of finished compost,
10 is applied at agronomic rates and used as mulch,
11 fertilizer or soil conditioner on land actually farmed
12 by the person operating the composting facility, and
13 the finished compost is not stored at the composting
14 site for a period longer than 18 months prior to its
15 application as mulch, fertilizer, or soil conditioner;

16 (D) the owner or operator, by January 1 of each
17 year, (i) registers the site with the Agency, (ii)
18 reports to the Agency on the volume of composting
19 material received and used at the site and the volume
20 of material comprising the incidental sale of finished
21 compost under this subsection (q), (iii) certifies to
22 the Agency that the site complies with the
23 requirements set forth in subparagraphs (A), (A-1),
24 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
25 certifies to the Agency that all composting material:

26 (I) was placed more than 200 feet from the

1 nearest potable water supply well;

2 (II) was placed outside the boundary of the
3 10-year floodplain or on a part of the site that is
4 floodproofed;

5 (III) was placed either (aa) at least 1/4 mile
6 from the nearest residence (other than a residence
7 located on the same property as the facility) and
8 there are not more than 10 occupied non-farm
9 residences within 1/2 mile of the boundaries of
10 the site on the date of application or (bb) a
11 lesser distance from the nearest residence (other
12 than a residence located on the same property as
13 the facility) provided that the municipality or
14 county in which the facility is located has by
15 ordinance approved a lesser distance than 1/4 mile
16 and there are not more than 10 occupied non-farm
17 residences within 1/2 mile of the boundaries of
18 the site on the date of application; and

19 (IV) was placed more than 5 feet above the
20 water table.

21 Any ordinance approving a residential setback of
22 less than 1/4 mile that is used to meet the
23 requirements of this subparagraph (D) must
24 specifically reference this subparagraph.

25 For the purposes of this subsection (q), "agronomic rates"
26 means the application of not more than 20 tons per acre per

1 year, except that the Board may allow a higher rate for
2 individual sites where the owner or operator has demonstrated
3 to the Board that the site's soil characteristics or crop
4 needs require a higher rate.

5 For the purposes of this subsection (q), "incidental sale
6 of finished compost" means the sale of finished compost that
7 meets general use compost standards and is no more than 20% or
8 300 cubic yards, whichever is less, of the total compost
9 created annually by a private landowner for the landowner's
10 own use.

11 (r) Cause or allow the storage or disposal of coal
12 combustion waste unless:

13 (1) such waste is stored or disposed of at a site or
14 facility for which a permit has been obtained or is not
15 otherwise required under subsection (d) of this Section;
16 or

17 (2) such waste is stored or disposed of as a part of
18 the design and reclamation of a site or facility which is
19 an abandoned mine site in accordance with the Abandoned
20 Mined Lands and Water Reclamation Act; or

21 (3) such waste is stored or disposed of at a site or
22 facility which is operating under NPDES and Subtitle D
23 permits issued by the Agency pursuant to regulations
24 adopted by the Board for mine-related water pollution and
25 permits issued pursuant to the federal Surface Mining
26 Control and Reclamation Act of 1977 (P.L. 95-87) or the

1 rules and regulations thereunder or any law or rule or
2 regulation adopted by the State of Illinois pursuant
3 thereto, and the owner or operator of the facility agrees
4 to accept the waste; and either:

5 (i) such waste is stored or disposed of in
6 accordance with requirements applicable to refuse
7 disposal under regulations adopted by the Board for
8 mine-related water pollution and pursuant to NPDES and
9 Subtitle D permits issued by the Agency under such
10 regulations; or

11 (ii) the owner or operator of the facility
12 demonstrates all of the following to the Agency, and
13 the facility is operated in accordance with the
14 demonstration as approved by the Agency: (1) the
15 disposal area will be covered in a manner that will
16 support continuous vegetation, (2) the facility will
17 be adequately protected from wind and water erosion,
18 (3) the pH will be maintained so as to prevent
19 excessive leaching of metal ions, and (4) adequate
20 containment or other measures will be provided to
21 protect surface water and groundwater from
22 contamination at levels prohibited by this Act, the
23 Illinois Groundwater Protection Act, or regulations
24 adopted pursuant thereto.

25 Notwithstanding any other provision of this Title, the
26 disposal of coal combustion waste pursuant to item (2) or (3)

1 of this subdivision (r) shall be exempt from the other
2 provisions of this Title V, and notwithstanding the provisions
3 of Title X of this Act, the Agency is authorized to grant
4 experimental permits which include provision for the disposal
5 of wastes from the combustion of coal and other materials
6 pursuant to items (2) and (3) of this subdivision (r).

7 (s) After April 1, 1989, offer for transportation,
8 transport, deliver, receive or accept special waste for which
9 a manifest is required, unless the manifest indicates that the
10 fee required under Section 22.8 of this Act has been paid.

11 (t) Cause or allow a lateral expansion of a municipal
12 solid waste landfill unit on or after October 9, 1993, without
13 a permit modification, granted by the Agency, that authorizes
14 the lateral expansion.

15 (u) Conduct any vegetable by-product treatment, storage,
16 disposal or transportation operation in violation of any
17 regulation, standards or permit requirements adopted by the
18 Board under this Act. However, no permit shall be required
19 under this Title V for the land application of vegetable
20 by-products conducted pursuant to Agency permit issued under
21 Title III of this Act to the generator of the vegetable
22 by-products. In addition, vegetable by-products may be
23 transported in this State without a special waste hauling
24 permit, and without the preparation and carrying of a
25 manifest.

26 (v) (Blank).

1 (w) Conduct any generation, transportation, or recycling
2 of construction or demolition debris, clean or general, or
3 uncontaminated soil generated during construction, remodeling,
4 repair, and demolition of utilities, structures, and roads
5 that is not commingled with any waste, without the maintenance
6 of documentation identifying the hauler, generator, place of
7 origin of the debris or soil, the weight or volume of the
8 debris or soil, and the location, owner, and operator of the
9 facility where the debris or soil was transferred, disposed,
10 recycled, or treated. This documentation must be maintained by
11 the generator, transporter, or recycler for 3 years. This
12 subsection (w) shall not apply to (1) a permitted pollution
13 control facility that transfers or accepts construction or
14 demolition debris, clean or general, or uncontaminated soil
15 for final disposal, recycling, or treatment, (2) a public
16 utility (as that term is defined in the Public Utilities Act)
17 or a municipal utility, (3) the Illinois Department of
18 Transportation, or (4) a municipality or a county highway
19 department, with the exception of any municipality or county
20 highway department located within a county having a population
21 of over 3,000,000 inhabitants or located in a county that is
22 contiguous to a county having a population of over 3,000,000
23 inhabitants; but it shall apply to an entity that contracts
24 with a public utility, a municipal utility, the Illinois
25 Department of Transportation, or a municipality or a county
26 highway department. The terms "generation" and "recycling", as

1 used in this subsection, do not apply to clean construction or
2 demolition debris when (i) used as fill material below grade
3 outside of a setback zone if covered by sufficient
4 uncontaminated soil to support vegetation within 30 days of
5 the completion of filling or if covered by a road or structure,
6 (ii) solely broken concrete without protruding metal bars is
7 used for erosion control, or (iii) milled asphalt or crushed
8 concrete is used as aggregate in construction of the shoulder
9 of a roadway. The terms "generation" and "recycling", as used
10 in this subsection, do not apply to uncontaminated soil that
11 is not commingled with any waste when (i) used as fill material
12 below grade or contoured to grade, or (ii) used at the site of
13 generation.

14 (y) Inject any carbon dioxide stream produced by a carbon
15 dioxide capture project into a Class II well, as defined by the
16 Board under this Act, or a Class VI well converted from a Class
17 II well, for purposes of enhanced oil or gas recovery,
18 including, but not limited to, the facilitation of enhanced
19 oil or gas recovery from another well.

20 (z) Sell or transport concentrated carbon dioxide stream
21 produced by a carbon dioxide capture project for use in
22 enhanced oil or gas recovery.

23 (aa) Operate a carbon sequestration activity in a manner
24 that causes, threatens, or allows the release of carbon
25 dioxide so as to tend to cause water pollution in this State.

26 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;

1 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-342, eff.
2 1-1-24.)

3 (415 ILCS 5/Tit. XVIII heading new)

4 TITLE XVIII: CARBON CAPTURE AND SEQUESTRATION

5 (415 ILCS 5/59 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

26 "Project labor agreement" includes other terms and conditions

1 a labor organization or general contractor building the
2 project deems necessary.

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

13 (415 ILCS 5/59.1 new)

14 Sec. 59.1. Carbon capture permit requirements. For air
15 construction permit applications for carbon dioxide capture
16 projects at existing sources submitted on or after the
17 effective date of this amendatory Act of the 103rd General
18 Assembly, no permit may be issued unless all of the following
19 requirements are met:

20 (1) The permit applicant demonstrates that there will
21 be no net increase in the individual allowable potential
22 annual criteria pollutant emissions at the source. If the
23 Agency determines that it is technically infeasible for an
24 applicant to demonstrate that there will be no net
25 increase in the individual allowable potential annual

1 criteria pollutant emissions at the source, the Agency
2 shall allow an alternative demonstration.

3 (2) The Agency has complied with the public
4 participation requirements under 35 Ill. Adm. Code 252.

5 (3) The permit applicant submits to the Agency in its
6 permit application, a Greenhouse Gas Inventory Analysis,
7 as set forth in guidance from the United States
8 Environmental Protection Agency, that includes all
9 emissions at the stack or emissions source from which
10 carbon dioxide is captured and a demonstration that the
11 total greenhouse gas emissions associated with capture,
12 including, but not limited to, (i) the emissions at the
13 stack or emissions source from which the carbon dioxide is
14 captured, (ii) the additional emissions associated with
15 additional electricity generated, whether on-site or
16 off-site, used to power any capture equipment, and (iii)
17 any increased emissions necessary for the operation of the
18 capture facility as compared to before the installation
19 and operation of the capture equipment at the facility, do
20 not exceed the total amount of greenhouse gas emissions
21 captured. This comparison shall be made on an annual
22 basis, projected across the proposed life span of the
23 capture project.

24 (4) The permit applicant provides a water impact
25 assessment report. The report must have been submitted to
26 Department of Natural Resources and to the Soil and Water

1 Conservation District in the county in which the project
2 will be constructed. The report shall identify the
3 following:

4 (A) each water source to be used by the project;

5 (B) the pumping method to be used by the project;

6 (C) the maximum and expected average daily pumping
7 rates for the pumps used by the project;

8 (D) the impacts to each water source used by the
9 project, such as aquifer drawdown or river reductions;

10 and

11 (E) a detailed assessment of the impact on water
12 users near the area of impact.

13 The water impact assessment shall consider the water
14 impacts (i) immediately following the project's initial
15 operations, (ii) at the end of the project's expected
16 operational life, and (iii) during a drought or other
17 similar event.

18 The permit applicant shall submit a certification to the
19 Agency that the applicant has submitted its initial water use
20 impact study and the applicant's ongoing water usage to the
21 Department of Natural Resources. This requirement may be
22 satisfied by submitting to the Agency copies of documents
23 provided to the United States Environmental Protection Agency
24 in accordance with 40 CFR 146.82 if the applicant satisfies
25 the requirements of this Section.

1 (415 ILCS 5/59.2 new)

2 Sec. 59.2. Report on minimum carbon capture standards and
3 the deployment of carbon capture and sequestration technology.
4 By December 1, 2028, the Agency, in consultation with Illinois
5 Emergency Management Agency and Office of Homeland Security,
6 the Illinois Commerce Commission, the Commission on
7 Environmental Justice, and the Department of Natural
8 Resources, shall submit to the Governor and General Assembly,
9 a report that reviews the progress on the implementation of
10 carbon dioxide capture, transport, and storage projects in
11 this State. The Agency may also obtain outside consultants to
12 assist with the report. The report shall include, at minimum:

13 (1) a review of federal and other State statutory or
14 regulatory actions to establish and implement a minimum
15 carbon capture efficiency rate at the stack or emission
16 point;

17 (2) a review of active and proposed capture projects,
18 including the types of technology and capture rates used
19 by various industry subsectors to capture and store
20 carbon;

21 (3) an assessment of the technical and economic
22 feasibility of carbon capture in various industries and
23 various rates of capture; and

24 (4) an environmental justice analysis which includes,
25 but is not limited to:

26 (A) an assessment of capture, transport, and

1 sequestration projects that present potential impacts
2 on environmental justice communities and economically
3 disadvantaged rural communities;

4 (B) how public participation processes associated
5 with the permitting of carbon capture, transport, and
6 storage projects provide transparency and meaningful
7 participation for environmental justice communities,
8 rural communities, minority populations, low-income
9 populations, tribes, or indigenous peoples; and

10 (C) options for State agencies and decision-makers
11 to improve environmental, public health, and economic
12 protections for environmental justice communities and
13 economically disadvantaged rural communities in
14 permitting and regulatory enforcement of permit
15 provisions of carbon capture, transport, and
16 sequestration proposals.

17 (415 ILCS 5/59.3 new)

18 Sec. 59.3. Minimum carbon dioxide capture efficiency
19 rulemaking authority. The Agency may propose, and the Board
20 may adopt, rules to establish a minimum carbon capture
21 efficiency rate for carbon capture projects. The Agency may
22 propose, and the Board may adopt, a minimum carbon capture
23 efficiency rate that is applicable to all carbon capture
24 projects or individual efficiencies applicable to distinct
25 industries.

1 (415 ILCS 5/59.4 new)

2 Sec. 59.4. Report on the status and impact of carbon
3 capture and sequestration. Beginning July 1, 2029, and every 5
4 years thereafter, the Agency shall submit a report to the
5 Governor and General Assembly that includes, for each carbon
6 dioxide capture project in this State:

7 (1) the amount of carbon dioxide captured on an annual
8 basis;

9 (2) the means for transporting the carbon dioxide to a
10 sequestration or utilization facility;

11 (3) the location of the sequestration or utilization
12 facility used;

13 (4) the electrical power consumption of the carbon
14 dioxide capture equipment; and

15 (5) the generation source or sources providing
16 electrical power for the carbon dioxide capture equipment
17 and the emissions of CO₂ and criteria pollutants of the
18 generation source or sources.

19 (415 ILCS 5/59.5 new)

20 Sec. 59.5. Prohibitions.

21 (a) No person shall conduct a carbon sequestration
22 activity without a permit issued by the Agency under Section
23 59.6. This prohibition does not apply to any carbon
24 sequestration activity in existence and permitted by the

1 United States Environmental Protection Agency on or before the
2 effective date of this amendatory Act of the 103rd General
3 Assembly or to any Class VI well for which (1) a Class VI well
4 permit has been filed with the United States Environmental
5 Protection Agency and a completeness determination had been
6 received prior to January 1, 2023, and (2) the sequestration
7 activity will occur on a contiguous property with common
8 ownership where the carbon dioxide is generated, captured, and
9 injected.

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

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

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

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

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

24 (415 ILCS 5/59.6 new)

25 Sec. 59.6. Sequestration permit; application contents. An

1 application to obtain a carbon sequestration permit under this
2 Act shall contain, at a minimum, the following:

3 (1) A map and accompanying description that clearly
4 identifies the location of all carbon sequestration
5 activities for which a permit is sought.

6 (2) A map and accompanying description that clearly
7 identifies the properties overlaying the carbon
8 sequestration activity.

9 (3) Copies of any permit and related application
10 materials submitted to or issued by the United States
11 Environmental Protection Agency in accordance with 40 CFR
12 146.82.

13 (4) A report describing air and soil gas baseline
14 conditions at properties potentially impacted by a release
15 from the carbon sequestration activity to determine
16 background levels of constituents of concern present
17 before the commencement of the carbon sequestration
18 activity for which a permit is sought. The report must:

19 (A) contain sampling data generated within 180
20 calendar days prior to the submission of the permit
21 application;

22 (B) identify the constituents of concern for which
23 monitoring was conducted and the method for selecting
24 those constituents of concern;

25 (C) use and describe the sampling methodology
26 employed to collect and test air and soil samples in a

1 manner consistent with standards established by a
2 national laboratory accreditation body;

3 (D) identify the accredited laboratory used to
4 conduct necessary testing; and

5 (E) include the sampling results for the
6 identified constituents of concern.

7 (5) The permit application must include an air
8 monitoring plan containing, at a minimum, the following
9 elements:

10 (A) sufficient surface and near-surface monitoring
11 points based on potential risks of atmospheric carbon
12 dioxide and any other identified constituents of
13 concern attributable to the carbon sequestration
14 activity to identify the nature and extent any release
15 of carbon dioxide or other constituents of concern,
16 the source of the release, and the estimated volume of
17 the release;

18 (B) a monitoring frequency designed to evaluate
19 the nature and extent of any release of carbon dioxide
20 or other constituents of concern, the source of the
21 release, and the estimated volume of the release;

22 (C) a description of the monitoring network
23 components and methods, including sampling and
24 equipment quality assurance methods, that comply with
25 applicable testing and laboratory standards,
26 established by a national laboratory accreditation

1 body;

2 (D) confirmation monitoring protocols to address
3 any monitoring results that reflect a statistically
4 significant increase over background levels; and

5 (E) development and submission of quarterly air
6 monitoring reports to the Agency.

7 This requirement may be satisfied by the submission of
8 copies of documents provided to the United States
9 Environmental Protection Agency in accordance with 40 CFR
10 146.82 if the applicant satisfies the requirements of this
11 Section.

12 (6) The permit application must include a soil gas
13 monitoring plan containing, at a minimum, the following
14 elements:

15 (A) sufficient soil sampling points and sampling
16 depths to identify the nature and extent of any
17 release of carbon dioxide or other constituents of
18 concern, the source of the release, and the estimated
19 volume of the release;

20 (B) a monitoring frequency designed to identify
21 the nature and extent of any release of carbon dioxide
22 or other constituents of concern, the source of the
23 release, and the estimated volume of the release;

24 (C) a description of the monitoring network
25 components and methods, including sampling and
26 equipment quality assurance methods, that comply with

1 applicable testing and laboratory standards,
2 established by a national laboratory accreditation
3 body;

4 (D) confirmation monitoring protocols to address
5 any monitoring results that reflect a statistically
6 significant increase over background levels; and

7 (E) development and submission of quarterly soil
8 gas monitoring reports to the Agency.

9 This requirement may be satisfied by the submission of
10 copies of documents provided to the United States
11 Environmental Protection Agency in accordance with 40 CFR
12 146.82 if the applicant satisfies the requirements of this
13 Section.

14 (7) The permit application must include an emergency
15 response plan designed to respond to and minimize the
16 immediate threat to human health and the environment from
17 a release from the carbon sequestration activity. The plan
18 must have been submitted to the Illinois Emergency
19 Management Agency and Office of Homeland Security for
20 review and input on the emergency preparedness activities
21 prior to submitting in a permit application to the Agency.
22 Proof of this submission must be included with the permit
23 application. The plan must:

24 (A) identify the resources and infrastructure near
25 carbon sequestration activity;

26 (B) identify potential risk scenarios that would

1 result in the need to trigger a response plan.

2 Potential risk scenarios must include, at a minimum:

3 (i) injection or monitoring well integrity
4 failure;

5 (ii) injection well monitoring equipment
6 failure;

7 (iii) fluid or carbon dioxide release;

8 (iv) natural disaster; or

9 (v) induced or natural seismic event;

10 (C) describe response actions necessary to prepare
11 for and address each risk scenario identified in the
12 emergency response plan. These actions should include,
13 but are not limited to, identification and maintenance
14 of sensors and alarms to detect carbon dioxide leaks,
15 an internal and external communications plan
16 accounting for external communications to the public
17 in the primary languages of potentially impacted
18 populations, a training program that includes regular
19 training for employees and emergency responders on how
20 to handle carbon dioxide, public safety, and
21 evacuation plans, and post-incident analysis and
22 reporting procedures;

23 (D) identify personnel and equipment necessary to
24 comprehensively address the emergency;

25 (E) describe emergency notification procedures,
26 including notifications to and coordination with State

1 and local emergency response agencies;

2 (F) describe the process for determining the
3 nature and extent of any injuries or private or public
4 property damage attributable to the release of carbon
5 dioxide;

6 (G) include an air and soil gas monitoring plan
7 designed to determine the nature and extent of any air
8 or soil gas impacts attributable to a release from the
9 permitted carbon sequestration activity; and

10 (H) provide any additional information or action
11 plans requested by the Agency or the Illinois
12 Emergency Management Agency and Office of Homeland
13 Security.

14 This requirement may be satisfied by the submission of
15 copies of documents provided to the United States
16 Environmental Protection Agency in accordance with 40 CFR
17 146.82 if the applicant satisfies the requirements of this
18 Section.

19 (8) The permit applicant must include a water impact
20 assessment report. The report must have been submitted to
21 the Department of Natural Resources and to the Soil and
22 Water Conservation District in the county in which the
23 project will be constructed. The report shall identify the
24 following:

25 (A) each water source to be used by the project;

26 (B) the pumping method to be used by the project;

1 (C) the maximum and expected average daily pumping
2 rates for the pumps used by the project;

3 (D) the impacts to each water source, such as
4 aquifer drawdown or river reductions; and

5 (E) a detailed assessment of the impact of the
6 project on water users near the area of impact.

7 The impact assessment shall consider the water impacts
8 (i) immediately following the project's initial
9 operations, (ii) at the end of the project's expected
10 operational life, and (iii) during a drought or other
11 similar event.

12 The permit applicant shall submit a certification to
13 the Agency from the Department of Natural Resources that
14 the applicant has submitted its initial water use impact
15 study and is submitting to the Department of Resources the
16 applicant's ongoing water usage. This requirement may be
17 satisfied by the submission of copies of documents
18 provided to the United States Environmental Protection
19 Agency in accordance with 40 CFR 146.82 if the applicant
20 satisfies the requirements of this Section.

21 (9) The permit application must include a remedial
22 action plan designed to address the air and soil impacts
23 of a release from the carbon sequestration activity. The
24 remedial action plan must, at a minimum:

25 (A) identify all necessary remedial actions to
26 address air and soil impacts from a release from the

1 sequestration activity, consistent with Title XVII.
2 Soil impacts from a release of carbon dioxide must be
3 addressed through (i) the installation of an
4 appropriate treatment system designed to remove
5 contaminants of concerns emplaced by, or the increase
6 in any contaminants of concern that result from, the
7 carbon sequestration activity or (ii) the removal of
8 all impacted soils and transportation of those soils
9 to an appropriately permitted facility for treatment,
10 storage or disposal;

11 (B) include a demonstration of the performance,
12 reliability, ease of implementation, and potential
13 impacts, including safety, cross-media impacts, and
14 control of exposure of any residual contamination, of
15 the selected corrective actions; and

16 (C) identify a reasonable timeline and describe
17 the procedure for implementation and completion of the
18 remedial action plan, consistent with Title XVII,
19 following a release attributable to the sequestration
20 activity.

21 (10) The permit application must include a closure
22 plan that addresses the post-injection site care and
23 closure. The closure plan must include:

24 (A) the pressure differential between preinjection
25 and predicted post-injection pressures at all
26 injection zones;

1 (B) the predicted position of the carbon dioxide
2 plume and associated pressure front at site closure;

3 (C) a description of post-injection monitoring
4 locations, methods, and proposed frequency;

5 (D) a proposed schedule for submitting
6 post-injection site care monitoring results to the
7 Agency; and

8 (E) the duration of the post-injection site care
9 period that ensures nonendangerment of groundwater, as
10 specified in 35 Ill. Adm. Code 620, or to human health
11 or the environment. The post-injection site care
12 period shall be no less than 30 years from the last
13 date of injection.

14 This requirement may be satisfied by the submission of
15 copies of documents provided to the United States
16 Environmental Protection Agency in accordance with 40 CFR
17 146.93 if the applicant satisfies the requirements of this
18 Section.

19 (11) The permit application must contain a written
20 estimate of the cost of all air monitoring, soil gas
21 monitoring, emergency response, remedial action, and
22 closure activities required by this Section.

23 The cost estimate must be calculated in terms of
24 reasonable actual remedial, construction, maintenance, and
25 labor costs that the Agency would bear if contracting to
26 complete the actions set forth in an air monitoring, soil

1 gas monitoring, emergency response, remedial action, and
2 closure plans set forth in an Agency-approved permit.

3 The owner or operator must revise the cost estimate
4 whenever there is a change in the air monitoring, soil gas
5 monitoring, emergency response, remedial action, or
6 closure plans that would result in an increase to the cost
7 estimate.

8 The owner or operator must annually revise the cost
9 estimate to adjust for inflation.

10 Revisions to the cost estimate must be submitted to
11 the Agency as a permit modification.

12 (12) Proof that the applicant has financial assurance
13 sufficient to satisfy the requirements set forth in
14 Section 59.10.

15 (13) Proof of insurance that complies with the
16 requirements set forth in Section 59.11.

17 (415 ILCS 5/59.7 new)

18 Sec. 59.7. Sequestration permit application fee. Upon
19 submission of a sequestration facility permit application, and
20 in addition to any other fees required by law, the
21 sequestration operator shall remit to the Agency an initial,
22 one-time permit application fee of \$60,000. One-third of each
23 sequestration facility permit application fee shall be
24 deposited into the Water Resources Fund, the Emergency
25 Planning and Training Fund, and the Carbon Dioxide

1 Sequestration Administrative Fund.

2 (415 ILCS 5/59.8 new)

3 Sec. 59.8. Public participation. Prior to issuing a permit
4 for carbon sequestration activity, the Agency shall issue a
5 public notice of the permit application and draft permit. The
6 public notice shall include a link to a website where copies of
7 the permit application or draft permit, and all included
8 attachments that are not protected under the Freedom of
9 Information Act are posted, and shall provide information
10 concerning the comment period on the permit application or
11 draft permit and instructions for how to request a hearing on
12 the permit application or draft permit. The Agency shall
13 provide an opportunity for public comments on the permit
14 application or draft permit, and shall hold a public hearing
15 upon request. The Agency will make copies of all comments
16 received available on its website and consider those comments
17 when rendering its permit decision.

18 (415 ILCS 5/59.9 new)

19 Sec. 59.9. Closure. The owner or operator of a carbon
20 sequestration activity permitted in accordance with this Act
21 shall monitor the site during the post-injection site care
22 period, which shall be no less than 30 years after the last
23 date of injection, as well as following certification of
24 closure by United States Environmental Protection Act to show

1 the position of the carbon dioxide and pressure front to
2 ensure it does not pose an endangerment to groundwater, as
3 specified in 35 Ill. Adm. Code 620, or to human health or the
4 environment, unless and until the Agency certifies that a
5 carbon sequestration facility is closed. Air and soil gas
6 monitoring required by a carbon sequestration activity permit
7 issued by the Agency must continue until the Agency certifies
8 the carbon sequestration facility as closed. The Agency shall
9 certify a carbon sequestration facility as closed if:

10 (1) the owner or operator submits to the Agency a copy
11 of a closure certification issued for the carbon
12 sequestration facility in accordance with 40 CFR 146.93;
13 and

14 (2) the owner or operator demonstrates to the Agency
15 that no additional air or soil gas monitoring is needed to
16 ensure the carbon sequestration facility does not pose an
17 endangerment to groundwater, as specified in 35 Ill. Adm.
18 Code 620, or to human health or the environment.

19 This demonstration must include location-specific
20 monitoring data. The certification of closure does not relieve
21 an operator of any liabilities from the carbon sequestration
22 activity or carbon sequestration facility.

23 (415 ILCS 5/59.10 new)

24 Sec. 59.10. Financial assurance.

25 (a) The owner or operator of a sequestration activity

1 permitted in accordance with this Act shall maintain financial
2 assurance in an amount equal to or greater than the cost
3 estimate calculated in accordance with paragraph (11) of
4 Section 59.6.

5 (b) The owner or operator of the sequestration activity
6 must use one or a combination of the following mechanisms as
7 financial assurance:

8 (1) a fully funded trust fund;

9 (2) a surety bond guaranteeing payment;

10 (3) a surety bond guaranteeing performance; or

11 (4) an irrevocable letter of credit.

12 (c) The financial assurance mechanism must identify the
13 Agency as the sole beneficiary.

14 (d) The financial assurance mechanism shall be on forms
15 adopted by the Agency. The Agency must adopt these forms
16 within 90 days of the date of the effective date of this
17 amendatory Act of the 103rd General Assembly.

18 (e) The Agency shall release a trustee, surety, or other
19 financial institution holding a financial assurance mechanism
20 when:

21 (1) the owner or operator of a carbon sequestration
22 activity substitutes alternative financial assurance such
23 that the total financial assurance for the site is equal
24 to or greater than the current cost estimate, without
25 counting the amounts to be released; or

26 (2) the Agency determines that the owner or operator

1 is no longer required to maintain a permit.

2 (f) The Agency may enter into contracts and agreements it
3 deems necessary to carry out the purposes of this Section,
4 including, but not limited to, interagency agreements with the
5 Illinois State Geological Survey, the Department of Natural
6 Resources, or other agencies of the State. Neither the State
7 nor any State employee shall be liable for any damages or
8 injuries arising out of or resulting from any action taken
9 under paragraph (11) of Section 59.6.

10 (g) The Agency may order that a permit holder modify the
11 financial assurance or order that proceeds from financial
12 assurance be applied to the remedial action at or closure of an
13 injection site. The Agency may pursue legal action in any
14 court of competent jurisdiction to enforce its rights under
15 financial instruments used to provide the financial assurance
16 required under Section 59.10.

17 (h) An owner or operator of a carbon sequestration
18 activity permitted in accordance with this Act that has a
19 closure plan approved by United States Environmental
20 Protection Agency in accordance with 40 CFR 146.93 may satisfy
21 the financial assurance requirements for any portion of the
22 cost estimates for closure costs required by the Agency by
23 submitting to the Agency true copies of the financial
24 assurance mechanism required by 40 CFR 146.85, if those
25 mechanisms are compliant with Section 59.10.

1 (415 ILCS 5/59.11 new)

2 Sec. 59.11. Insurance.

3 (a) The owner or operator of a carbon sequestration
4 facility permitted in accordance with this Act shall maintain
5 insurance to cover wrongful death, bodily injuries, property
6 damages, and public or private losses related to a release
7 from the carbon sequestration facility from an insurer holding
8 at least an A- rating by an AM Best or equivalent credit rating
9 agency. Such insurance shall be in an amount of at least
10 \$25,000,000.

11 (b) The owner or operator of a carbon sequestration
12 activity permitted in accordance with this Act must maintain
13 insurance required by this Section throughout the period
14 during which carbon dioxide is injected into the sequestration
15 site, throughout the post-injection time frame, and until the
16 Agency certifies that the carbon sequestration facility is
17 closed.

18 (c) The insurance policy must provide that the insurer may
19 not cancel or terminate, except for failure to pay the
20 premium.

21 (d) The insurance policy must allow for assignment to a
22 successor owner or operator. The insurer shall not
23 unreasonably withhold consent to assignment of the insurance
24 policy.

25 (415 ILCS 5/59.12 new)

1 Sec. 59.12. Ownership of carbon dioxide; liability.

2 (a) The owner or operator of a sequestration activity
3 permitted in accordance with this Act may be subject to
4 liability for any and all damage, including, but not limited
5 to, wrongful death, bodily injuries, or tangible property
6 damages, caused by a release attributable to the sequestration
7 activity, including, but not limited to, damage caused by
8 carbon dioxide or other fluids released from the sequestration
9 facility, regardless of who holds title to the carbon dioxide,
10 the pore space, or the surface estate.

11 Liability for damage caused by a release attributable to
12 the sequestration activity that is within a sequestration
13 facility or otherwise within a sequestration operator's
14 control, including carbon dioxide being transferred from a
15 pipeline to the injection well, may be joint and several with a
16 third party adjudicated to have caused or contributed to such
17 damage.

18 A claim of subsurface trespass shall not be actionable
19 against an owner of operator of a sequestration facility
20 conducting carbon sequestration activity in accordance with a
21 valid Class VI permit and a permit issued by the Agency for a
22 sequestration facility, unless the claimant proves that
23 injection or migration of carbon dioxide:

24 (1) substantially interferes with the claimant's
25 reasonable use and enjoyment of their real property; or

26 (2) has caused wrongful death or direct physical

1 injury to a person, an animal, or tangible property.

2 The State shall not be liable for any damage caused by or
3 attributable to the sequestration activity.

4 (b) The owner or operator of a sequestration activity
5 permitted in accordance with this Act is liable for any and all
6 damage that may result from equipment associated with carbon
7 sequestration, including, but not limited to, operation of the
8 equipment. Liability for harms or damage resulting from
9 equipment associated with carbon sequestration, including
10 equipment used to transfer carbon dioxide from the pipeline to
11 the injection well, may be joint and several with a third party
12 adjudicated to have caused or contributed to such damage.

13 (c) Title to carbon dioxide sequestered in this State
14 shall be vested in the operator of the sequestration facility.
15 Sequestered carbon dioxide is a separate property independent
16 of the sequestration pore space.

17 (415 ILCS 5/59.13 new)

18 Sec. 59.13. Carbon Sequestration Long-Term Trust Fund. The
19 Carbon Dioxide Sequestration Long-Term Trust Fund is hereby
20 created as a State trust fund in the State treasury. The Fund
21 may receive deposits of moneys made available from any source.
22 All moneys in the Fund are to be invested and reinvested by the
23 State Treasurer. All interest accruing from these investments
24 shall be deposited into the Fund to be used under the
25 provisions of this Section. Moneys in the Fund may be used by

1 the Agency to cover costs incurred to:

2 (1) take any remedial or corrective action necessary
3 to protect human health and the environment from releases,
4 or threatened releases, from a sequestration facility;

5 (2) monitor, inspect, or take other action if the
6 sequestration operator abandons a sequestration facility
7 or injection site, or fails to maintain its obligations
8 under this Act;

9 (3) compensate any person suffering any damages or
10 losses to a person or property caused by a release from a
11 sequestration facility or carbon dioxide pipeline who is
12 not otherwise compensated from the sequestration operator;
13 or

14 (4) any other applicable costs under the Act.

15 Nothing in this Section relieves a sequestration operator
16 from its obligations under this Act, from its liability under
17 Section 59.12, or its obligations to maintain insurance and
18 financial assurances under Sections 59.10 and 59.11.

19 (415 ILCS 5/59.14 new)

20 Sec. 59.14. Water Resources Fund. The Water Resources Fund
21 is hereby created as a special fund in the State treasury to be
22 administered by the Department of Natural Resources. The Fund
23 shall be used by the Department of Natural Resources for
24 administrative costs under obligations under the Water Use Act
25 of 1983, the Environmental Protection Act, or related

1 statutes, including, but not limited to, reviewing water use
2 plans and providing technical assistance to entities for water
3 resource planning.

4 (415 ILCS 5/59.15 new)

5 Sec. 59.15. Environmental Justice Grant Fund. The
6 Environmental Justice Grant Fund is hereby created as a
7 special fund in the State treasury to be administered by the
8 Agency. The Fund shall be used by the Agency to make grants to
9 eligible entities, including, but not limited to, units of
10 local government, community-based nonprofits, and eligible
11 organizations representing areas of environmental justice
12 concern, to fund environmental projects benefiting areas of
13 the State that are disproportionately burdened by
14 environmental harms. Eligible projects include, but are not
15 limited to, water infrastructure improvements, energy
16 efficiency projects, and transportation decarbonization
17 projects.

18 (415 ILCS 5/59.16 new)

19 Sec. 59.16. Carbon Dioxide Sequestration Administrative
20 Fund. The Carbon Dioxide Sequestration Administrative Fund is
21 hereby created as a special fund within the State treasury to
22 be administered by the Agency. Moneys in the fund may be used:

23 (1) for Agency administrative costs incurred for the
24 regulation and oversight of sequestration facilities

1 during their construction, operation, and post-injection
2 phases; and

3 (2) to transfer moneys to funds outlined in Sections
4 59.13, 59.14, and 59.15 for the purpose of implementing
5 and enforcing the Act.

6 The Fund may receive deposits of moneys made available
7 from any source, including, but not limited to, fees, fines,
8 and penalties collected under this Act, investment income, and
9 moneys deposited or transferred into the Fund.

10 (415 ILCS 5/59.17 new)

11 Sec. 59.17. Sequestration annual tonnage fee.

12 (a) Beginning July 1, 2025, and each July 1 thereafter,
13 each sequestration operator shall report to the Agency the
14 tons of carbon dioxide injected in the prior 12 months.

15 (b) If the sequestration operator does not possess a
16 project labor agreement, the sequestration operator shall be
17 assessed a per-ton sequestration fee of \$0.62.

18 (c) If the sequestration operator does possess a project
19 labor agreement, the sequestration operator shall be assessed
20 a per-ton sequestration fee of \$0.31.

21 (d) The fee assessed to the sequestration operator under
22 subsection (b) shall be reduced to \$0.31 for every ton of
23 carbon dioxide injected into a sequestration facility in that
24 fiscal year if the sequestration operator successfully
25 demonstrates to the Department that the following types of

1 construction and maintenance were conducted in the State
2 during that fiscal year by the sequestration operator and were
3 performed by contractors and subcontractors signatory to a
4 project labor agreement used by the building and construction
5 trades council with relevant geographic jurisdiction:

6 (1) construction and maintenance of equipment
7 associated with the capture of carbon dioxide, including,
8 but not limited to, all clearing, site preparation,
9 concrete, equipment, and appurtenance installation;

10 (2) construction and maintenance of carbon dioxide
11 pipelines used to transport carbon dioxide streams to the
12 sequestration facility, including, but not limited to, all
13 clearing, site preparation, and site remediation. For
14 purposes of this paragraph (2), a national multi-craft
15 project labor agreement governing pipeline construction
16 and maintenance used in the performance of the work
17 described in this subsection shall satisfy the project
18 labor agreement requirement;

19 (3) construction and maintenance of compressor
20 stations used to assist in the transport of carbon dioxide
21 streams via carbon dioxide pipeline, including, but not
22 limited to, all clearing, site preparation, concrete,
23 equipment, and appurtenance installation; and

24 (4) construction of carbon dioxide injection wells
25 used at the sequestration facility, including, but not
26 limited to, all clearing, site preparation, drilling,

1 distribution piping, concrete, equipment, and appurtenance
2 installation.

3 (e) Sequestration fees shall be deposited into the Carbon
4 Dioxide Sequestration Administrative Fund.

5 (f) The per-ton fee for carbon dioxide injected shall be
6 increased by an amount equal to the percentage increase, if
7 any, in the Consumer Price Index for All Urban Consumers for
8 all items published by the United States Department of Labor
9 for the 12 months ending in March of the year in which the
10 increase takes place. The rate shall be rounded to the nearest
11 one-hundredth of one cent.

12 (g) For the fiscal year beginning July 1, 2025, and each
13 fiscal year thereafter, at the direction of the Agency, in
14 consultation with the Illinois Emergency Management Agency and
15 Office of Homeland Security, and the Department of Natural
16 Resources, the State Comptroller shall direct and the State
17 Treasurer shall transfer from the Carbon Dioxide Sequestration
18 Administrative Fund the following percentages of the amounts
19 collected under this Act by the Agency during the previous
20 fiscal year:

21 (1) 2% to the Water Resources Fund;

22 (2) 6% to the Oil and Gas Resource Management Fund;

23 (3) 20% to the Emergency Planning and Training Fund;

24 (4) 28% to the Carbon Dioxide Sequestration Long-Term
25 Trust Fund;

26 (5) 10% to the General Revenue Fund; and

1 (6) 24% to the Environmental Justice Grant Fund.

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

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