



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1916

Introduced 2/9/2023, by Sen. Steve McClure

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Safety Moratorium on Carbon Dioxide Pipelines Act. Provides that no certificate of authority for the construction and operation of a pipeline intended for transportation of carbon dioxide shall be issued by the Illinois Commerce Commission before the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) has adopted its revised federal safety standards for transportation of carbon dioxide. Provides that any application for a certificate of authority to construct and operate a pipeline intended for transportation of carbon dioxide currently pending before the Commission shall be held in abeyance, without prejudice, until the completion of PHMSA's rulemaking and the issuance of its new safety standards for carbon dioxide pipelines or the expiration of the temporary moratorium. Provides that the temporary moratorium will expire 2 years after the Act becomes effective or upon the adoption of PHMSA's new safety standards for carbon dioxide pipelines, whichever happens first. Effective immediately.

LRB103 28483 AMQ 54864 b

1 AN ACT concerning utilities.

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

4 Section 1. Short title. This Act may be cited as the Safety  
5 Moratorium on Carbon Dioxide Pipelines Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds and determines that:

8 (1) the State has pipelines being proposed by  
9 companies for the purposes of capture, transportation, and  
10 subsurface storage of carbon dioxide both within the State  
11 and from locations outside the State;

12 (2) Section 30 of the Carbon Dioxide Transportation  
13 and Sequestration Act, which provides that the regulation  
14 of the construction, maintenance, and operation of  
15 pipelines transporting carbon dioxide shall be within the  
16 statutory and regulatory jurisdiction of the Pipeline and  
17 Hazardous Materials Safety Administration (PHMSA) of the  
18 federal Department of Transportation, shall be relevant to  
19 this Act; and

20 (3) in response to a major carbon dioxide pipeline  
21 failure in Satartia, Mississippi in 2020 that resulted in  
22 local evacuations and caused almost 50 people to seek  
23 medical attention, PHMSA conducted an investigation of the

1 risks to human health and the environment presented by  
2 carbon dioxide pipelines. PHMSA announced, on May 26,  
3 2022, in relevant part, that to strengthen CO<sub>2</sub> pipeline  
4 safety and oversight, PHMSA is initiating new rulemaking  
5 to update standards for carbon dioxide pipelines,  
6 including requirements related to emergency preparedness  
7 and response.

8 Section 10. Definitions. As used in this Act:

9 "Carbon dioxide pipeline" or "pipeline" means the in-state  
10 portion of a pipeline, including appurtenant facilities,  
11 property rights, and easements, that are used exclusively for  
12 the purpose of transporting carbon dioxide to a point of sale,  
13 storage, or another carbon management application.

14 "Commission" means the Illinois Commerce Commission.

15 "Transportation" means the physical movement of carbon  
16 dioxide by pipeline conducted for a person's or an entity's  
17 own use or account or the use or account of another person,  
18 persons, or entity.

19 Section 15. Temporary statewide moratorium on construction  
20 of carbon dioxide pipelines.

21 (a) No certificate of authority for the construction and  
22 operation of a pipeline intended for transportation of carbon  
23 dioxide shall be issued by the Commission before the Pipeline  
24 and Hazardous Materials Safety Administration has adopted its

1 revised federal safety standards for transportation of carbon  
2 dioxide.

3 (b) Any application for a certificate of authority to  
4 construct and operate a pipeline intended for transportation  
5 of carbon dioxide currently pending before the Commission  
6 shall be held in abeyance, without prejudice, until the  
7 completion of the Pipeline and Hazardous Materials Safety  
8 Administration's rulemaking and the issuance of its new safety  
9 standards for carbon dioxide pipelines or the expiration of  
10 the temporary moratorium.

11 (c) The temporary moratorium will expire 2 years after  
12 this Act becomes effective or upon the adoption of the  
13 Pipeline and Hazardous Materials Safety Administration's new  
14 safety standards for carbon dioxide pipelines, whichever  
15 happens first.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.