

AN ACT concerning regulation.

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

Section 1. Short title; references to Act.

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

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

Section 5. Definitions. As used in this Act:

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

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

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

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

space.

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

Section 10. Ownership and conveyance of pore space.

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

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

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

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

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

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

Section 15. Integration and unitization of ownership interests.

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

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

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

(1) the name and address of the petitioners;

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

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

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

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

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

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

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

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

(9) the method by which nonconsenting pore space

owners will receive just compensation; and

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

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

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

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

(2) describe the formation or formations and pore

space proposed to be unitized;

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Environmental Protection Agency.

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

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

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

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

Section 20. Surface access for pore space owners.

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

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

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

impact.

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

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

Section 25. Compensation for damages to the surface.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Section 30. Additional landowner rights.

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

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

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

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

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

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

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

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

Sec. 5. Illinois Emergency Management Agency.

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

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

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

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

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

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

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

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

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

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

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

(f) The Illinois Emergency Management Agency shall:

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

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

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

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

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

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

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

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

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

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

necessities in event of a disaster.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(30 ILCS 105/5.1015 new)

Sec. 5.1015. The Carbon Dioxide Sequestration Administrative Fund.

(30 ILCS 105/5.1016 new)

Sec. 5.1016. The Environmental Justice Grant Fund.

(30 ILCS 105/5.1017 new)

Sec. 5.1017. The Water Resources Fund.

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

(220 ILCS 5/3-127 new)

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

(220 ILCS 5/4-615 new)

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

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

(1) how to identify a carbon dioxide release;

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

(3) procedures for locating residents and others in



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

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

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

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

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

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

and

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

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

(d) For each carbon dioxide pipeline, the owner or operator of the pipeline shall use modeling that can handle non-flat terrain; obstacles, such as vegetation and buildings; time or spatial variations in wind, including direction and speed; ambient weather conditions, such as temperature and humidity; variations to the direction of release of CO<sub>2</sub>; and concentrations and durations of CO<sub>2</sub>, in addition to the specifics related to the pipeline design, including, but not limited to, diameter, thickness, and shutoff valves, to develop a risk-based assessment and a chemical safety contingency plan. The Illinois Emergency Management Agency and Office of Homeland Security shall publish this information on its website and provide these materials to local emergency management agencies in relevant counties.

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

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

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

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

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

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

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

utility files its petition under this Section.

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

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

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

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

(220 ILCS 5/15-103 new)

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

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

(220 ILCS 75/5)

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

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

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

(220 ILCS 75/10)

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

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

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

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

"Commission" means the Illinois Commerce Commission.

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

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

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

"Transportation" means the physical movement of carbon dioxide by pipeline conducted for a person's own use or account or the use or account of another person or persons.

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

(220 ILCS 75/15)

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

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

(220 ILCS 75/20)

Sec. 20. Application.

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



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

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

(1) the application was properly filed;

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

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

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

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

pipeline;

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

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

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

public may offer their opinions regarding the pipeline;

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

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

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

(8) the proposed pipeline is consistent with the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

(2) the right to seek eminent domain authority from

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

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

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

(220 ILCS 75/35 new)

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

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

(220 ILCS 75/40 new)

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. Prohibited acts. No person shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

(g) Conduct any hazardous waste-transportation operation:

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

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

(h) Conduct any hazardous waste-recycling or hazardous

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

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

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

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

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

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

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

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

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

The prohibitions specified in this subsection (o) shall be

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

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

- (1) litter;
- (2) scavenging;
- (3) open burning;
- (4) deposition of waste in standing or flowing waters;
- (5) proliferation of disease vectors;
- (6) standing or flowing liquid discharge from the dump site;
- (7) deposition of:
  - (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or
  - (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

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

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

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

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

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

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

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

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

at the facility at any one time;

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

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

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

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

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

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

(A) the composting facility is operated by the



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

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

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

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

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

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

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

(I) was placed more than 200 feet from the

nearest potable water supply well;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) (Blank).

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

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

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

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

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

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



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

(415 ILCS 5/Tit. XVIII heading new)

TITLE XVIII: CARBON CAPTURE AND SEQUESTRATION

(415 ILCS 5/59 new)

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

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

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

(2) produces a concentrated fluid of carbon dioxide.

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

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

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

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

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

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

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

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

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

"Project labor agreement" includes other terms and conditions

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

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

(415 ILCS 5/59.1 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(415 ILCS 5/59.2 new)

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

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

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

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

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

(A) an assessment of capture, transport, and

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

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

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

(415 ILCS 5/59.3 new)

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

(415 ILCS 5/59.4 new)

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

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

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

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

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

(5) the generation source or sources providing electrical power for the carbon dioxide capture equipment and the emissions of CO<sub>2</sub> and criteria pollutants of the generation source or sources.

(415 ILCS 5/59.5 new)

Sec. 59.5. Prohibitions.

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



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

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

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

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

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

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

(415 ILCS 5/59.6 new)

Sec. 59.6. Sequestration permit; application contents. An

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

body;

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) identify potential risk scenarios that would

result in the need to trigger a response plan.

Potential risk scenarios must include, at a minimum:

(i) injection or monitoring well integrity failure;

(ii) injection well monitoring equipment failure;

(iii) fluid or carbon dioxide release;

(iv) natural disaster; or

(v) induced or natural seismic event;

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

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

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

and local emergency response agencies;

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

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

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

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

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

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

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

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

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

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

The impact assessment shall consider the water impacts

(i) immediately following the project's initial operations, (ii) at the end of the project's expected operational life, and (iii) during a drought or other similar event.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(415 ILCS 5/59.7 new)

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

Sequestration Administrative Fund.

(415 ILCS 5/59.8 new)

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

(415 ILCS 5/59.9 new)

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

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

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

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

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

(415 ILCS 5/59.10 new)

Sec. 59.10. Financial assurance.

(a) The owner or operator of a sequestration activity

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

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

- (1) a fully funded trust fund;
- (2) a surety bond guaranteeing payment;
- (3) a surety bond guaranteeing performance; or
- (4) an irrevocable letter of credit.

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

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

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

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

is no longer required to maintain a permit.

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

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

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

(415 ILCS 5/59.11 new)

Sec. 59.11. Insurance.

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

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

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

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

(415 ILCS 5/59.12 new)



Sec. 59.12. Ownership of carbon dioxide; liability.

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

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

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

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

(2) has caused wrongful death or direct physical

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

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

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

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

(415 ILCS 5/59.13 new)

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

the Agency to cover costs incurred to:

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

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

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

(4) any other applicable costs under the Act.

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

(415 ILCS 5/59.14 new)

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

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

(415 ILCS 5/59.15 new)

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

(415 ILCS 5/59.16 new)

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

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

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

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

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

(415 ILCS 5/59.17 new)

Sec. 59.17. Sequestration annual tonnage fee.

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

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

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

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

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

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

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

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

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

distribution piping, concrete, equipment, and appurtenance installation.

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

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

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

(1) 2% to the Water Resources Fund;

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

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

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

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

Public Act 103-0651

SB1289 Enrolled

LRB103 05989 BMS 51011 b

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

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

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