



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4835

Introduced 2/7/2024, by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Safety Moratorium on Carbon Dioxide Pipelines Act. Establishes a temporary statewide moratorium on construction of carbon dioxide pipelines until the Pipeline and Hazardous Materials Safety Administration has adopted revised federal safety standards for transportation of carbon dioxide and the State has commissioned and finalized a relevant study regarding the safety setbacks required in the event of pipeline rupture or leak. Requires the State study to include input from first responders, to analyze pipeline ruptures or leaks in a variety of settings, and to recommend setbacks and funding based on that analysis. Provides that pending applications for carbon dioxide pipelines shall be held in abeyance. Provides for expiration of the temporary moratorium after 4 years, or when new safety standards are established, or upon enactment of a law that meets certain criteria. Makes legislative findings. Defines terms. Effective immediately.

LRB103 38424 BDA 68560 b

1 AN ACT concerning utilities.

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

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

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

8 (1) pipelines are being proposed in the State by  
9 companies for the purposes of transportation of carbon  
10 dioxide both from within the State and from locations  
11 outside the State;

12 (2) the transport of carbon dioxide via pipelines  
13 significantly affects landowners' rights to enjoy their  
14 property; carbon dioxide pipelines may impede access to  
15 property and fields, place permanent restrictions on the  
16 use of land, reduce crop yield from construction  
17 activities, and pose a risk of grave harm to humans,  
18 livestock, and other animals if there is a release of  
19 carbon dioxide;

20 (3) as specified in the Carbon Dioxide Transportation  
21 and Sequestration Act, regulation of the construction,  
22 maintenance, and operation of pipelines transporting  
23 carbon dioxide is within the statutory and regulatory

1 jurisdiction of the Pipeline and Hazardous Materials  
2 Safety Administration (PHMSA) of the U.S. Department of  
3 Transportation; and

4 (4) in response to a major carbon dioxide pipeline  
5 failure in Satartia, Mississippi in 2020 that resulted in  
6 local evacuations and caused almost 50 people to seek  
7 medical attention, PHMSA conducted an investigation of the  
8 risks to human health and the environment presented by  
9 carbon dioxide pipelines; PHMSA announced, on May 26,  
10 2022, that to strengthen CO<sub>2</sub> pipeline safety and  
11 oversight, PHMSA is initiating new rulemaking to update  
12 standards for carbon dioxide pipelines, including  
13 requirements related to improved safety, oversight, and  
14 emergency preparedness and response.

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

16 "Carbon dioxide pipeline" or "pipeline" means the in-state  
17 portion of a pipeline, including appurtenant facilities,  
18 property rights, and easements, that are used exclusively for  
19 the purpose of transporting carbon dioxide to a point of sale,  
20 storage, or another carbon management application.

21 "Commission" means the Illinois Commerce Commission.

22 "Criteria pollutants" are the pollutants that have been  
23 identified as "criteria pollutants" by the United States  
24 Environmental Protection Agency under Section 108 of the Clean  
25 Air Act.

1 "Hazardous air pollutants" are the pollutants that have  
2 been identified as "hazardous air pollutants" by the United  
3 States Environmental Protection Agency under Section 112 of  
4 the Clean Air Act.

5 "Sequester" has the meaning given to that term in Section  
6 1-10 of the Illinois Power Agency Act.

7 "Sequestration" means to sequester or be sequestered.

8 "Sequestration facility" means the carbon dioxide  
9 sequestration reservoir, underground equipment, and surface  
10 facilities and equipment used or proposed to be used in a  
11 geologic storage operation. "Sequestration facility" includes  
12 an injection well and equipment used to connect the surface  
13 facility and equipment to the carbon dioxide sequestration  
14 reservoir and underground equipment. "Sequestration facility"  
15 does not include pipelines used to transport carbon dioxide to  
16 a sequestration facility.

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

21 Section 15. Temporary statewide moratorium on construction  
22 of carbon dioxide pipelines.

23 (a) No certificate of authority for the construction and  
24 operation of a pipeline intended for transport of carbon  
25 dioxide shall be issued by the Commission until:

1           (1) the Pipeline and Hazardous Materials Safety  
2 Administration has adopted revised federal safety  
3 standards for transportation of carbon dioxide; and

4           (2) the State of Illinois has commissioned and  
5 finalized a study, which shall be made available to the  
6 public, determining how far carbon dioxide pipelines must  
7 be separated from livestock, residences, hospitals,  
8 schools, nursing homes, places of worship, jails, prisons,  
9 businesses, industry, and other locations where people  
10 congregate, in order to ensure adequate time for the safe  
11 evacuation or rescue of people and animals in the event of  
12 a pipeline rupture or leak; the study shall:

13           (A) include input from first responders, including  
14 both voluntary and paid professionals; law enforcement  
15 officials; medical and veterinary professionals;  
16 transportation experts; carbon dioxide pipeline  
17 engineers; meteorologists; geologists; persons trained  
18 in computational fluid dynamic modeling and other  
19 modeling of carbon dioxide plumes; the Illinois  
20 Emergency Management Agency and Office of Homeland  
21 Security; the Department of Public Health; County  
22 emergency management agencies; township officials;  
23 county boards; village boards; city councils; and the  
24 general public;

25           (B) evaluate CO<sub>2</sub> concentrations resulting from  
26 pipeline ruptures or leaks in a variety of urban,

1 suburban, and rural settings present in Illinois,  
2 including concentrations resulting from leaks or  
3 ruptures of carbon dioxide pipelines with varying  
4 diameters and carbon dioxide flow rates, based on  
5 predictions of the most precise available  
6 computational fluid dynamic model of CO<sub>2</sub> plume  
7 movement;

8 (C) recommend setbacks for each such setting,  
9 pipeline diameter, and flow rate, based on (i) the  
10 concentrations of CO<sub>2</sub> released in the event of a leak  
11 or rupture, (ii) the time humans and, where  
12 appropriate, livestock would be exposed to those  
13 concentrations, and (iii) the ability to, and time  
14 necessary to, self-evacuate or be rescued before  
15 oxygen deprivation leads to serious health effects,  
16 including, but not limited to, convulsions,  
17 unconsciousness, coma, or death; among other  
18 considerations, the study shall account for the  
19 decreased mobility of elderly persons, young children,  
20 persons who depend primarily on public transportation,  
21 incarcerated persons, and persons gathered in spaces  
22 where large numbers of people assemble, as well as the  
23 availability of electric vehicles or other transport  
24 options that do not use combustion engines; and

25 (D) recommend an initial amount of funding  
26 sufficient to provide first responders, medical

1 professionals, local governments, and other entities  
2 involved in the evacuation or rescue of persons  
3 potentially affected by a CO<sub>2</sub> pipeline rupture with  
4 the equipment, training, staffing, and other items  
5 necessary to carry out safe and timely evacuations and  
6 rescues in the event of a rupture; the study shall also  
7 recommend fees to be required of pipeline operators to  
8 ensure availability of the necessary sum, as well as a  
9 method for updating the amount of funding and fee  
10 changes to account for changing costs, inflation, and  
11 other relevant factors.

12 (b) Any application for a certificate of authority to  
13 construct or operate a pipeline intended for transportation of  
14 carbon dioxide that, as of the effective date of this Act, is  
15 pending before the Commission shall (i) be held in abeyance,  
16 without prejudice, until the revised safety standards and  
17 study specified in subsection (a) have been finalized or the  
18 temporary moratorium has expired as provided in this Act, and  
19 (ii) be subject to any revised safety standards if adopted in  
20 legislation.

21 (c) The temporary moratorium will expire and this Act  
22 shall be repealed when any of the following occurs:

23 (1) 4 years have passed since this Act's effective  
24 date;

25 (2) both the Pipeline and Hazardous Materials Safety  
26 Administration's new safety standards and the study

1 required by subdivision (a)(2) of this Section have been  
2 finalized; or

3 (3) the State of Illinois has adopted comprehensive  
4 legislation regulating the capture, transport, and  
5 sequestration of carbon dioxide in Illinois, which  
6 legislation includes, among other things:

7 (A) setbacks allowing for the safe evacuation or  
8 rescue of persons and animals in the event of the  
9 rupture or leak of a carbon dioxide pipeline;

10 (B) specifications limiting the use of eminent  
11 domain for carbon dioxide pipelines and limiting the  
12 use of property amalgamation for carbon dioxide  
13 sequestration;

14 (C) the establishment and ongoing funding of an  
15 emergency fund provided by entities that transport or  
16 sequester CO<sub>2</sub> to ensure first responders are able to  
17 perform safe and timely evacuations, rescues, and  
18 other emergency response actions in the event of a  
19 carbon dioxide release from a pipeline or  
20 sequestration site;

21 (D) mandatory financial assurance to cover the  
22 cost of monitoring, corrective action, well-plugging,  
23 and emergency response at sequestration sites, which  
24 does not take the form of insurance, financial  
25 guarantees, financial tests, or other self-bonding  
26 mechanisms;



1 (E) expanded monitoring of carbon sequestration  
2 sites using more methods, and for longer duration,  
3 than the monitoring required by the U.S. Environmental  
4 Protection Agency;

5 (F) specifications concerning long-term liability  
6 in the event of a release of brine or carbon dioxide  
7 from a sequestration site;

8 (G) a ban on the use of captured carbon dioxide for  
9 enhanced oil recovery in Illinois;

10 (H) emission limits that ensure that carbon  
11 capture does not contribute to significant increases  
12 in emissions of criteria pollutants or hazardous air  
13 pollutants at facilities from which carbon is captured  
14 or facilities that power capture;

15 (I) a mandate for a greenhouse gas life cycle  
16 analysis for each facility from which carbon dioxide  
17 is captured and a prohibition on carbon capture unless  
18 the company seeking to capture carbon demonstrates  
19 that the mass of carbon dioxide sequestered from the  
20 project will be greater than the mass of greenhouse  
21 gas emissions associated with the life cycle of  
22 capture, transport, and storage of that carbon  
23 dioxide;

24 (J) a mandate that alternatives to capture be  
25 evaluated, including, but not limited to, renewable  
26 energy, energy efficiency, and battery storage, when

1 the capture facility is a power plant; and  
2 electric-battery powered vehicles when the capture  
3 facility produces fuel; the evaluation of alternatives  
4 shall compare the greenhouse gas pollution, water use  
5 and water quality impacts, air pollution impacts, and  
6 generation of waste of each alternative to those of  
7 the proposed capture, transport, and sequestration of  
8 the CO<sub>2</sub>;

9 (K) robust public participation opportunities for  
10 all carbon capture, pipeline, and sequestration  
11 projects in Illinois and public disclosure of all  
12 documentation; and

13 (L) additional protections, potentially including  
14 prohibition of CO<sub>2</sub> pipelines and sequestration  
15 proximate to drinking water aquifers designated as  
16 sole source aquifers by the United States  
17 Environmental Protection Agency.

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