



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB4004

Introduced 2/6/2026, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

New Act

Creates the Data Center Water Transparency and Aquifer Protection Act. Provides that, beginning January 1, 2027, no data center operating within the State shall use water from the Mahomet Aquifer. Prohibits State agencies from issuing or renewing a permit authorizing a data center to withdraw groundwater from the Mahomet Aquifer. Requires existing data centers to transition to alternative water sources and cease all groundwater withdrawals from the Mahomet Aquifer by no later than January 1, 2028. Provides that a unit of local government may not enter into, enforce, or renew any nondisclosure agreement, confidentiality clause, or similar contractual provision with a data center that restricts the disclosure of information related to the data center's water use. Contains provisions concerning data confidentiality and public access. Establishes penalties for violations. Grants the Illinois Environmental Protection Agency rulemaking powers.

LRB104 20379 JDS 33836 b

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the Data
5 Center Water Transparency and Aquifer Protection Act.

6 Section 5. Purpose. The purpose of this Act is to ensure
7 Illinoisans living on the Mahomet Aquifer have adequate access
8 to water and to ensure transparency regarding the water usage
9 of data centers operating in the State.

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

11 "Agency" means the Illinois Environmental Protection
12 Agency.

13 "Aquifer" means saturated (with groundwater) soils and
14 geologic materials which are sufficiently permeable to readily
15 yield economically useful quantities of water to wells,
16 springs, or streams under ordinary hydraulic gradients.

17 "Data center" means a facility used to house computer
18 systems and associated components, including
19 telecommunications and storage systems, where the primary
20 function is the storage, management, and dissemination of
21 data.

22 "Groundwater" means underground water which occurs within

1 the saturated zone and geologic materials where the fluid
2 pressure in the pore space is equal to or greater than
3 atmospheric pressure.

4 "Nondisclosure agreement" means any contract, agreement,
5 clause, term, condition, or understanding that has the purpose
6 or effect of restricting, prohibiting, delaying, or
7 conditioning the disclosure of information, including
8 confidentiality agreements, secrecy provisions, side letters,
9 memoranda of understanding, or settlement agreements.

10 "Water consumption" means the total amount of water
11 consumed by a data center, including water used for cooling,
12 measured in gallons.

13 Section 15. Data center groundwater withdrawal
14 prohibition.

15 (a) No data center operating within this State shall use
16 water from the Mahomet Aquifer.

17 (b) No State agency shall issue or renew a permit
18 authorizing a data center to withdraw groundwater from the
19 Mahomet Aquifer.

20 Section 20. Existing data centers. A data center operating
21 before the effective date of this Act shall:

22 (1) cease all groundwater withdrawals from the Mahomet
23 Aquifer no later than January 1, 2028; and

24 (2) transition to alternative water sources,

1 including, but not limited to, reclaimed water, surface
2 water, or closed-loop or air-cooled systems.

3 Section 25. Prohibition on nondisclosure agreements
4 related to water use.

5 (a) A unit of local government may not enter into,
6 enforce, or renew a nondisclosure agreement, confidentiality
7 clause, or similar contractual provision with a data center
8 that restricts the disclosure of information related to the
9 data center's water use.

10 (b) Information related to water use includes, but is not
11 limited to:

12 (1) the source or sources of water used by a data
13 center;

14 (2) the volume, rate, or timing of water withdrawals,
15 consumption, or discharge;

16 (3) groundwater or surface water impacts;

17 (4) water use permit applications, approvals,
18 compliance reports, monitoring data; and

19 (5) water conservation, reuse, or cooling practices.

20 (c) Failure to comply with the provisions of this Section
21 renders any promise of confidentiality related to water usage
22 against public policy, void, and severable from an otherwise
23 valid and enforceable agreement.

24 Section 30. Data confidentiality and public access.

1 (a) Proprietary information is exempt from disclosure to
2 the extent provided under the Freedom of Information Act.
3 Aggregated and anonymized data shall be made available to the
4 public.

5 (b) The Agency shall publish an annual report summarizing
6 statewide water consumption trends in data centers, including,
7 but not limited to, legislative recommendations to address
8 identified issues.

9 Section 35. Enforcement and penalties. Any person that
10 violates Section 15 of this Act, paragraph (1) of Section 20 of
11 this Act, any rule adopted by the Agency under this Act, any
12 permit or term or condition of a permit issued pursuant to
13 rules adopted under this Act, or any order of the Agency under
14 this Act is liable for a civil penalty not to exceed \$50,000
15 for the violation and an additional civil penalty not to
16 exceed \$10,000 for each day during which the violation
17 continues. Civil penalties imposed under this Section may,
18 upon order of the Agency or a court, be made payable to the
19 Environmental Protection Trust Fund, to be used in accordance
20 with the provisions of the Environmental Protection Trust Fund
21 Act.

22 Section 40. Rules. The Agency may adopt rules to implement
23 and administer this Act.

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