

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Oil and Gas Act is amended by  
5 changing Sections 1, 6, 8a, 8e, 14, and 26 as follows:

6 (225 ILCS 725/1) (from Ch. 96 1/2, par. 5401)

7 Sec. 1. Unless the context otherwise requires, the words  
8 defined in this Section have the following meanings as used in  
9 this Act.

10 "Department" means the Department of Natural Resources.

11 "Director" means the Director of Natural Resources.

12 "Drilling unit" means the surface area allocated by an  
13 order or rule of the Department to the drilling of a single  
14 well for the production of oil or gas from an individual pool.

15 "Enhanced recovery method" means any method used in an  
16 effort to recover hydrocarbons from a pool by the injection of  
17 fluids, gases, or other substances to maintain, restore, or  
18 augment natural reservoir energy, or by introducing immiscible  
19 or miscible gases, chemicals, or other substances, or heat, or  
20 by in-situ combustion, or by any combination thereof.

21 "Field" means the same general surface area that is  
22 underlaid or appears to be underlaid by one or more pools.

23 "Fresh water" means surface and subsurface water in its

1 natural state useful as drinking water for human consumption,  
2 domestic livestock, irrigation, industrial, municipal, and  
3 recreational purposes, and that will support aquatic life and  
4 contains less than 10,000 ppm of total dissolved solids.

5 ~~"Person" means any natural person, corporation,~~  
6 ~~association, partnership, governmental agency or other legal~~  
7 ~~entity, receiver, trustee, guardian, executor, administrator,~~  
8 ~~fiduciary or representative of any kind.~~

9 ~~"Oil" means natural crude oil or petroleum and other~~  
10 ~~hydrocarbons, regardless of gravity, which are produced at the~~  
11 ~~well in liquid form by ordinary production methods or by the~~  
12 ~~use of an oil and gas separator and which are not the result of~~  
13 ~~condensation of gas after it leaves the underground reservoir.~~

14 "Gas" means all natural gas, including casinghead gas, and  
15 all other natural hydrocarbons not defined above as oil.

16 "Mineral owner's royalty" means the share of oil and gas  
17 production reserved in an oil and gas lease, free of all costs  
18 by an owner of the minerals, whether denominated royalty or  
19 overriding royalty.

20 "Mining Board" means the State Mining Board in the  
21 Department of Natural Resources Office of Mines and Minerals.

22 "Oil" means natural crude oil or petroleum and other  
23 hydrocarbons, regardless of gravity, which are produced at the  
24 well in liquid form by ordinary production methods or by the  
25 use of an oil and gas separator, which are not the result of  
26 condensation of gas after it leaves the underground reservoir.

1       "Orphan well" means a well for which: (1) no fee  
2 assessment under Section 19.7 of this Act has been paid or no  
3 other bond coverage has been provided for 2 consecutive years;  
4 (2) no oil or gas has been produced from the well or from the  
5 lease or unit on which the well is located for 2 consecutive  
6 years; and (3) no permittee or owner can be identified or  
7 located by the Department. "Orphan well" includes a well that  
8 has been drilled for purposes other than those for which a  
9 permit is required under this Act if the well is a conduit for  
10 oil or salt water intrusions into fresh water zones or onto the  
11 surface, which may be caused by oil and gas operations.

12       "Owner" means the person who has the right to drill into  
13 and produce from any pool and to appropriate the production  
14 either for the person or for the person and another, others, or  
15 solely for others, excluding the mineral owner's royalty, if  
16 the right to drill and produce has been granted under an oil  
17 and gas lease. "Owner" includes a person granted the right to  
18 drill and operate an injection (Class II UIC) well independent  
19 of the right to drill for and produce oil or gas. When the  
20 right to drill, produce, and appropriate production is held by  
21 more than one person, then all persons holding these rights  
22 may designate the owner by a written operating agreement or  
23 similar written agreement. In the absence of such an  
24 agreement, and subject to the provisions of Sections 22.2 and  
25 23.1 through 23.16 of this Act, the owner shall be the person  
26 designated in writing by a majority of the persons in interest

1 holding these rights.

2 "Permit" means the Department's written authorization  
3 allowing a well to be drilled, deepened, converted, or  
4 operated by an owner.

5 "Permittee" means the owner holding or required to hold  
6 the permit, and who is also responsible for paying assessments  
7 in accordance with Section 19.7 of this Act, and, where  
8 applicable, executing and filing the bond associated with the  
9 well as principal, and who is responsible for compliance with  
10 all statutory and regulatory requirements pertaining to the  
11 well.

12 When the right and responsibility for operating a well is  
13 vested in a receiver or trustee appointed by a court of  
14 competent jurisdiction, the permit shall be issued to the  
15 receiver or trustee.

16 "Person" means any natural person, corporation,  
17 association, partnership, governmental agency, including any  
18 other legal entity, receiver, trustee, guardian, executor,  
19 administrator, fiduciary, or representative of any kind.

20 "Pool" means a natural, underground reservoir containing  
21 in whole or in part, a natural accumulation of oil or gas, or  
22 both. Each productive zone or stratum of a general structure,  
23 which is completely separated from any other zone or stratum  
24 in the structure, is deemed a separate "pool" as used herein.

25 "Produced water" means water, regardless of chloride and  
26 total dissolved solids content that is produced in conjunction

1 with oil and natural gas production or natural gas storage  
2 operations.

3 "Temporary abandonment status" means a well that has  
4 received an authorization for temporary abandonment status  
5 from the Department.

6 "Vacuum" means pressure that is reduced below the pressure  
7 of the atmosphere.

8 ~~"Field" means the same general surface area which is~~  
9 ~~underlaid or appears to be underlaid by one or more pools.~~

10 ~~"Permit" means the Department's written authorization~~  
11 ~~allowing a well to be drilled, deepened, converted, or~~  
12 ~~operated by an owner.~~

13 ~~"Permittee" means the owner holding or required to hold~~  
14 ~~the permit, and who is also responsible for paying assessments~~  
15 ~~in accordance with Section 19.7 of this Act and, where~~  
16 ~~applicable, executing and filing the bond associated with the~~  
17 ~~well as principal and who is responsible for compliance with~~  
18 ~~all statutory and regulatory requirements pertaining to the~~  
19 ~~well.~~

20 ~~When the right and responsibility for operating a well is~~  
21 ~~vested in a receiver or trustee appointed by a court of~~  
22 ~~competent jurisdiction, the permit shall be issued to the~~  
23 ~~receiver or trustee.~~

24 ~~"Orphan Well" means a well for which: (1) no fee~~  
25 ~~assessment under Section 19.7 of this Act has been paid or no~~  
26 ~~other bond coverage has been provided for 2 consecutive years;~~

1 ~~(2) no oil or gas has been produced from the well or from the~~  
2 ~~lease or unit on which the well is located for 2 consecutive~~  
3 ~~years; and (3) no permittee or owner can be identified or~~  
4 ~~located by the Department. Orphaned wells include wells that~~  
5 ~~may have been drilled for purposes other than those for which a~~  
6 ~~permit is required under this Act if the well is a conduit for~~  
7 ~~oil or salt water intrusions into fresh water zones or onto the~~  
8 ~~surface which may be caused by oil and gas operations.~~

9 ~~"Owner" means the person who has the right to drill into~~  
10 ~~and produce from any pool, and to appropriate the production~~  
11 ~~either for the person or for the person and another, or others,~~  
12 ~~or solely for others, excluding the mineral owner's royalty if~~  
13 ~~the right to drill and produce has been granted under an oil~~  
14 ~~and gas lease. An owner may also be a person granted the right~~  
15 ~~to drill and operate an injection (Class II UIC) well~~  
16 ~~independent of the right to drill for and produce oil or gas.~~  
17 ~~When the right to drill, produce, and appropriate production~~  
18 ~~is held by more than one person, then all persons holding these~~  
19 ~~rights may designate the owner by a written operating~~  
20 ~~agreement or similar written agreement. In the absence of such~~  
21 ~~an agreement, and subject to the provisions of Sections 22.2~~  
22 ~~and 23.1 through 23.16 of this Act, the owner shall be the~~  
23 ~~person designated in writing by a majority in interest of the~~  
24 ~~persons holding these rights.~~

25 ~~"Department" means the Department of Natural Resources.~~

26 ~~"Director" means the Director of Natural Resources.~~

1       ~~"Mining Board" means the State Mining Board in the~~  
2       ~~Department of Natural Resources, Office of Mines and Minerals.~~

3       ~~"Mineral Owner's Royalty" means the share of oil and gas~~  
4       ~~production reserved in an oil and gas lease free of all costs~~  
5       ~~by an owner of the minerals whether denominated royalty or~~  
6       ~~overriding royalty.~~

7       "Waste" means "physical waste" as that term is generally  
8       understood in the oil and gas industry, and further includes:

9           (1) the locating, drilling, and producing of any oil  
10          or gas well or wells drilled contrary to the valid order,  
11          rules and regulations adopted by the Department under the  
12          provisions of this Act;

13          (2) permitting the migration of oil, gas, or water  
14          from the stratum in which it is found, into other strata,  
15          thereby ultimately resulting in the loss of recoverable  
16          oil, gas or both;

17          (3) the drowning with water of any stratum or part  
18          thereof capable of producing oil or gas, except for  
19          secondary recovery purposes;

20          (4) the unreasonable damage to underground, fresh or  
21          mineral water supply, workable coal seams, or other  
22          mineral deposits in the operations for the discovery,  
23          development, production, or handling of oil and gas;

24          (5) the unnecessary or excessive surface loss or  
25          destruction of oil or gas resulting from evaporation,  
26          seepage, leakage or fire, especially such loss or

1 destruction incident to or resulting from the escape of  
2 gas into the open air in excessive or unreasonable  
3 amounts, provided, however, it shall not be unlawful for  
4 the operator or owner of any well producing both oil and  
5 gas to burn such gas in flares when such gas is, under the  
6 other provisions of this Act, lawfully produced, and where  
7 there is no market at the well for such escaping gas; and  
8 where the same is used for the extraction of casinghead  
9 gas, it shall not be unlawful for the operator of the plant  
10 after the process of extraction is completed, to burn such  
11 residue in flares when there is no market at such plant for  
12 such residue gas;

13 (6) permitting unnecessary fire hazards; and

14 (7) permitting unnecessary damage to or destruction of  
15 the surface, soil, animal, fish or aquatic life or  
16 property from oil or gas operations.

17 ~~"Drilling Unit" means the surface area allocated by an~~  
18 ~~order or regulation of the Department to the drilling of a~~  
19 ~~single well for the production of oil or gas from an individual~~  
20 ~~pool.~~

21 ~~"Enhanced Recovery Method" means any method used in an~~  
22 ~~effort to recover hydrocarbons from a pool by injection of~~  
23 ~~fluids, gases or other substances to maintain, restore or~~  
24 ~~augment natural reservoir energy, or by introducing immiscible~~  
25 ~~or miscible gases, chemicals, other substances or heat or by~~  
26 ~~in situ combustion, or by any combination thereof.~~

1 "Well-Site Equipment" means any production-related  
2 equipment or materials specific to the well, including motors,  
3 pumps, pump jacks, tanks, tank batteries, separators,  
4 compressors, casing, tubing, and rods.

5 ~~"Temporary abandonment status" means a well that has~~  
6 ~~received an authorization for temporary abandonment status~~  
7 ~~from the Department.~~

8 (Source: P.A. 102-1017, eff. 1-1-23.)

9 (225 ILCS 725/6) (from Ch. 96 1/2, par. 5409)

10 Sec. 6. The Department shall have the authority to conduct  
11 hearings and to make such reasonable rules as may be necessary  
12 from time to time in the proper administration and enforcement  
13 of this Act, including the adoption of rules and the holding of  
14 hearings for the following purposes:

15 (1) To require the drilling, casing and plugging of  
16 wells to be done in such a manner as to prevent the  
17 migration of oil or gas from one stratum to another; to  
18 prevent the intrusion of water into oil, gas or coal  
19 strata; to prevent the pollution of fresh water supplies  
20 by oil, gas or salt water.

21 (2) To require the person desiring or proposing to  
22 drill, deepen or convert any well for the exploration or  
23 production of oil or gas, for injection or water supply in  
24 connection with enhanced recovery projects, for the  
25 disposal of salt water, brine, or other oil or gas field

1 wastes, or for input, withdrawal, or observation in  
2 connection with the storage of natural gas or other liquid  
3 or gaseous hydrocarbons before commencing the drilling,  
4 deepening or conversion of any such well, to make  
5 application to the Department upon such form as the  
6 Department may prescribe and to comply with the provisions  
7 of this Section. The drilling, deepening or conversion of  
8 any well is hereby prohibited until such application is  
9 made and the applicant is issued a permit therefor as  
10 provided by this Act. Each application for a well permit  
11 shall include the following: (A) The exact location of the  
12 well, (B) the name and address of the manager, operator,  
13 contractor, driller, or any other person responsible for  
14 the conduct of drilling operations, (C) the proposed depth  
15 of the well, (D) lease ownership information, and (E) such  
16 other relevant information as the Department may deem  
17 necessary or convenient to effectuate the purposes of this  
18 Act.

19 (2.5) Additionally, for each applicant who has not  
20 been issued a permit that is (i) not of record with the  
21 Department on the effective date of this amendatory Act of  
22 the 104th General Assembly, or (ii) a permittee on record  
23 with the Department but who has failed to make payments of  
24 the assessments as required under Section 19.7 of this Act  
25 at any time in the preceding 5 years of the application,  
26 the permittee or applicant shall execute, as principal,

1 and file with the Department a bond, executed by a surety  
2 authorized to transact business in this State, in an  
3 amount estimated to cover the cost of plugging the well  
4 and restoring the well site and shall set at the following  
5 rates:

6 (A) \$10,000 for one well;

7 (B) \$25,000 in total covering a blanket bond for  
8 up to 10 wells;

9 (C) \$50,000 in total covering a blanket bond for  
10 up to 50 wells; or

11 (D) \$100,000 in total covering a blanket bond for  
12 up to 100 wells.

13 A blanket bond covering more than 100 wells shall be  
14 increased to include the bond amount, as provided in this  
15 paragraph (2.5), for the total number of wells more than  
16 100 that are covered by the blanket bond. Such bond shall  
17 be submitted to the Department before drilling, deepening,  
18 converting, or operating any well for which a new or  
19 transfer permit is required and that has not previously  
20 been plugged and abandoned in accordance with the Act. The  
21 Department shall release the bond if any of the following  
22 are met:

23 (i) all wells covered by the bond are plugged and  
24 all well sites are restored in accordance with this  
25 Act and administrative rules;

26 (ii) all wells covered by the bond are transferred

1 in accordance with this Act and administrative rules;  
2 or

3 (iii) the permittee pays assessments to the  
4 Department in accordance with Section 19.7 of this Act  
5 for 5 consecutive years from the date of issuance of a  
6 permit after the effective date of this amendatory Act  
7 of the 104th General Assembly and the permittee is not  
8 in violation of this Act or any administrative rules.

9 In lieu of a surety bond, the applicant may provide  
10 certificates of deposit or irrevocable letters of credit  
11 under such terms and conditions as the Department may  
12 provide by rule.

13 The sureties on all bonds in effect on this amendatory  
14 Act of the 104th General Assembly shall remain liable as  
15 sureties in accordance with their undertakings until  
16 released by the Department from further liability under  
17 the Act. The principal on each bond in effect on the  
18 effective date of this amendatory Act of the 104th General  
19 Assembly shall be released from the obligation of  
20 maintaining the bond if the well covered by a surety bond  
21 has been plugged and the well site restored in accordance  
22 with the Department's rules or the principal of the surety  
23 has paid the initial assessment in accordance with Section  
24 19.7 and no well or well site covered by the surety bond is  
25 in violation of the Act.

26 No permit shall be issued to a corporation

1 incorporated outside of Illinois until the corporation has  
2 been authorized to do business in Illinois.

3 No permit shall be issued to an individual,  
4 partnership, or other unincorporated entity that is not a  
5 resident of Illinois until that individual, partnership,  
6 or other unincorporated entity has irrevocably consented  
7 to be sued in Illinois.

8 (3) To require the person assigning, transferring, or  
9 selling any well for which a permit is required under this  
10 Act to notify the Department of the change of ownership.  
11 The notification shall be on a form prescribed by the  
12 Department, shall be executed by the current permittee and  
13 by the new permittee, or their authorized representatives,  
14 and shall be filed with the Department within 30 days  
15 after the effective date of the assignment, transfer or  
16 sale. Within the 30-day ~~30-day~~ notification period and  
17 prior to operating the well, the new permittee shall pay  
18 the required well transfer fee and, where applicable, file  
19 with the Department the bond required under subsection  
20 (2.5) of this Section.

21 (4) To require the filing with the State Geological  
22 Survey of all geophysical logs, a well drilling report and  
23 drill cuttings or cores, if cores are required, within 90  
24 days after drilling ceases; and to file a completion  
25 report with the Department within 30 days after the date  
26 of first production following initial drilling or any

1 reworking, or after the plugging of the well, if a dry  
2 hole. A copy of each completion report submitted to the  
3 Department shall be delivered to the State Geological  
4 Survey. The Department and the State Geological Survey  
5 shall keep the reports confidential, if requested in  
6 writing by the permittee, for 2 years after the date the  
7 permit is issued by the Department. This confidentiality  
8 requirement shall not prohibit the use of the report for  
9 research purposes, provided the State Geological Survey  
10 does not publish specific data or identify the well to  
11 which the completion report pertains.

12 (5) To prevent "blowouts", "caving" and "seepage" in  
13 the same sense that conditions indicated by such terms are  
14 generally understood in the oil and gas business.

15 (6) To prevent fires.

16 (7) To ascertain and identify the ownership of all oil  
17 and gas wells, producing leases, refineries, tanks,  
18 plants, structures, and all storage and transportation  
19 equipment and facilities.

20 (8) To regulate the use of any enhanced recovery  
21 method in oil pools and oil fields.

22 (9) To regulate or prohibit the use of vacuum,  
23 including charging a vacuum permit application fee of up  
24 to \$300 per permit.

25 (10) To regulate the spacing of wells, the issuance of  
26 permits, and the establishment of drilling units.

1           (11) To regulate directional drilling of oil or gas  
2 wells.

3           (12) To regulate the plugging of wells.

4           (13) To require that wells for which no logs or  
5 unsatisfactory logs are supplied shall be completely  
6 plugged with cement from bottom to top.

7           (14) To require a description in such form as is  
8 determined by the Department of the method of well  
9 plugging for each well, indicating the character of  
10 material used and the positions and dimensions of each  
11 plug.

12           (15) To prohibit waste, as defined in this Act.

13           (16) To require the keeping of such records, the  
14 furnishing of such relevant information and the  
15 performance of such tests as the Department may deem  
16 necessary to carry into effect the purposes of this Act.

17           (17) To regulate the disposal of salt or  
18 sulphur-bearing water and any oil field waste produced in  
19 the operation of any oil or gas well.

20           (18) To prescribe rules, conduct inspections and  
21 require compliance with health and safety standards for  
22 the protection of persons working underground in  
23 connection with any oil and gas operations. For the  
24 purposes of this paragraph, oil and gas operations include  
25 drilling or excavation, production operations, plugging or  
26 filling in and sealing, or any other work requiring the

1 presence of workers in shafts or excavations beneath the  
2 surface of the earth. Rules promulgated by the Department  
3 may include minimum qualifications of persons performing  
4 tasks affecting the health and safety of workers  
5 underground, minimum standards for the operation and  
6 maintenance of equipment, and safety procedures and  
7 precautions, and shall conform, as nearly as practicable,  
8 to corresponding qualifications, standards and procedures  
9 prescribed under the Coal Mining Act.

10 (19) To deposit the amount of any forfeited surety  
11 bond or other security in the Plugging and Restoration  
12 Fund, a special fund in the State treasury which is hereby  
13 created; to deposit into the Fund any amounts collected,  
14 reimbursed or recovered by the Department under Sections  
15 19.5, 19.6 and 19.7 of this Act; to accept, receive, and  
16 deposit into the Fund any grants, gifts or other funds  
17 which may be made available from public or private sources  
18 and all earnings received from investment of monies in the  
19 Fund; and to make expenditures from the Fund for the  
20 purposes of plugging, replugging or repairing any well,  
21 and restoring the site of any well, determined by the  
22 Department to be abandoned or ordered by the Department to  
23 be plugged, replugged, repaired or restored under Sections  
24 8a, 19 or 19.1 of this Act, including expenses in  
25 administering the Fund.

26 For the purposes of this Act, the State Geological Survey

1 shall co-operate with the Department in making available its  
2 scientific and technical information on the oil and gas  
3 resources of the State, and the Department shall in turn  
4 furnish a copy to the State Geological Survey of all drilling  
5 permits as issued, and such other drilling and operating data  
6 received or secured by the Department which are pertinent to  
7 scientific research on the State's mineral resources.

8 (Source: P.A. 104-150, eff. 1-1-26.)

9 (225 ILCS 725/8a) (from Ch. 96 1/2, par. 5413)

10 Sec. 8a. When an inspector or other authorized employee or  
11 agent of the Department determines that any permittee, or any  
12 person engaged in conduct or activities required to be  
13 permitted under this Act, is in violation of any requirement  
14 of this Act or the rules adopted hereunder or any permit  
15 condition, or has falsified or otherwise misstated any  
16 information on or relative to any application, permit,  
17 required record, or other document required to be submitted to  
18 the Department by this Act or any rules or procedures adopted  
19 under this Act, a notice of violation shall be completed and  
20 delivered to the Director or his designee.

21 The notice shall contain:

- 22 1. the nature of the violation;
- 23 2. the action needed to abate the violation, including  
24 any appropriate remedial measures to prevent future  
25 violation such as replacement, repair, testing and

1 reworking a well and any appurtenances and equipment;

2 3. the time within which the violation is to be  
3 abated; and

4 4. any factors known to the person completing the  
5 notice of violation in aggravation or mitigation and the  
6 existence of any factors indicating that the permit should  
7 be conditioned or modified.

8 Upon receipt of a notice of violation, the Director shall  
9 conduct his investigation and may affirm, vacate or modify the  
10 notice of violation. In determining whether to take actions in  
11 addition to remedial action necessary to abate a violation,  
12 the Director shall consider the person's or permittee's  
13 history of previous violations including violations at other  
14 locations and under other permits, the seriousness of the  
15 violation including any irreparable harm to the environment or  
16 damage to property, the degree of culpability of the person or  
17 permittee and the existence of any additional conditions or  
18 factors in aggravation or mitigation including information  
19 provided by the person or permittee.

20 The Director shall serve the person or permittee with his  
21 decision at the conclusion of the investigation. Modification  
22 of the notice of violation may include:

23 1. any different or additional remedial action  
24 required to abate the violation and the time within which  
25 the violation must be abated;

26 2. the assessment of civil penalties not to exceed

1           \$5,000 for each and every falsification or misstatement of  
2           information and civil penalties not to exceed \$4,000 per  
3           ~~and \$1,000 a~~ day for each and every act of violation not  
4           including a falsification or misstatement of information;

5           3. probationary or permanent modification or  
6           conditions on the permit which may include special  
7           monitoring or reporting requirements; and

8           4. revocation of the permit.

9           The Director's decision shall provide that the person or  
10          permittee has the right to request a hearing.

11          The Director's decision affirming, vacating or modifying  
12          the notice of violation shall be considered served when mailed  
13          by first class mail to the person or permittee at his last  
14          known address.

15          A person or permittee shall have 30 days from the date of  
16          service of the Director's decision to request a hearing. If  
17          the Director's decision includes the assessment of a civil  
18          penalty, the person or permittee charged with the penalty  
19          shall pay the penalty in full or, if the person or permittee  
20          wishes to contest either the amount of the penalty or the fact  
21          of the violation, submit the assessed amount, with the request  
22          for a hearing, to be held in escrow. The filing of a request  
23          for a hearing shall not operate as a stay of the Director's  
24          decision. All civil penalties finally assessed and paid to the  
25          Department shall be deposited in the Underground Resources  
26          Conservation Enforcement Fund.

1 Any person who willfully or knowingly authorized, ordered,  
2 or carried out any violation cited in the Director's decision  
3 shall be subject to the same actions, including civil  
4 penalties, which may be imposed on the person or permittee  
5 under this Section.

6 Upon receipt of a request, the Department shall provide an  
7 opportunity for a formal hearing upon not less than 5 days  
8 notice. The hearing shall be conducted by the Director or  
9 anyone designated by him for such purpose, and shall be  
10 located and conducted in accordance with the rules of the  
11 Department. Failure of the person or permittee to timely  
12 request a hearing or, if a civil penalty has been assessed, to  
13 timely tender the assessed civil penalty, shall constitute a  
14 waiver of all legal rights to contest the Director's decision,  
15 including the amount of any civil penalty. Within 30 days of  
16 the close of the hearing record or expiration of the time to  
17 request a hearing, the Department shall issue a final  
18 administrative order.

19 If, at the expiration of the period of time originally  
20 fixed in the Director's decision or in any subsequent  
21 extension of time granted by the Department, the Department  
22 finds that the violation has not been abated, it may  
23 immediately order the cessation of operations or the portions  
24 thereof relevant to the violation. Such cessation order shall  
25 be served in the manner and within the time prescribed in  
26 Section 19.1 of this Act.

1 Pending the holding of any hearing or entry of a final  
2 administrative order under this Section, the person or  
3 permittee to whom the cessation order was issued may file a  
4 written request for temporary relief subject to the same terms  
5 and conditions as are provided for in Section 19.1 of this Act.

6 If the Department finds that a person or permittee has  
7 failed to comply with a final administrative order, the  
8 Department may immediately order the cessation of operations  
9 or the portions thereof relevant to the final administrative  
10 order. Such cessation order shall be served in the manner and  
11 within the time prescribed in Section 19.1 of this Act. The  
12 Department shall commence a hearing within 5 days after  
13 issuance of a cessation order and shall conclude such hearing  
14 without appreciable delay. At the hearing the Department shall  
15 have the burden of proving that the person or permittee has not  
16 complied with the final administrative order. A cessation  
17 order issued under this paragraph shall continue in effect  
18 until modified, vacated, or terminated by the Department.

19 The Department shall refuse to issue a permit or permits,  
20 and shall revoke any permit or permits previously issued if:

21 (1) the applicant has falsified or otherwise misstated  
22 any information on or relative to the permit application;

23 (2) the applicant has failed to abate a violation of  
24 the Act specified in a final administrative decision of  
25 the Department;

26 (3) an officer, director, partner, or person with an

1 interest in the applicant exceeding 5% failed to abate a  
2 violation of the Act specified in a final administrative  
3 decision of the Department; or

4 (4) the applicant is an officer, director, partner, or  
5 person with an interest exceeding 5% in another entity  
6 that has failed to abate a violation of the Act specified  
7 in a final administrative decision of the Department.

8 (Source: P.A. 99-137, eff. 1-1-16.)

9 (225 ILCS 725/8e)

10 Sec. 8e. Temporary abandonment status fees.

11 (a) The Department shall assess and collect annual fees of  
12 \$100 per well for each well that is in temporary abandonment  
13 status.

14 (b) All annual fees collected pursuant to subsection (a)  
15 shall be deposited into the Plugging and Restoration Fund, and  
16 one-half of all such deposited fees shall be used solely for  
17 the Landowner Grant Program. ~~deposited as follows: (1)~~  
18 ~~one half of all such fees shall be placed in the Plugging and~~  
19 ~~Restoration Fund; and (2) one half of all such fees shall be~~  
20 ~~placed in the Landowner Grant Program.~~

21 (Source: P.A. 102-1017, eff. 1-1-23.)

22 (225 ILCS 725/14) (from Ch. 96 1/2, par. 5420)

23 Sec. 14. Each application for a permit to drill, deepen,  
24 convert, or amend shall be accompanied by the required fee of

1 \$400. The fee for an application for a permit to oil lease road  
2 shall be \$150. A fee of \$75 for the first 100 wells and \$50 for  
3 each well in excess of 100 shall be paid by the new owner for  
4 each transfer of well ownership. Except for the assessments  
5 required to be deposited in the Plugging and Restoration Fund  
6 under Section 19.7 of this Act and any other deposits required  
7 to be deposited in the Plugging and Restoration Fund under  
8 this Act, all fees assessed and collected under this Act shall  
9 be deposited in the Underground Resources Conservation  
10 Enforcement Fund. The moneys ~~monies~~ deposited into the  
11 Plugging and Restoration Fund or the Underground Resources  
12 Conservation Enforcement Fund under this Section or deposited  
13 into the Plugging and Restoration Fund under Section 26 shall  
14 not be subject to administrative charges or chargebacks unless  
15 otherwise authorized by this Act.

16 On and after July 1, 2022, any fees that are created by or  
17 increased by this amendatory Act of the 102nd General Assembly  
18 in this Section shall be deposited into the Plugging and  
19 Restoration Fund.

20 (Source: P.A. 102-1017, eff. 1-1-23.)

21 (225 ILCS 725/26) (from Ch. 96 1/2, par. 5456)

22 Sec. 26. (a) Any person who violates any provision of this  
23 Act or any valid rule, regulation, permit or order of the  
24 Department made hereunder, or who repeats or continues the  
25 violation thereof, shall be subject to a civil penalty not to

1 exceed:

2 (1) \$1,000 a day for each and every act of violation  
3 lasting 90 days or less.

4 (2) \$2,000 a day for any violation lasting more than  
5 90 days but less than 180 days.

6 (3) \$4,000 a day for any violation lasting 180 days or  
7 more.

8 Any civil penalties that are assessed in excess of \$1,000  
9 per day shall be deposited into the Plugging and Restoration  
10 Fund.

11 Civil penalties may not be assessed until notice has been  
12 sent to the permittee. Such notice may be sent electronically  
13 at the time the notice of violation is sent to the Springfield  
14 office of the Department.

15 A permittee may notify the Department if an extraordinary  
16 circumstance prevents abatement of a violation for which civil  
17 penalties are sought to be assessed against the permittee. If  
18 the permittee notifies the Department, the permittee shall  
19 then provide evidence of the extraordinary circumstance to the  
20 Department, as set forth by rule. The assessment of a civil  
21 penalty shall not begin until the extraordinary circumstance  
22 terminates, as set forth by rule. The process to declare an  
23 extraordinary circumstance, the Department's review and  
24 approval of the extraordinary circumstance, and any appeal of  
25 the Department's determination shall be set by rule. An  
26 extraordinary circumstance shall include, but not be limited

1 to, roads being posted with a weight limit that prevents the  
2 movement of equipment, wet field conditions that prevent  
3 mitigation activities, or flooding that prevents the movement  
4 of equipment for the abatement.

5 (b) Any person willfully ~~wilfully~~ aiding or abetting any  
6 other person in the violation of any provision of this Act, or  
7 any rule, regulation and order made hereunder, shall be  
8 subject to the same penalties as are prescribed herein for the  
9 violation by such other person.

10 (Source: P.A. 85-1334.)