

# HB3383



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3383

by Rep. Daniel Didech

### SYNOPSIS AS INTRODUCED:

225 ILCS 732/1-35  
225 ILCS 732/1-40  
225 ILCS 732/1-45  
225 ILCS 732/1-50

Amends the Hydraulic Fracturing Regulatory Act. Adds reference to horizontal drilling with fracturing operations. Adds provisions concerning a county board or governing body's approval or denial for a request to consent for a local siting of a well site and operations. Makes other changes to provisions concerning permit applications, public notice, and public comment periods.

LRB101 05276 CPF 50289 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 Hydraulic Fracturing Regulatory Act is  
5 amended by changing Sections 1-35, 1-40, 1-45, and 1-50 as  
6 follows:

7 (225 ILCS 732/1-35)

8 Sec. 1-35. High volume horizontal hydraulic fracturing and  
9 horizontal drilling with fracturing operations permit  
10 application.

11 (a) Every applicant for a permit under this Act shall first  
12 register with the Department at least 30 days before applying  
13 for a permit. The Department shall make available a  
14 registration form within 90 days after the effective date of  
15 this Act. The registration form shall require the following  
16 information:

17 (1) the name and address of the registrant and any  
18 parent, subsidiary, or affiliate thereof;

19 (2) disclosure of all findings of a serious violation  
20 or an equivalent violation under federal or state laws or  
21 regulations in the development or operation of an oil or  
22 gas exploration or production site via hydraulic  
23 fracturing or horizontal drilling with fracturing by the

1 applicant or any parent, subsidiary, or affiliate thereof  
2 within the previous 5 years; and

3 (3) proof of insurance to cover injuries, damages, or  
4 loss related to pollution or diminution in the amount of at  
5 least \$5,000,000, from an insurance carrier authorized,  
6 licensed, or permitted to do this insurance business in  
7 this State that holds at least an A- rating by A.M. Best &  
8 Co. or any comparable rating service.

9 A registrant must notify the Department of any change in  
10 the information identified in paragraphs (1), (2), or (3) of  
11 this subsection (a) at least annually or upon request of the  
12 Department.

13 (b) Every applicant for a permit under this Act must submit  
14 the following information to the Department on an application  
15 form provided by the Department:

16 (1) the name and address of the applicant and any  
17 parent, subsidiary, or affiliate thereof;

18 (2) the proposed well name and address and legal  
19 description of the well site and its unit area;

20 (3) a statement whether the proposed location of the  
21 well site is in compliance with the requirements of Section  
22 1-25 of this Act and a plat, which shows the proposed  
23 surface location of the well site, providing the distance  
24 in feet, from the surface location of the well site to the  
25 features described in subsection (a) of Section 1-25 of  
26 this Act;

1           (4) a detailed description of the proposed well to be  
2           used for the high volume horizontal hydraulic fracturing  
3           operations or horizontal drilling with fracturing  
4           operations including, but not limited to, the following  
5           information:

6                   (A) the approximate total depth to which the well  
7           is to be drilled or deepened;

8                   (B) the proposed angle and direction of the well;

9                   (C) the actual depth or the approximate depth at  
10          which the well to be drilled deviates from vertical;

11                   (D) the angle and direction of any nonvertical  
12          portion of the wellbore until the well reaches its  
13          total target depth or its actual final depth; and

14                   (E) the estimated length and direction of the  
15          proposed horizontal lateral or wellbore;

16           (5) the estimated depth and elevation, according to the  
17          most recent publication of the Illinois State Geological  
18          Survey of Groundwater for the location of the well, of the  
19          lowest potential fresh water along the entire length of the  
20          proposed wellbore;

21           (6) a detailed description of the proposed high volume  
22          horizontal hydraulic fracturing operations or horizontal  
23          drilling with fracturing operations, including, but not  
24          limited to, the following:

25                   (A) the formation affected by the high volume  
26          horizontal hydraulic fracturing operations or

1           horizontal drilling with fracturing operations,  
2           including, but not limited to, geologic name and  
3           geologic description of the formation that will be  
4           stimulated by the operation;

5           (B) the anticipated surface treating pressure  
6           range;

7           (C) the maximum anticipated injection treating  
8           pressure;

9           (D) the estimated or calculated fracture pressure  
10          of the producing and confining zones; and

11          (E) the planned depth of all proposed perforations  
12          or depth to the top of the open hole section;

13          (7) a plat showing all known previous wellbores within  
14          1,500 ~~750~~ feet of any part of the horizontal wellbore that  
15          penetrated within 400 vertical feet of the formation that  
16          will be stimulated as part of the high volume horizontal  
17          hydraulic fracturing operations or horizontal drilling  
18          with fracturing operations;

19          (8) unless the applicant documents why the information  
20          is not available at the time the application is submitted,  
21          a chemical disclosure report identifying each chemical and  
22          proppant anticipated to be used in hydraulic fracturing or  
23          fracturing fluid for each stage of the hydraulic fracturing  
24          operations or horizontal drilling with fracturing  
25          operations including the following:

26                 (A) the total volume of water anticipated to be

1 used in the hydraulic fracturing or fracturing  
2 treatment of the well or the type and total volume of  
3 the base fluid anticipated to be used in the hydraulic  
4 fracturing or fracturing treatment, if something other  
5 than water;

6 (B) each hydraulic fracturing or fracturing  
7 additive anticipated to be used in the hydraulic  
8 fracturing or fracturing fluid, including the trade  
9 name, vendor, a brief descriptor of the intended use or  
10 function of each hydraulic fracturing or fracturing  
11 additive, and the Material Safety Data Sheet (MSDS), if  
12 applicable;

13 (C) each chemical anticipated to be intentionally  
14 added to the base fluid, including for each chemical,  
15 the Chemical Abstracts Service number, if applicable;  
16 and

17 (D) the anticipated concentration in the base  
18 fluid, in percent by mass, of each chemical to be  
19 intentionally added to the base fluid;

20 (9) a certification of compliance with the Water Use  
21 Act of 1983 and applicable regional water supply plans;

22 (10) a fresh water withdrawal and management plan that  
23 shall include the following information:

24 (A) the source of the water, such as surface or  
25 groundwater, anticipated to be used for water  
26 withdrawals, and the anticipated withdrawal location;

1 (B) the anticipated volume and rate of each water  
2 withdrawal from each withdrawal location;

3 (C) the anticipated months when water withdrawals  
4 shall be made from each withdrawal location;

5 (D) the methods to be used to minimize water  
6 withdrawals as much as feasible; and

7 (E) the methods to be used for surface water  
8 withdrawals to minimize adverse impact to aquatic  
9 life.

10 Where a surface water source is wholly contained within  
11 a single property, and the owner of the property expressly  
12 agrees in writing to its use for water withdrawals, the  
13 applicant is not required to include this surface water  
14 source in the fresh water withdrawal and management plan;

15 (11) a plan for the handling, storage, transportation,  
16 and disposal or reuse of hydraulic fracturing or fracturing  
17 fluids and hydraulic fracturing or fracturing flowback.  
18 The plan shall identify the specific Class II injection  
19 well or wells that will be used to dispose of the hydraulic  
20 fracturing or fracturing flowback. The plan shall describe  
21 the capacity of the tanks to be used for the capture and  
22 storage of flowback and of the lined reserve pit to be  
23 used, if necessary, to temporarily store any flowback in  
24 excess of the capacity of the tanks. Identification of the  
25 Class II injection well or wells shall be by name,  
26 identification number, and specific location and shall

1 include the date of the most recent mechanical integrity  
2 test for each Class II injection well;

3 (12) a well site safety plan to address proper safety  
4 measures to be employed during high volume horizontal  
5 hydraulic fracturing operations or horizontal drilling  
6 with fracturing operations for the protection of persons on  
7 the site as well as the general public. Within 15 calendar  
8 days after submitting the permit application to the  
9 Department, the applicant must provide a copy of the plan  
10 to the county or counties in which hydraulic fracturing  
11 operations or horizontal drilling with fracturing  
12 operations will occur. Within 5 calendar days of its  
13 receipt, the Department shall provide a copy of the well  
14 site safety plan to the Office of the State Fire Marshal;

15 (13) a containment plan describing the containment  
16 practices and equipment to be used and the area of the well  
17 site where containment systems will be employed, and within  
18 5 calendar days of its receipt, the Department shall  
19 provide a copy of the containment plan to the Office of the  
20 State Fire Marshal;

21 (14) a casing and cementing plan that describes the  
22 casing and cementing practices to be employed, including  
23 the size of each string of pipe, the starting point, and  
24 depth to which each string is to be set and the extent to  
25 which each string is to be cemented;

26 (15) a traffic management plan that identifies the



1 anticipated roads, streets, and highways that will be used  
2 for access to and egress from the well site. The traffic  
3 management plan will include a point of contact to discuss  
4 issues related to traffic management. Within 15 calendar  
5 days after submitting the permit application to the  
6 Department, the applicant must provide a copy of the  
7 traffic management plan to the county or counties in which  
8 the well site is located, and within 5 calendar days of its  
9 receipt, the Department shall provide a copy of the traffic  
10 management plan to the Office of the State Fire Marshal;

11 (16) the names and addresses of all owners of any real  
12 property within 1,500 feet of the proposed well site, as  
13 disclosed by the records in the office of the recorder of  
14 the county or counties;

15 (17) drafts of the specific public notice and general  
16 public notice as required by Section 1-40 of this Act;

17 (18) a statement that the well site at which the high  
18 volume horizontal hydraulic fracturing operation or  
19 horizontal drilling with fracturing operations will be  
20 conducted will be restored in compliance with Section  
21 240.1181 of Title 62 of the Illinois Administrative Code  
22 and Section 1-95 of this Act;

23 (19) proof of insurance to cover injuries, damages, or  
24 loss related to pollution in the amount of at least  
25 \$5,000,000; and

26 (20) any other relevant information which the

1 Department may, by rule, require.

2 (c) Where a permit ~~an~~ application is made to conduct high  
3 volume horizontal fracturing operations or horizontal drilling  
4 with fracturing operations at a well site located within the  
5 limits of any city, county, village, or incorporated town, the  
6 application shall state the name of the city, county, village,  
7 or incorporated town and be accompanied with a certified copy  
8 of the official consent for the location of the well site and  
9 proposed fracturing operations within the jurisdiction of the  
10 county board or governing body requested to sign the consent  
11 ~~hydraulic fracturing operations to occur from the municipal~~  
12 ~~authorities where the well site is proposed to be located.~~ No  
13 permit shall be issued unless consent is secured and filed with  
14 the permit application. In the event that an amended location  
15 is selected, the original permit shall not be valid unless a  
16 new certified consent is filed for the amended location. In  
17 considering the request for consent, the county board or  
18 governing body shall comply with the following:

19 (1) The county board or governing body shall approve or  
20 deny the request for consent for local siting of a well  
21 site and operations. The consent shall be requested from  
22 the county board with the primary jurisdiction over the  
23 land identified as the well site if the well site is not  
24 proposed to be located within the limits of a city,  
25 village, or incorporated town, or shall be requested from  
26 the governing body of the city, village, or incorporated

1 town when the well site is proposed to be located within  
2 the limits of a city, village, or incorporated town.

3 (2) The request for consent shall be sent by the  
4 Department for a well site and fracturing operations to the  
5 applicable county board or governing body by certified  
6 mail. The receiving county board or governing body shall,  
7 within 24 hours of receipt, make the request for consent  
8 public by posting it in the customary public notice format  
9 for the applicable county board or governing body with  
10 instructions to the public regarding how public comment on  
11 the request for approval or denial of the request for  
12 consent of the well site and fracturing operations can be  
13 registered.

14 (3) A public meeting regarding approval or denial of a  
15 request for consent for a well site and fracturing  
16 operations shall be scheduled for the next public meeting  
17 or added to the agenda of a previously scheduled public  
18 meeting held by the county board or governing body no  
19 earlier than 10 business days after posting the public  
20 notice of the meeting time and location.

21 (4) The county board or governing body considering any  
22 request for consent for a well site and fracturing  
23 operations to be located within its jurisdiction shall  
24 consult with the Department about any and all specific  
25 details pertaining to the permit application for that well  
26 site. The Department shall provide the county board or

1 governing body with all available information about the  
2 well site and fracturing operations including, but not  
3 limited to, the proposed fracturing operations of the well  
4 site, the history and expertise of the permit applicants,  
5 and the risks and possible mitigation of those risks  
6 relating to all issues encountered on the well site and  
7 fracturing operations.

8 (5) The county board or governing body shall consult  
9 with the Illinois State Water Survey and the Environmental  
10 Protection Agency about the fresh water withdrawal and  
11 management plan included in the permit application and any  
12 risks and possible mitigation for pollution or diminution  
13 of water resources. The Illinois State Water Survey and the  
14 Environmental Protection Agency shall provide the county  
15 board or governing body with all available information and  
16 include a summary of the information for use by the county  
17 board or governing body.

18 (6) The county board or governing body shall consult  
19 with the Environmental Protection Agency about any risks  
20 and possible mitigation for air pollution and water and  
21 soil contamination on and around the well site, and any  
22 soil and water contamination issues related to  
23 transportation to and from the well site. The Environmental  
24 Protection Agency shall provide the county board or  
25 governing body with all available information and include a  
26 summary of the information for use by the county board or

1 governing body.

2 (7) The county board or governing body shall consult  
3 with Illinois Emergency Management Agency, the Illinois  
4 Department of Transportation, the Department of State  
5 Police, and the Illinois Fire Marshal about the risks and  
6 possible mitigation of accidents, damage to property,  
7 personal injury, transportation to and from the well site,  
8 natural disasters, and criminal acts that may affect the  
9 operations described on the permit application for the well  
10 site and fracturing operations. The Illinois Emergency  
11 Management Agency, the Illinois Department of  
12 Transportation, the Department of State Police, and the  
13 Illinois Fire Marshal shall provide the county board or  
14 governing body with all available information and include a  
15 summary of the information for use by the county board or  
16 governing body.

17 (8) The county board or governing body shall consult  
18 with the Department of Public Health about any public  
19 health risks and possible mitigation that might occur with  
20 the well site and the well site operations, with particular  
21 attention to the public health risks to pregnant women,  
22 infants and children, the disabled, the hearing and sight  
23 impaired, and persons with cardiovascular disease or  
24 respiratory disease. The Department of Public Health shall  
25 provide the county board or governing body with all  
26 available information and include a summary of the

1 information for use by the county board or governing body.

2 (9) The county board or governing body shall consult  
3 with the Department and the Illinois State Geological  
4 Survey about the risks and possible mitigation of induced  
5 seismicity from the well site, including Class II injection  
6 wells that the applicant has indicated on the application.  
7 The Department and the Illinois State Geological Survey  
8 shall provide the county board or governing body with all  
9 available information and include a summary of the  
10 information for use by the county board or governing body.

11 (10) All of the consultations listed in items (5)  
12 through (9) shall be conducted by the county board or  
13 governing body prior to approving or denying the request  
14 for consent for a well site and fracturing operations and  
15 prior to the public meeting regarding the approval or  
16 denial of the request for consent for the well site and  
17 fracturing operations in its jurisdiction. A summary of  
18 these consultations shall be prepared by the county board  
19 or governing body and be made public as soon as convenient  
20 through the customary public notice format for the county  
21 board or governing body. The summary of the consultation  
22 with the Department and each State agency under this  
23 Section shall be made available to the public by the county  
24 board or governing body at the public meeting regarding the  
25 approval or denial of the request for consent of the well  
26 site and fracturing operations.

1           (11) If the county board or the governing body  
2           determines that further consultations, public meetings,  
3           public hearings, expert testimony, site visits, research,  
4           or deliberations are necessary, it shall schedule and  
5           conduct any and all investigations according to all  
6           applicable State and local laws and ordinances. No deadline  
7           is imposed upon the approval or denial of the request for  
8           consent for a well site or fracturing operations.

9           (12) The county board or governing body shall develop a  
10           method of timely notification to the public and interested  
11           residents in the local jurisdiction about further details  
12           and announcements pertaining to the well site and  
13           fracturing operations, including any notifications of:

14                   (A) approval or denial of the request for consent;

15                   (B) further local investigations, studies, expert  
16                   opinions, and consultations;

17                   (C) accidents, blow outs, fires, incidents,  
18                   violations, fines, public health notices, noise  
19                   alerts, traffic pattern alerts, traffic accidents,  
20                   crime alerts, and emergency planning; and

21                   (D) notices about water contamination, diminution,  
22                   air pollution, and induced seismicity and  
23                   radioactivity levels.

24           This information shall be posted on the website of the  
25           county board or governing body and shall clearly state that it  
26           relates to the well site and fracturing operations.

1           (13) The county board or governing body that is  
2           considering the approval or denial of a request for consent  
3           for a well site and fracturing operations within its  
4           jurisdiction shall deliberate on all of the information  
5           provided to it from each of the State agencies and shall  
6           determine the following:

7                   (A) whether the well site and the well site  
8                   operations are located and proposed to be operated in a  
9                   way that maximizes the protection of the public health,  
10                   safety, and welfare;

11                   (B) whether the well site and fracturing  
12                   operations are located and proposed to be operated in a  
13                   way that ensures reasonable safety for domesticated  
14                   animals, livestock, and wildlife in the locality;

15                   (C) whether the well site and fracturing  
16                   operations are located and proposed in a way that  
17                   minimizes incompatibility with the character of the  
18                   surrounding area, minimizes the effect on the value of  
19                   the surrounding property, and whether local zoning  
20                   ordinances and special use permits have been  
21                   considered;

22                   (D) whether the well site and fracturing  
23                   operations are located and proposed to be operated  
24                   outside the boundary of the 100 year flood plain;

25                   (E) whether the well site and fracturing  
26                   operations are located and proposed to be operated in a



1 way that minimizes the danger to the surrounding area  
2 from fire, spills, blowouts, traffic accidents,  
3 induced seismicity, radioactivity exposure, excessive  
4 and dangerous noise levels, light pollution, water  
5 contamination, or other operational accidents;

6 (F) whether the well site and fracturing  
7 operations are located and proposed to be operated in a  
8 way that ensures that traffic patterns to or from the  
9 well site are designed to minimize the impact on  
10 existing traffic flows; and

11 (G) whether the well site and fracturing  
12 operations are located and proposed to be operated in a  
13 way that ensures that the treating, storing,  
14 transporting or disposing of technologically enhanced  
15 naturally occurring radioactive material, low level  
16 radioactive waste, hazardous waste, and chemical  
17 spillage is in compliance with all State and local laws  
18 and that an emergency response plan exists for the well  
19 site and fracturing operations which includes  
20 notification, containment, and evacuation procedures  
21 to be used in case of an accidental release.

22 (14) The county board or the governing body of the  
23 city, village, or incorporated town shall also consider as  
24 evidence the previous operating experience and past record  
25 of convictions or admissions of violations of the applicant  
26 for the permit for a well site, and any subsidiary or

1 parent corporation, in the field of high volume hydraulic  
2 fracturing or horizontal drilling with fracturing  
3 operations.

4 (15) A county board or governing body may conduct a  
5 siting review under this Section and charge the applicant a  
6 reasonable fee for the reasonable and necessary costs  
7 incurred by the county board, city, village, or  
8 incorporated town in the siting review process.

9 (16) A county board or governing body may request the  
10 Illinois Department of Transportation to perform traffic  
11 impact studies of the proposed well site and fracturing  
12 operations.

13 (17) An applicant may not file a request for consent  
14 for a well site and fracturing operations which is  
15 substantially the same as a request that was denied within  
16 the preceding 2 years.

17 (18) Any county board or governing body shall, within 7  
18 business days before approving or denying a request for  
19 consent for a well site and fracturing operations to be  
20 located within their jurisdictions, make available a  
21 summary report in the customary public notice format with  
22 instructions to the public regarding submission of final  
23 public comment on the approval or denial of the request for  
24 consent, including summaries of the siting plans for the  
25 well as described in the permit application, the fresh  
26 water withdrawal and management plan, the waste management

1 plans, the traffic plans and anticipated routes, plans for  
2 emergency management of accidents, fires, blowouts, or  
3 chemical spills, feedback and concerns from the public, and  
4 any information obtained from the consultations with the  
5 Department and other State agencies. The report shall  
6 include the reasons that the county board or governing body  
7 is considering approval or denial of the request to consent  
8 to the well site and fracturing operations.

9 (19) If approved, a signed certified consent  
10 authorized by the county board or governing body shall be  
11 sent to the Department by certified mail to be included in  
12 the permit application. No permit shall be issued unless  
13 the certified signed consent is secured and filed with the  
14 permit application.

15 (20) Once a permit is issued, the county board or  
16 governing body shall consult with the Department and local  
17 emergency personnel, including the Department of State  
18 Police, once every 4 months regarding the progress of the  
19 application and fracturing operations at the well site, any  
20 ongoing emergency or traffic management issues, ongoing  
21 public health issues, and any ongoing production issues  
22 until production has ended at that well site and the site  
23 has been remediated and the well has been capped. The  
24 county board or governing body shall update its Internet  
25 website or otherwise inform the public regarding these  
26 updates about the well site, fracturing operations, and

1           production operations every 6 months.

2           (21) If an amended location is selected, the original  
3           permit and certified signed consent shall be invalid. A new  
4           certified consent, including compliance with all  
5           provisions of this Section, shall be filed for the amended  
6           location.

7           (d) The hydraulic fracturing or horizontal drilling with  
8           fracturing operations permit application shall be accompanied  
9           by a bond as required by subsection (a) of Section 1-65 of this  
10          Act.

11          (e) Each application for a permit under this Act shall  
12          include payment of a non-refundable fee of \$13,500. Of this  
13          fee, \$11,000 shall be deposited into the Oil and Gas Resource  
14          Management Fund for the Department to use to administer and  
15          enforce this Act and otherwise support the operations and  
16          programs of the Office of Oil and Gas Resource Management. The  
17          remaining \$2,500 shall be deposited into the Illinois Clean  
18          Water Fund for the Agency to use to carry out its functions  
19          under this Act. The Department shall not initiate its review of  
20          the permit application until the applicable fee under this  
21          subsection (e) has been submitted to and received by the  
22          Department.

23          (f) Each application submitted under this Act shall be  
24          signed, under the penalty of perjury, by the applicant or the  
25          applicant's designee who has been vested with the authority to  
26          act on behalf of the applicant and has direct knowledge of the

1 information contained in the application and its attachments.  
2 Any person signing an application shall also sign an affidavit  
3 with the following certification:

4 "I certify, under penalty of perjury as provided by law  
5 and under penalty of refusal, suspension, or revocation of  
6 a high volume horizontal hydraulic fracturing or  
7 horizontal drilling with fracturing permit, that this  
8 application and all attachments are true, accurate, and  
9 complete to the best of my knowledge."

10 (g) The permit application shall be submitted to the  
11 Department in both electronic and hard copy format. The  
12 electronic format shall be searchable.

13 (h) The application for a high volume horizontal hydraulic  
14 fracturing or horizontal drilling with fracturing permit may be  
15 submitted as a combined permit application with the operator's  
16 application to drill on a form as the Department shall  
17 prescribe. The combined application must include the  
18 information required in this Section. If the operator elects to  
19 submit a combined permit application, information required by  
20 this Section that is duplicative of information required for an  
21 application to drill is only required to be provided once as  
22 part of the combined application. The submission of a combined  
23 permit application under this subsection shall not be  
24 interpreted to relieve the applicant or the Department from  
25 complying with the requirements of this Act or the Illinois Oil  
26 and Gas Act.

1 (i) Upon receipt of a permit application, the Department  
2 shall have no more than 60 calendar days from the date it  
3 receives the permit application to approve, with any conditions  
4 the Department may find necessary, or reject the application  
5 for the high volume horizontal hydraulic fracturing or  
6 horizontal drilling with fracturing permit. The applicant may  
7 waive, in writing, the 60-day deadline upon its own initiative  
8 or in response to a request by the Department.

9 (j) If at any time during the review period the Department  
10 determines that the permit application is not complete under  
11 this Act, does not meet the requirements of this Section, or  
12 requires additional information, the Department shall notify  
13 the applicant in writing of the application's deficiencies and  
14 allow the applicant to correct the deficiencies and provide the  
15 Department any information requested to complete the  
16 application. If the applicant fails to provide adequate  
17 supplemental information within the review period, the  
18 Department may reject the application.

19 (Source: P.A. 98-22, eff. 6-17-13; 98-756, eff. 7-16-14;  
20 99-139, eff. 7-24-15.)

21 (225 ILCS 732/1-40)

22 Sec. 1-40. Public notice.

23 (a) Within 5 calendar days after the Department's receipt  
24 of the completed high volume horizontal hydraulic fracturing or  
25 horizontal drilling with fracturing application, the

1 Department shall post notice of its receipt and a copy of the  
2 permit application on its website. The notice shall include the  
3 dates of the public comment period and directions for  
4 interested parties to submit comments.

5 (b) Within 5 calendar days after the Department's receipt  
6 of the completed permit application and notice to the applicant  
7 that the high volume horizontal hydraulic fracturing or  
8 horizontal drilling with fracturing permit application was  
9 received, the Department shall provide the Agency, the Office  
10 of the State Fire Marshal, the Illinois State Water Survey, the  
11 Department of Public Health, the Illinois Emergency Management  
12 Agency, and the Illinois State Geological Survey with notice of  
13 the application.

14 (c) The applicant shall provide the following public  
15 notice:

16 (1) Applicants shall mail specific public notice by  
17 U.S. Postal Service certified mail, return receipt  
18 requested, within 3 calendar days after submittal of the  
19 completed high volume horizontal hydraulic fracturing or  
20 horizontal drilling with fracturing permit application to  
21 the Department, to all persons identified as owners of real  
22 property within 1,500 feet of the proposed well site, as  
23 disclosed by the records in the office of the recorder of  
24 the county or counties, and to each municipality and county  
25 in which the well site is proposed to be located.

26 (2) Except as otherwise provided in this paragraph (2)

1 of subsection (c), applicants shall provide general public  
2 notice by publication, once each week for 2 consecutive  
3 weeks, beginning no later than 3 calendar days after  
4 submittal of the completed high volume horizontal  
5 hydraulic fracturing or horizontal drilling with  
6 fracturing permit application to the Department, in a  
7 newspaper of general circulation published in each county  
8 where the well proposed for high volume hydraulic  
9 fracturing operations or horizontal drilling with  
10 fracturing operations is proposed to be located.

11 If a well is proposed for high volume hydraulic  
12 fracturing operations or horizontal drilling with  
13 fracturing operations in a county where there is no daily  
14 newspaper of general circulation, the applicant shall  
15 provide general public notice, by publication, once each  
16 week for 2 consecutive weeks, in a weekly newspaper of  
17 general circulation in that county beginning as soon as the  
18 publication schedule of the weekly newspaper permits, but  
19 in no case later than 10 days after submittal of the  
20 completed high volume hydraulic fracturing or horizontal  
21 drilling with fracturing permit application to the  
22 Department.

23 (3) The specific and general public notices required  
24 under this subsection shall contain the following  
25 information:

26 (A) the name and address of the applicant;



1 (B) the date the application for a completed high  
2 volume horizontal hydraulic fracturing or horizontal  
3 drilling with fracturing permit was filed;

4 (C) the dates for the public comment period and a  
5 statement that anyone may file written comments about  
6 any portion of the applicant's submitted completed  
7 high volume horizontal hydraulic fracturing or  
8 horizontal drilling with fracturing permit application  
9 with the Department during the public comment period;

10 (D) the proposed well name, reference number  
11 assigned by the Department, and the address and legal  
12 description of the well site and its unit area;

13 (E) a statement that the information filed by the  
14 applicant in their application for a completed high  
15 volume horizontal hydraulic fracturing or horizontal  
16 drilling with fracturing permit is available from the  
17 Department through its website;

18 (F) the Department's website and the address and  
19 telephone number for the Department's Oil and Gas  
20 Division;

21 (G) a statement that any person having an interest  
22 that is or may be adversely affected, any government  
23 agency that is or may be affected, or the county board  
24 of a county to be affected under a proposed permit, may  
25 file written objections to a permit application and may  
26 request a public hearing.

1 (d) After providing the public notice as required under  
2 paragraph (2) of subsection (c) of this Section, the applicant  
3 shall supplement its permit application by providing the  
4 Department with a certification and documentation that the  
5 applicant fulfilled the public notice requirements of this  
6 Section. The Department shall not issue a permit until the  
7 applicant has provided the supplemental material required  
8 under this subsection.

9 (e) If multiple applications are submitted at the same time  
10 for wells located on the same well site, the applicant may use  
11 one public notice for all applications provided the notice is  
12 clear that it pertains to multiple applications and conforms to  
13 the requirements of this Section. Notice shall not constitute  
14 standing for purposes of requesting a public hearing or for  
15 standing to appeal the decision of the Department in accordance  
16 with the Administrative Review Law.

17 (Source: P.A. 98-22, eff. 6-17-13; 99-78, eff. 7-20-15.)

18 (225 ILCS 732/1-45)

19 Sec. 1-45. Public comment periods.

20 (a) The public comment period shall begin 7 calendar days  
21 after the Department's receipt of the completed permit  
22 application with any and all required information officially  
23 submitted to the Department. The public comment period shall  
24 ~~and~~ last for 60 ~~30~~ calendar days.

25 (b) Where a public hearing is conducted under Section 1-50

1 of this Act, the Department shall ~~may~~ provide for an additional  
2 public comment period of 20 ~~15~~ days ~~as necessary~~ to allow for  
3 comments in response to evidence and testimony presented at the  
4 hearing. The additional public comment period shall be added to  
5 the original 60-day public comment period for a total of 80  
6 days ~~begin on the day after the public hearing.~~

7 (c) During any public comment period, any person may file  
8 written comments to the Department concerning any portion of  
9 the permit application and any issue relating to the  
10 applicant's compliance with the requirements of the Act and any  
11 other applicable laws.

12 (d) The Department shall ~~may~~ request that the applicant  
13 respond to any documented ~~substantive~~ public comments obtained  
14 during the public comment period.

15 (Source: P.A. 98-22, eff. 6-17-13.)

16 (225 ILCS 732/1-50)

17 Sec. 1-50. High volume horizontal hydraulic fracturing or  
18 horizontal drilling with fracturing operations permit;  
19 hearing.

20 (a) When a permit application is submitted to conduct high  
21 volume horizontal hydraulic fracturing operations or  
22 horizontal drilling with fracturing operations for the first  
23 time at a particular well site, any person having an interest  
24 that is or may be adversely affected, any government agency  
25 that is or may be affected, or the county board of a county to

1 be affected under a proposed permit, may file written  
2 objections to the permit application and may request a public  
3 hearing during the public comment period established under  
4 subsection (a) of Section 1-45 of this Act. The request for  
5 hearing shall contain a short and plain statement identifying  
6 the person and stating facts demonstrating that the person has  
7 an interest that is or may be adversely affected. The  
8 Department shall hold a public hearing upon a request under  
9 this subsection, unless the request is determined by the  
10 Department to lack any adequate factual statement that the  
11 person is or may be adversely affected ~~(i) lack an adequate~~  
12 ~~factual statement that the person is or may be adversely~~  
13 ~~affected or (ii) be frivolous.~~

14 (b) Prior to the commencement of a public hearing under  
15 this Section, any person who could have requested the hearing  
16 under subsection (a) of this Section may petition the  
17 Department to participate in the hearing in the same manner as  
18 the party requesting the hearing. The petition shall contain a  
19 short and plain statement identifying the petitioner and  
20 stating facts demonstrating that the petitioner is a person  
21 having an interest that is or may be adversely affected. The  
22 petitioner shall serve the petition upon the Department. Unless  
23 the Department determines ~~that the petition is frivolous, or~~  
24 that the petitioner has failed to allege facts in support of an  
25 interest that is or may be adversely affected, the petitioner  
26 shall be allowed to participate in the hearing in the same

1 manner as the party requesting the hearing. The petitioner, if  
2 denied participation in the hearing, may appeal the decision to  
3 the Director and receive a written response.

4 (c) The public hearing to be conducted under this Section  
5 shall comply with the contested case requirements of the  
6 Illinois Administrative Procedure Act. The Department shall  
7 establish rules and procedures to determine whether any request  
8 for a public hearing may be granted in accordance with  
9 subsection (a) of this Section, and for the notice and conduct  
10 of the public hearing. These procedural rules shall include  
11 provisions for reasonable notice to (i) the public and (ii) all  
12 parties to the proceeding, which include the applicant, the  
13 persons requesting the hearing, and the persons granted the  
14 right to participate in the hearing pursuant to subsection (b)  
15 of this Section, for the qualifications, powers, and  
16 obligations of the hearing officer, and for reasonable  
17 opportunity for all the parties to provide evidence and  
18 argument, to respond by oral or written testimony to statements  
19 and objections made at the public hearing, and for reasonable  
20 cross-examination of witnesses. County boards, governing  
21 bodies of municipalities, villages, and incorporated towns,  
22 and the public may present their written objections or  
23 recommendations at the public hearing. A complete record of the  
24 hearings and all testimony shall be made by the Department and  
25 recorded stenographically or electronically. The complete  
26 record shall be maintained and shall be accessible to the

1 public on the Department's website until final release of the  
2 applicant's performance bond.

3 (d) At least 21 ~~10~~ calendar days before the date of the  
4 public hearing, the Department shall publish notice of the  
5 public hearing in a newspaper of general circulation published  
6 in the county where the proposed well site will be located.

7 (Source: P.A. 98-22, eff. 6-17-13.)