



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB4989

Introduced 1/27/2022, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

225 ILCS 725/1	from Ch. 96 1/2, par. 5401
225 ILCS 725/6	from Ch. 96 1/2, par. 5409
225 ILCS 725/8c	from Ch. 96 1/2, par. 5414.1
225 ILCS 725/14	from Ch. 96 1/2, par. 5420
225 ILCS 725/19.1	from Ch. 96 1/2, par. 5426
225 ILCS 725/19.7	from Ch. 96 1/2, par. 5430.2

Amends the Illinois Oil and Gas Act. Defines "temporary abandonment status". Provides that the Department of Natural Resources shall have the authority to conduct hearings and to make such reasonable rules as may be necessary from time to time in the proper administration and enforcement of the Act, including the adoption of rules and holding hearings: to create, by administrative rule, the authorization criteria, fees, maintenance requirements, and monitoring rules for an authorization for temporary abandonment status; and to create, by administrative rule, the permit criteria, fees, and maintenance requirements for an oil lease road permit where the road is located on a well lease. Provides that before engaging in the business of removing liquid oil field waste from an on-site collection point, the person shall apply for a permit with a fee of \$300 (instead of \$100). Provides that each application for a permit to drill, deepen, convert, amend, oil lease road, or an authorization for temporary abandonment status shall be accompanied by a fee not to exceed \$1,000 (instead of \$300). Provides that a fee not to exceed \$500 (instead of \$50) per well shall be paid by the new owner for each transfer of well ownership. Provides that the fee for a temporary abandonment status authorization shall be deposited in the Plugging and Restoration Fund. Provides that if the Department finds that a well is in violation of the administrative rules regarding a temporary abandonment status, the Department shall issue an order that the well be properly plugged, replugged, or repaired. Provides that the Department shall assess and collect annual well fees from each permittee in the amount of \$100 (instead of \$75) per well for the first 100 wells and a \$75 fee (instead of \$50) for each well in excess of 100 for which a permit is required under the Act.

LRB102 25856 AMQ 35208 b

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, 8c, 14, 19.1, and 19.7 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 "Person" means any natural person, corporation,  
11 association, partnership, governmental agency or other legal  
12 entity, receiver, trustee, guardian, executor, administrator,  
13 fiduciary or representative of any kind.

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

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

21 "Pool" means a natural, underground reservoir containing  
22 in whole or in part, a natural accumulation of oil or gas, or  
23 both. Each productive zone or stratum of a general structure,

1 which is completely separated from any other zone or stratum  
2 in the structure, is deemed a separate "pool" as used herein.

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

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

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

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

19 "Orphan Well" means a well for which: (1) no fee  
20 assessment under Section 19.7 of this Act has been paid or no  
21 other bond coverage has been provided for 2 consecutive years;  
22 (2) no oil or gas has been produced from the well or from the  
23 lease or unit on which the well is located for 2 consecutive  
24 years; and (3) no permittee or owner can be identified or  
25 located by the Department. Orphaned wells include wells that  
26 may have been drilled for purposes other than those for which a

1 permit is required under this Act if the well is a conduit for  
2 oil or salt water intrusions into fresh water zones or onto the  
3 surface which may be caused by oil and gas operations.

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

20 "Department" means the Department of Natural Resources.

21 "Director" means the Director of Natural Resources.

22 "Mining Board" means the State Mining Board in the  
23 Department of Natural Resources, Office of Mines and Minerals.

24 "Mineral Owner's Royalty" means the share of oil and gas  
25 production reserved in an oil and gas lease free of all costs  
26 by an owner of the minerals whether denominated royalty or

1 overriding royalty.

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

4 (1) the locating, drilling, and producing of any oil  
5 or gas well or wells drilled contrary to the valid order,  
6 rules and regulations adopted by the Department under the  
7 provisions of this Act;

8 (2) permitting the migration of oil, gas, or water  
9 from the stratum in which it is found, into other strata,  
10 thereby ultimately resulting in the loss of recoverable  
11 oil, gas or both;

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

15 (4) the unreasonable damage to underground, fresh or  
16 mineral water supply, workable coal seams, or other  
17 mineral deposits in the operations for the discovery,  
18 development, production, or handling of oil and gas;

19 (5) the unnecessary or excessive surface loss or  
20 destruction of oil or gas resulting from evaporation,  
21 seepage, leakage or fire, especially such loss or  
22 destruction incident to or resulting from the escape of  
23 gas into the open air in excessive or unreasonable  
24 amounts, provided, however, it shall not be unlawful for  
25 the operator or owner of any well producing both oil and  
26 gas to burn such gas in flares when such gas is, under the

1 other provisions of this Act, lawfully produced, and where  
2 there is no market at the well for such escaping gas; and  
3 where the same is used for the extraction of casinghead  
4 gas, it shall not be unlawful for the operator of the plant  
5 after the process of extraction is completed, to burn such  
6 residue in flares when there is no market at such plant for  
7 such residue gas;

8 (6) permitting unnecessary fire hazards;

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

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

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

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

26 "Temporary abandonment status" means a well that has

1 received an authorization for temporary abandonment status  
2 from the Department and is in compliance with the  
3 administrative rules for temporary abandonment status.

4 (Source: P.A. 99-78, eff. 7-20-15.)

5 (225 ILCS 725/6) (from Ch. 96 1/2, par. 5409)

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

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

17 (2) To require the person desiring or proposing to  
18 drill, deepen or convert any well for the exploration or  
19 production of oil or gas, for injection or water supply in  
20 connection with enhanced recovery projects, for the  
21 disposal of salt water, brine, or other oil or gas field  
22 wastes, or for input, withdrawal, or observation in  
23 connection with the storage of natural gas or other liquid  
24 or gaseous hydrocarbons before commencing the drilling,  
25 deepening or conversion of any such well, to make

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

15 Additionally, each applicant who has not been issued a  
16 permit that is of record on the effective date of this  
17 amendatory Act of 1991, or who has not thereafter made  
18 payments of assessments under Section 19.7 of this Act for  
19 at least 2 consecutive years preceding the application,  
20 shall execute, as principal, and file with the Department  
21 a bond, executed by a surety authorized to transact  
22 business in this State, in an amount estimated to cover  
23 the cost of plugging the well and restoring the well site,  
24 but not to exceed \$5000, as determined by the Department  
25 for each well, or a blanket bond in an amount not to exceed  
26 \$100,000 for all wells, before drilling, deepening,



1 converting, or operating any well for which a permit is  
2 required that has not previously been plugged and  
3 abandoned in accordance with the Act. The Department shall  
4 release the bond if the well, or all wells in the case of a  
5 blanket bond, is not completed but is plugged and the well  
6 site restored in accordance with the Department's rules or  
7 is completed in accordance with the Department's rules and  
8 the permittee pays assessments to the Department in  
9 accordance with Section 19.7 of this Act for 2 consecutive  
10 years.

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

15 The sureties on all bonds in effect on the effective  
16 date of this amendatory Act of 1991 shall remain liable as  
17 sureties in accordance with their undertakings until  
18 released by the Department from further liability under  
19 the Act. The principal on each bond in effect on the  
20 effective date of this amendatory Act of 1991 shall be  
21 released from the obligation of maintaining the bond if  
22 either the well covered by a surety bond has been plugged  
23 and the well site restored in accordance with the  
24 Department's rules or the principal of the surety has paid  
25 the initial assessment in accordance with Section 19.7 and  
26 no well or well site covered by the surety bond is in

1 violation of the Act.

2 No permit shall be issued to a corporation  
3 incorporated outside of Illinois until the corporation has  
4 been authorized to do business in Illinois.

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

10 (3) To require the person assigning, transferring, or  
11 selling any well for which a permit is required under this  
12 Act to notify the Department of the change of ownership.  
13 The notification shall be on a form prescribed by the  
14 Department, shall be executed by the current permittee and  
15 by the new permittee, or their authorized representatives,  
16 and shall be filed with the Department within 30 days  
17 after the effective date of the assignment, transfer or  
18 sale. Within the 30 day notification period and prior to  
19 operating the well, the new permittee shall pay the  
20 required well transfer fee and, where applicable, file  
21 with the Department the bond required under subsection (2)  
22 of this Section.

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

1 report with the Department within 30 days after the date  
2 of first production following initial drilling or any  
3 reworking, or after the plugging of the well, if a dry  
4 hole. A copy of each completion report submitted to the  
5 Department shall be delivered to the State Geological  
6 Survey. The Department and the State Geological Survey  
7 shall keep the reports confidential, if requested in  
8 writing by the permittee, for 2 years after the date the  
9 permit is issued by the Department. This confidentiality  
10 requirement shall not prohibit the use of the report for  
11 research purposes, provided the State Geological Survey  
12 does not publish specific data or identify the well to  
13 which the completion report pertains.

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

17 (6) To prevent fires.

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

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

24 (9) To regulate or prohibit the use of vacuum.

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 (20) To create, by administrative rule, the

1 authorization criteria, fees, maintenance requirements,  
2 and monitoring rules for an authorization for temporary  
3 abandonment status.

4 (21) To create, by administrative rule, the permit  
5 criteria, fees, and maintenance requirements for an oil  
6 lease road permit where the road is located on a well  
7 lease.

8 For the purposes of this Act, the State Geological Survey  
9 shall co-operate with the Department in making available its  
10 scientific and technical information on the oil and gas  
11 resources of the State, and the Department shall in turn  
12 furnish a copy to the State Geological Survey of all drilling  
13 permits as issued, and such other drilling and operating data  
14 received or secured by the Department which are pertinent to  
15 scientific research on the State's mineral resources.

16 (Source: P.A. 86-205; 86-364; 86-1177; 87-744.)

17 (225 ILCS 725/8c) (from Ch. 96 1/2, par. 5414.1)

18 Sec. 8c. (a) No person shall operate a liquid oil field  
19 waste transportation system without a liquid oil field waste  
20 transportation permit. The liquid oil field waste transporter  
21 assumes legal responsibility for the liquid oil field waste  
22 when it first enters the liquid oil field waste transportation  
23 system, until it is disposed of in a manner authorized and  
24 approved by the Department.

25 (b) No person shall engage, employ or contract with any

1 other person except a permittee under this Section, to remove  
2 liquid oil field waste from his premises.

3 (c) Every person who engages, employs or contracts with  
4 any other person to remove liquid oil field waste from his  
5 premises shall maintain detailed records of all such liquid  
6 oil field waste removal effectuated on forms provided by the  
7 Department and shall submit such information in such detail  
8 and with such frequency, as the Department may require.

9 (d) Before engaging in the business of removing liquid oil  
10 field waste from the on-site collection point, a person shall  
11 apply for and obtain a permit from the Department. The  
12 application shall be accompanied by a permit fee of \$300 ~~\$100~~  
13 and by a surety bond covering the period and any renewal  
14 thereof for which the permit is issued by a surety company  
15 registered in the State, to indemnify the Department for the  
16 abatement of pollution of waters which result from any  
17 improper disposal of liquid oil field waste by the permittee.  
18 The bonds shall be \$10,000. The Department shall be the  
19 obligee and the bond shall be for the benefit and purpose to  
20 indemnify the State for the elimination of harmful or nuisance  
21 conditions and for the abatement of any pollution of waters  
22 which result from the improper disposal of liquid oil field  
23 waste by the permittee.

24 In lieu of the surety bond, the applicant may provide  
25 cash, certificates of deposit, or irrevocable letters of  
26 credit under such terms and conditions as the Department may

1 provide by rule.

2 The surety of any bond posted for the issuance of a liquid  
3 oil field waste transportation permit, upon 30 days notice in  
4 writing to the Department and to the permittee, may cancel any  
5 such bond, but such cancellation shall not affect any rights  
6 which shall have accrued on the bond before the effective date  
7 of the cancellation.

8 (e) If the Department, after such investigation as it  
9 deems necessary, is satisfied that the applicant has the  
10 qualifications, experience, reputation, and equipment to  
11 perform the services in a manner not detrimental to the public  
12 interest, in a way that will not cause unlawful pollution of  
13 the waters of the State and meets the bonding requirements of  
14 subsection (d), it shall issue a permit to the applicant.

15 (f) (1) All trucks or other vehicles used to transport or  
16 carry liquid oil field waste shall carry a permit issued  
17 by the Department for inspection by its representative or  
18 any law enforcement agent. The application for the vehicle  
19 permit shall state the make, model and year of the vehicle  
20 as well as the capacity of the tank used in transporting  
21 liquid oil field waste and such other information as the  
22 Department requires. Each application shall be accompanied  
23 by a biennial permit fee of \$100 for each vehicle sought to  
24 be licensed, payable to the State, and if the Department,  
25 after such investigation as it deems necessary, finds the  
26 truck or vehicle and equipment is proper and adequate for



1 the purpose, it shall issue a permit for the use of the  
2 vehicle. The permit is not transferable from one vehicle  
3 to another. The vehicle permit number shall be printed on  
4 a decal furnished by the Department which shall designate  
5 the years for which the permit was issued. This decal  
6 shall be affixed to the upper right hand corner of the  
7 inside of the windshield.

8 (2) All vehicle permits shall be valid for 2 years.  
9 Application for renewal of a permit must be made 30 days  
10 prior to the expiration date of the permit. The fee for  
11 renewal shall be the same as for the original permit.

12 (g) (1) The tank shall be kept tightly closed in transit,  
13 to prevent the escape of contents.

14 (2) The permittee shall dispose of all liquid oil  
15 field waste in conformance with the provisions of this  
16 Section.

17 (3) The permittee shall not dispose of liquid oil  
18 field waste onto or into the ground except at locations  
19 specifically approved and permitted by the Department. No  
20 liquid oil field waste shall be placed in a location where  
21 it could enter any public or private drain, pond, stream  
22 or other body of surface or ground water.

23 (h) Any person who violates or refuses to comply with any  
24 of the provisions of this Section shall be subject to the  
25 provisions of Sections 8a and 19.1 of this Act. In addition,  
26 any person who gathers, handles, transports, or disposes of

1 liquid oil field waste without a liquid oil field waste  
2 transportation permit or utilizes the services of an  
3 unpermitted person shall upon conviction thereof by a court of  
4 competent jurisdiction be fined not less than \$2,000 for a  
5 violation and costs of prosecution, and in default of payment  
6 of fine and costs, imprisoned for not less than 10 days nor  
7 more than 30 days. When the violation is of a continuing  
8 nature, each day upon which a violation occurs is a separate  
9 offense.

10 (i) For the purposes of this Section:

11 (1) "Liquid oil field waste" means oil field brines,  
12 tank and pit bottom sediments, and drilling and completion  
13 fluids, to the extent those wastes are now or hereafter  
14 exempt from the provisions of Subtitle C of the federal  
15 Resource Conservation and Recovery Act of 1976.

16 (2) "Liquid oil field waste transportation system"  
17 means all trucks and other motor vehicles used to gather,  
18 handle or transport liquid oil field waste from the point  
19 of any surface on-site collection to any subsequent  
20 off-site storage, utilization or disposal.

21 (Source: P.A. 87-744.)

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, oil lease road, or an authorization for  
25 temporary abandonment status shall be accompanied by the

1 required fee, not to exceed \$1,000 ~~\$300~~, which the Department  
2 shall establish by rule. A fee not to exceed \$500 ~~of \$50~~ per  
3 well, as established by administrative rule, shall be paid by  
4 the new owner for each transfer of well ownership. The fee for  
5 a temporary abandonment status authorization shall be  
6 deposited in the Plugging and Restoration Fund. Except for the  
7 assessments required to be deposited in the Plugging and  
8 Restoration Fund under Section 19.7 of this Act and any other  
9 deposits required to be deposited in the Plugging and  
10 Restoration Fund under this Act, all fees assessed and  
11 collected under this Act shall be deposited in the Underground  
12 Resources Conservation Enforcement Fund. The monies deposited  
13 into the Plugging and Restoration Fund or the Underground  
14 Resources Conservation Enforcement Fund under this Section  
15 shall not be subject to administrative charges or chargebacks  
16 unless otherwise authorized by this Act.

17 (Source: P.A. 97-1136, eff. 1-1-13.)

18 (225 ILCS 725/19.1) (from Ch. 96 1/2, par. 5426)

19 Sec. 19.1. If, after notice and an opportunity for a  
20 hearing, the Department finds that a well drilled for the  
21 exploration, development, storage or production of oil or gas,  
22 or as injection, salt water disposal, salt water source,  
23 observation, and geological or structure test has been  
24 abandoned or is leaking salt water, oil, gas or other  
25 deleterious substances into any fresh water formation or onto

1 the surface of the land in the vicinity of the well, or is in  
2 violation of the administrative rules regarding temporary  
3 abandonment status, the Department shall issue an order that  
4 the well be properly plugged, replugged or repaired to remedy  
5 such situation. If the permittee fails to do so within 30 days  
6 from the date of the order, then any person duly authorized by  
7 the Department may enter upon the land on which the well is  
8 located and plug, replug, or repair the well as may be  
9 reasonably required to remedy the condition. The costs and  
10 expenses incurred by the Department under this Act shall be a  
11 debt due by the permittee to the Department together with  
12 interest at the rate set forth in Section 2-1303 of the Code of  
13 Civil Procedure. The permittee's failure to comply with the  
14 Department's order is a violation of this Act.

15 If the Department determines that any condition or  
16 practice exists, or that any person or permittee is in  
17 violation of any requirement of this Act or the rules adopted  
18 hereunder or any permit condition, which condition, practice  
19 or violation creates an imminent danger to the health or  
20 safety of the public, or an imminent danger of significant  
21 environmental harm or significant damage to property, any  
22 authorized employee or agent of the Department may order the  
23 immediate cessation of operation. If a responsible party  
24 cannot be readily located in the judgment of the employee or  
25 agent issuing the order, the employee or agent may take any  
26 action he deems necessary to cause a cessation of operations

1 and abatement of any condition. The cessation order shall be  
2 served by mailing it certified mail-return receipt requested  
3 to the last known address of the person or permittee as soon as  
4 is practicably possible but in no event later than 5 days after  
5 its issuance.

6 Pending completion of the investigation and any hearing  
7 under Section 8a of this Act, the person or permittee may file  
8 with the Department a written request for temporary relief  
9 from the cessation order, together with a detailed statement  
10 giving reasons for granting such relief. The Department shall  
11 commence a hearing within 5 days after receipt of the request  
12 and may grant such relief, under such conditions as it may  
13 prescribe, if the applicant shows a substantial likelihood  
14 that the findings of the Department will be favorable to him  
15 and such relief will not adversely affect the health or safety  
16 of the public or cause significant environmental harm or  
17 significant damage to property.

18 (Source: P.A. 89-243, eff. 8-4-95.)

19 (225 ILCS 725/19.7) (from Ch. 96 1/2, par. 5430.2)

20 Sec. 19.7. The Department shall assess and collect annual  
21 well fees from each permittee in the amount of \$100 ~~\$75~~ per  
22 well for the first 100 wells and a \$75 ~~\$50~~ fee for each well in  
23 excess of 100 for which a permit is required under this Act.

24 Fees shall be assessed for each calendar year commencing  
25 in 1991 for all wells of record as of July 1, 1991 and July 1

1 of each year thereafter. The fees assessed by the Department  
2 under this Section are in addition to any other fees required  
3 by law. All fees assessed under this Section shall be  
4 submitted to the Department no later than 30 days from the date  
5 listed on the annual fee assessment letter sent to the  
6 permittee. Of the fees assessed and collected by the  
7 Department each year under this Section, 50% shall be  
8 deposited into the Underground Resources Conservation  
9 Enforcement Fund, and 50% shall be deposited into the Plugging  
10 and Restoration Fund unless, total fees assessed and collected  
11 for any calendar year exceed \$1,500,000; then, \$750,000 shall  
12 be deposited into the Underground Resources Conservation  
13 Enforcement Fund and the balance of the fees assessed and  
14 collected shall be deposited into the Plugging and Restoration  
15 Fund. Upon request of the Department to the Comptroller and  
16 Treasurer, the Comptroller and Treasurer shall make any  
17 interfund transfers necessary to effect the allocations  
18 required by this Section.

19 The monies deposited into the Plugging and Restoration  
20 Fund or the Underground Resources Conservation Enforcement  
21 Fund under this Section shall not be subject to administrative  
22 charges or chargebacks unless otherwise authorized by this  
23 Act.

24 (Source: P.A. 97-1136, eff. 1-1-13.)