



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1378

Introduced 2/20/2015, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

225 ILCS 725/19.1

from Ch. 96 1/2, par. 5426

Amends the Illinois Oil and Gas Act. In provisions concerning hearings with regard to a finding of the Department of Natural Resources' that a well has been abandoned or is leaking salt water, oil, gas, or other deleterious substances into any fresh water formation or onto the surface of the land in the vicinity of the well, provides that the notice of hearing shall consist of written notice served to the permittee personally or by certified mail sent to the permittee's last known address. Provides that if the Department determines that the permittee resides or has gone out of this State or, on due inquiry, cannot be found or is concealed within the State so that process cannot be served upon him or her, the Department may cause publication to be made in some newspaper published in the county in which the well is located, and, if there is no newspaper published in that county, then the publication shall be in a newspaper published in the adjoining county in this State having a circulation in the county in which action is pending. Provides that, in addition, the Department may cause notice of hearing to be posted at the tank battery located on the lease containing the well at issue for at least 30 days prior to the scheduled date of the hearing. Requires the publication to contain notice of the pendency of the hearing, the name of the permittee, the name of the well, the names of the parties to be served by publication, and the date on or after which the default may be entered against the party. Requires that the Department also, within 10 days of the first publication of the notice of posting at the tank battery, send a copy of the publication by mail to the permittee's last known place of residence.

LRB099 10502 AMC 30729 b

FISCAL NOTE ACT
MAY APPLY

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 Illinois Oil and Gas Act is amended by
5 changing Section 19.1 as follows:

6 (225 ILCS 725/19.1) (from Ch. 96 1/2, par. 5426)

7 Sec. 19.1. If, after notice and an opportunity for a
8 hearing, the Department finds that a well drilled for the
9 exploration, development, storage or production of oil or gas,
10 or as injection, salt water disposal, salt water source,
11 observation, and geological or structure test has been
12 abandoned or is leaking salt water, oil, gas or other
13 deleterious substances into any fresh water formation or onto
14 the surface of the land in the vicinity of the well, the
15 Department shall issue an order that the well be properly
16 plugged, replugged or repaired to remedy such situation. Notice
17 under this Section shall consist of written notice served to
18 the permittee personally or by certified mail sent to the
19 permittee's last known address. If the Department determines
20 that the permittee resides or has gone out of this State or, on
21 due inquiry, cannot be found or is concealed within the State
22 so that process cannot be served upon him or her, the
23 Department may cause publication to be made in some newspaper

1 published in the county in which the well is located. If there
2 is no newspaper published in that county, then the publication
3 shall be in a newspaper published in the adjoining county in
4 this State having a circulation in the county in which action
5 is pending. In addition, the Department may cause notice of
6 hearing to be posted at the tank battery located on the lease
7 containing the well at issue for at least 30 days prior to the
8 scheduled date of the hearing. The publication shall contain
9 notice of the pendency of the hearing, the name of the
10 permittee, the name of the well, the names of the parties to be
11 served by publication, and the date on or after which the
12 default may be entered against the party. The Department shall
13 also, within 10 days of the first publication of the notice of
14 posting at the tank battery, send a copy of the publication by
15 mail to the permittee's last known place of residence. The
16 certificate that the Director or his or her representative has
17 sent the copy in accordance with this Section is evidence that
18 he or she has done so. If the permittee fails to do so within 30
19 days from the date of the order, then any person duly
20 authorized by the Department may enter upon the land on which
21 the well is located and plug, replug, or repair the well as may
22 be reasonably required to remedy the condition. The costs and
23 expenses incurred by the Department under this Act shall be a
24 debt due by the permittee to the Department together with
25 interest at the rate set forth in Section 2-1303 of the Code of
26 Civil Procedure. The permittee's failure to comply with the

1 Department's order is a violation of this Act.

2 If the Department determines that any condition or practice
3 exists, or that any person or permittee is in violation of any
4 requirement of this Act or the rules adopted hereunder or any
5 permit condition, which condition, practice or violation
6 creates an imminent danger to the health or safety of the
7 public, or an imminent danger of significant environmental harm
8 or significant damage to property, any authorized employee or
9 agent of the Department may order the immediate cessation of
10 operation. If a responsible party cannot be readily located in
11 the judgment of the employee or agent issuing the order, the
12 employee or agent may take any action he deems necessary to
13 cause a cessation of operations and abatement of any condition.
14 The cessation order shall be served by mailing it certified
15 mail-return receipt requested to the last known address of the
16 person or permittee as soon as is practicably possible but in
17 no event later than 5 days after its issuance.

18 Pending completion of the investigation and any hearing
19 under Section 8a of this Act, the person or permittee may file
20 with the Department a written request for temporary relief from
21 the cessation order, together with a detailed statement giving
22 reasons for granting such relief. The Department shall commence
23 a hearing within 5 days after receipt of the request and may
24 grant such relief, under such conditions as it may prescribe,
25 if the applicant shows a substantial likelihood that the
26 findings of the Department will be favorable to him and such

1 relief will not adversely affect the health or safety of the
2 public or cause significant environmental harm or significant
3 damage to property.

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