



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 630

2 AMENDMENT NO. _____. Amend Senate Bill 630 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Oil and Gas Act is amended by
5 adding Sections 29 and 30 as follows:

6 (225 ILCS 725/29 new)

7 Sec. 29. Horizontal hydraulic fracturing moratorium.

8 (a) As used in this Section and Section 30:

9 "Hydraulic fracturing" means the injection under
10 pressure of any combination of fluids, gases, gels, or
11 other materials into an underground geologic formation for
12 the purpose of extracting gas, oil, or other hydrocarbons.

13 "Horizontal" means a deviation in a well's
14 construction more than 100 feet laterally from the vertical
15 line extending straight downward from the point of
16 penetration at the surface of the wellbore.

1 (b) No person shall conduct horizontal hydraulic
2 fracturing operations in this State. It is the express purpose
3 of this Section and Section 30 of this Act, that a moratorium
4 on horizontal hydraulic fracturing operations in this State
5 shall continue until the General Assembly determines that
6 Illinois has implemented and has the ability to enforce rules
7 to protect the environment, public health, homes, and
8 livelihoods from the harms otherwise likely to be caused by
9 horizontal hydraulic fracturing. Any subsequent legislation
10 regarding horizontal hydraulic fracturing operations in this
11 State shall be informed by the findings and recommendations of
12 the Hydraulic Fracturing Task Force under Section 30 of this
13 Act.

14 (225 ILCS 725/30 new)

15 Sec. 30. The Hydraulic Fracturing Task Force.

16 (a) There is hereby created the Hydraulic Fracturing Task
17 Force.

18 (b) The Task Force shall conduct a thorough, scientific,
19 and public investigation reviewing, assessing, and addressing
20 the potential dangers, environmental effects, and
21 socio-economic costs of hydraulic fracturing (including wear,
22 tear, and repair) to public health, private property, air
23 quality, and water availability including issues of supply
24 scarcity, water quality, public lands, livestock, wildlife,
25 seismic vulnerability and preparedness, and public ways (such

1 as roadways and highways); to assess the overall local and
2 regional potential economic gains, losses, or both; and to
3 consider issues of community integrity, including issues of
4 self-determination.

5 (c) The Task Force shall perform a thorough review of all
6 relevant and available scientific studies pertaining to
7 hydraulic fracturing throughout the United States, including
8 those conducted by state governments, universities in the
9 United States and elsewhere, and reputable environmental and
10 industry institutions. The Task Force shall also conduct a
11 significant review of all regulations of hydraulic fracturing
12 operations in all the states and in known localities throughout
13 the United States.

14 (d) The Task Force shall gather information, review
15 studies, evaluate testimony, and consider and summarize
16 written comments received, and shall make written findings and
17 recommendations regarding the economic and technological
18 feasibility and reasonableness of conducting hydraulic
19 fracturing in this State, as well as the potential
20 environmental and health impacts from this activity.

21 (e) The Task Force shall identify and recommend any areas
22 requiring further inquiry, study, or investigation and shall
23 make recommendations, based on the evidence gathered, with
24 respect to any prospective horizontal hydraulic fracturing
25 operations in this State, consistent with the purpose set forth
26 in subsection (b) of Section 29 of this Act.

1 (f) The Task Force shall gather information, including
2 through public comments and public hearings, and shall, upon
3 gathering all information available, make written findings and
4 recommendations to the General Assembly and the Governor,
5 including, but not limited to, investigation, findings, and
6 recommendations concerning the following:

7 (1) the protection of the State's water resources,
8 including the identification of potential contaminants,
9 potential sources of environmental contamination,
10 potential for migration of contaminants to surface and
11 ground water resources, expected rate of water usage and
12 its impact on aquifers, private wells, and public sources
13 of drinking water, and potential health risks from any
14 identified risks of contamination of water resources;

15 (2) potential impacts to agriculture, tourism, and
16 other industries, such as the wine producing industry;

17 (3) potential impacts to wildlife and natural
18 resources;

19 (4) potential chemicals used in hydraulic fracturing
20 fluid and the safety and health implications of the use of
21 these chemicals and the potential use of inert tracer
22 chemicals to identify hydraulic fracturing fluid that has
23 migrated;

24 (5) potential air emissions, including identifying
25 potential air pollutants, point and nonpoint sources of
26 releases of contaminants to the air, and recommended

1 controls, monitoring, and regulation for these potential
2 emissions;

3 (6) potential areas of regulation, including
4 recommendations as to proper equipment standards,
5 operating practices, set back requirements, environmental
6 monitoring and sampling, the handling, storage, and
7 disposal of hydraulic fracturing fluid, flowback, and any
8 and all waste water and solid waste, including whether any
9 of this waste should be classified as hazardous waste or
10 radioactive waste, and any potential regulatory provisions
11 required to protect water and air resources and public and
12 private interests;

13 (7) identification of all risks, including effects on
14 seismic activities and recommendations regarding the same;

15 (8) potential permitting requirements for hydraulic
16 fracturing;

17 (9) potential concerns regarding the safeguarding of
18 proprietary information, including trade secret and
19 business confidential information;

20 (10) the practices of persons, sometimes referred to as
21 landmen, in the leasing, acquisition, or both of oil
22 rights, gas rights, mineral rights, subsurface rights, use
23 of a surface lands, or a combination thereof, from land
24 owners, including findings and recommendations for any
25 rules over these practices;

26 (11) identification and summarization of information

1 gathered at public hearings and in written comments from
2 interested persons regarding proposed hydraulic fracturing
3 operations in this State; and

4 (12) the propriety of procedures that may allow the
5 placement of a well pad, support equipment, and structures,
6 on land where the surface owner has not given express
7 consent, or that may allow drilling and fracturing to occur
8 underground where the surface owner has not given express
9 consent.

10 (g) The Hydraulic Fracturing Task Force shall consist of
11 the following members, with all appointments to the Task Force
12 to be made within 30 days after the effective date of this
13 amendatory Act of the 98th General Assembly:

14 (1) one member appointed by the Speaker of the House of
15 Representatives;

16 (2) one member appointed by the House of
17 Representatives Minority Leader;

18 (3) one member appointed by the President of the
19 Senate;

20 (4) one member appointed by the Senate Minority Leader;

21 (5) one member appointed by the Office of the Attorney
22 General;

23 (6) two members appointed by the Director of the
24 Department of Natural Resources, one of whom shall be
25 selected to represent public water systems;

26 (7) one member appointed by the Director of the

1 Illinois Environmental Protection Agency;

2 (8) two members representing environmental
3 organizations, one appointed by the Governor, and one
4 attorney appointed by the Attorney General;

5 (9) two members representing the oil and gas industry,
6 one appointed by the Governor, and one attorney appointed
7 by the Attorney General;

8 (10) one member representing Illinois business and
9 industrial interests appointed by the Governor;

10 (11) one member representing a statewide farm
11 organization appointed by the Director of the Illinois
12 Department of Agriculture;

13 (12) one member appointed by the Director of the
14 Illinois Department of Agriculture who holds a position as
15 a state conservationist;

16 (13) one member appointed by the United States
17 Department of Agriculture Natural Resource Conservation
18 Service;

19 (14) the Director of the Illinois Emergency Management
20 Agency or his or her designee;

21 (15) two members appointed by the Director of the
22 Illinois State Geological Survey, one of whom shall be a
23 hydrologist and one of whom shall be a geologist;

24 (16) one member appointed by the Governor from the
25 Illinois Stewardship Alliance;

26 (17) the Director of the Illinois Department of

1 Insurance or his or her designee;

2 (18) the Director of the Illinois Office of Tourism or
3 his or her designee;

4 (19) one member appointed by the Governor representing
5 an environmental group working for the conservation of the
6 Shawnee National Forest;

7 (20) one member appointed by the Illinois Pollution
8 Control Board;

9 (21) one member appointed by the Board of the Illinois
10 Association of Groundwater Professionals;

11 (22) one member appointed by the Lieutenant Governor
12 from the Southern Illinois Farming Network;

13 (23) the Director of the Illinois Department of Public
14 Health or his or her designee;

15 (24) one member appointed by the Governor from the
16 Illinois Public Health Association;

17 (25) one member appointed by the Illinois State Board
18 of Higher Education, representing a school of public health
19 of a state university within this State;

20 (26) one member appointed by the Governor representing
21 a statewide municipal organization; and

22 (27) one member appointed by the Governor representing
23 a statewide county organization.

24 (h) The members of the Task Force shall designate a
25 chairperson upon their first meeting, which shall take place no
26 later than 90 days after the effective date of this amendatory

1 Act of the 98th General Assembly.

2 (i) The Task Force shall conduct monthly or bi-monthly
3 meetings, conference calls, or both, and shall conduct at least
4 3 public hearings, which shall be held at geographically
5 convenient locations around the State, before filing its final
6 written findings and recommendations in accordance with this
7 Section. These hearings shall be determined by the Task Force
8 on a schedule that is publicly announced in area newspapers,
9 State buildings, websites, and other media no less than 3 weeks
10 in advance of each hearing and in local newspapers no more than
11 3 months in advance of any given hearing in that geographic
12 area. These hearings may be continued if all persons could not
13 be heard, and all hearings shall be completed at least 3 months
14 prior to the time for submission of the final written findings
15 and recommendations.

16 (j) At the public hearings, the Task Force shall allow
17 interested persons to present their views and comments and to
18 present any written literature, statements, articles, or
19 comments. Transcripts of all hearings shall be made available
20 to the Task Force and the public. Based on attendance and time
21 frames, the Task Force may set limits for the time each speaker
22 may comment, but in no event shall less than 5 minutes be
23 allowed per speaker and any speaker with technical or
24 scientific credentials shall be given deference to testify at
25 least 15 minutes or more. Equal time shall be given to all
26 expert presentations of evidence and concerns.

1 (k) The members of the Task Force shall receive no
2 compensation for their services on the Task Force, but shall be
3 reimbursed for any ordinary and necessary expenses incurred in
4 the performance of their duties, including reimbursement for
5 mileage. The Task Force members may divide responsibilities as
6 appropriate for the subject matter and as determined by
7 majority vote of the Task Force or as given to the Chairman by
8 a majority vote of the members. However, any member may
9 investigate or inquire as to any issue listed in subsection (f)
10 of this Section.

11 (l) The Department of Natural Resources and the Illinois
12 Environmental Protection Agency shall each provide at least one
13 full-time person to provide administrative staff support to the
14 Task Force, as needed.

15 (m) All documents gathered by the Task Force shall be a
16 public record and shall be made available as conveniently as
17 possible for review by the public in as timely a manner as
18 practicable, including making all information available in
19 electronic form, through a website, or both.

20 (n) The Task Force shall provide its written findings and
21 recommendations to the General Assembly and the Governor no
22 later than 2 years after the effective date of this amendatory
23 Act of the 98th General Assembly. The public record of
24 documents, comments, and transcripts shall also be made
25 available in electronic form or on a website. Individual
26 members or any groups of members may file separate findings and

1 recommendations or dissents on particular issues, but
2 consensus of the entire Task Force is encouraged and all
3 findings and recommendations by the entire Task Force shall be
4 identified in the final written report.

5 (o) This Section 30 is repealed on December 31, 2015.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".