

SB3326



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3326

Introduced 2/14/2014, by Sen. Ira I. Silverstein

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.

LRB098 19588 MGM 54780 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 ~~well~~
14 ~~bores~~ within 1,500 ~~750~~ feet of any part of the horizontal
15 wellbore ~~well bore~~ that penetrated within 400 vertical feet
16 of the formation that will be stimulated as part of the
17 high volume horizontal hydraulic fracturing operations or
18 horizontal drilling 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 Illinois State Geological Survey
4 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 and 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 and 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: (A)
14 approval or denial of the request for consent, (B) further
15 local investigations, studies, expert opinions and
16 consultations; (C) accidents, blow outs, fires, incidents,
17 violations, fines, public health notices, noise alerts,
18 traffic pattern alerts, traffic accidents, crime alerts,
19 and emergency planning, and (D) notices about water
20 contamination, diminution, air pollution, and induced
21 seismicity and radioactivity levels. This information
22 shall be posted on the Internet website of the county board
23 or governing body and shall clearly state that it relates
24 to the well site and fracturing operations.

25 (13) The county board or governing body that is
26 considering the approval or denial of a request for consent

1 for a well site and fracturing operations within its
2 jurisdiction shall deliberate on all of the information
3 provided to it from each of the State agencies and shall
4 determine the following:

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

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

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

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

23 (E) whether the well site and fracturing
24 operations are located and proposed to be operated in a
25 way that minimizes the danger to the surrounding area
26 from fire, spills, blowouts, traffic accidents,

1 induced seismicity, radioactivity exposure, excessive
2 and dangerous noise levels, light pollution, water
3 contamination, or other operational accidents;

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

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

19 (14) The county board or the governing body of the
20 city, village, or incorporated town shall also consider as
21 evidence the previous operating experience and past record
22 of convictions or admissions of violations of the applicant
23 for the permit for a well site, and any subsidiary or
24 parent corporation, in the field of high volume hydraulic
25 fracturing or horizontal drilling with fracturing
26 operations.

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

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

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

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

1 any information obtained from the consultations with the
2 Department and other State agencies. The report shall
3 include the reasons that the county board or governing body
4 is considering approval or denial of the request to consent
5 to the well site and fracturing operations.

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

12 (20) Once a permit is issued, the county board or
13 governing body shall consult with the Department and local
14 emergency personnel, including the Department of State
15 Police, once every 4 months regarding the progress of the
16 application and fracturing operations at the well site, any
17 ongoing emergency or traffic management issues, ongoing
18 public health issues, and any ongoing production issues
19 until production has ended at that well site and the site
20 has been remediated and the well has been capped. The
21 county board or governing body shall update its Internet
22 website or otherwise inform the public regarding these
23 updates about the well site, fracturing operations, and
24 production operations every 6 months.

25 (21) In the event that an amended location is selected,
26 the original permit and certified signed consent shall be

1 invalid. A new certified consent, including compliance
2 with all provisions of this Section, shall be filed for the
3 amended location.

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

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

19 (f) Each application submitted under this Act shall be
20 signed, under the penalty of perjury, by the applicant or the
21 applicant's designee who has been vested with the authority to
22 act on behalf of the applicant and has direct knowledge of the
23 information contained in the application and its attachments.
24 Any person signing an application shall also sign an affidavit
25 with the following certification:

26 "I certify, under penalty of perjury as provided by law

1 and under penalty of refusal, suspension, or revocation of
2 a high volume horizontal hydraulic fracturing or
3 horizontal drilling with fracturing permit, that this
4 application and all attachments are true, accurate, and
5 complete to the best of my knowledge.".

6 (g) The permit application shall be submitted to the
7 Department in both electronic and hard copy format. The
8 electronic format shall be searchable.

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

23 (i) Upon receipt of a permit application, the Department
24 shall have no more than 60 calendar days from the date it
25 receives the permit application to approve, with any conditions
26 the Department may find necessary, or reject the application

1 for the high volume horizontal hydraulic fracturing or
2 horizontal drilling with fracturing permit. The applicant may
3 waive, in writing, the 60-day deadline upon its own initiative
4 or in response to a request by the Department.

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

15 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

16 (225 ILCS 732/1-40)

17 Sec. 1-40. Public notice.

18 (a) Within 5 calendar days after the Department's receipt
19 of the completed high volume horizontal hydraulic fracturing or
20 horizontal drilling with fracturing application, the
21 Department shall post notice of its receipt and a copy of the
22 permit application on its website. The notice shall include the
23 dates of the public comment period and directions for
24 interested parties to submit comments.

25 (b) Within 5 calendar days after the Department's receipt

1 of the completed permit application and notice to the applicant
2 that the high volume horizontal hydraulic fracturing or
3 horizontal drilling with fracturing permit application was
4 received, the Department shall provide the Agency, the Office
5 of the State Fire Marshal, Illinois State Water Survey, the
6 Department of Public Health, the Illinois Emergency Management
7 Agency, and Illinois State Geological Survey with notice of the
8 application.

9 (c) The applicant shall provide the following public
10 notice:

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

21 (2) Except as otherwise provided in this paragraph (2)
22 of subsection (c), applicants shall provide general public
23 notice by publication, once each week for 2 consecutive
24 weeks, beginning no later than 3 calendar days after
25 submittal of the completed high volume horizontal
26 hydraulic fracturing or horizontal drilling with

1 fracturing permit application to the Department, in a
2 newspaper of general circulation published in each county
3 where the well proposed for high volume hydraulic
4 fracturing operations or horizontal drilling with
5 fracturing operations is proposed to be located.

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

18 (3) The specific and general public notices required
19 under this subsection shall contain the following
20 information:

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

22 (B) the date the application for a completed high
23 volume horizontal hydraulic fracturing or horizontal
24 drilling with fracturing permit was filed;

25 (C) the dates for the public comment period and a
26 statement that anyone may file written comments about

1 any portion of the applicant's submitted completed
2 high volume horizontal hydraulic fracturing or
3 horizontal drilling with fracturing permit application
4 with the Department during the public comment period;

5 (D) the proposed well name, reference number
6 assigned by the Department, and the address and legal
7 description of the well site and its unit area;

8 (E) a statement that the information filed by the
9 applicant in their application for a completed high
10 volume horizontal hydraulic fracturing or horizontal
11 drilling with fracturing permit is available from the
12 Department through its website;

13 (F) the Department's website and the address and
14 telephone number for the Department's Oil and Gas
15 Division;

16 (G) a statement that any person having an interest
17 that is or may be adversely affected, any government
18 agency that is or may be affected, or the county board
19 of a county to be affected under a proposed permit, may
20 file written objections to a permit application and may
21 request a public hearing.

22 (d) After providing the public notice as required under
23 paragraph (2) of subsection (c) of this Section, the applicant
24 shall supplement its permit application by providing the
25 Department with a certification and documentation that the
26 applicant fulfilled the public notice requirements of this

1 Section. The Department shall not issue a permit until the
2 applicant has provided the supplemental material required
3 under this subsection.

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

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

13 (225 ILCS 732/1-45)

14 Sec. 1-45. Public comment periods.

15 (a) The public comment period shall begin 7 calendar days
16 after the Department's receipt of the completed permit
17 application with any and all required information officially
18 submitted to the Department. The public comment period shall
19 ~~and~~ last for 60 ~~30~~ calendar days.

20 (b) Where a public hearing is conducted under Section 1-50
21 of this Act, the Department shall ~~may~~ provide for an additional
22 public comment period of 20 ~~15~~ days ~~as necessary~~ to allow for
23 comments in response to evidence and testimony presented at the
24 hearing. The additional public comment period shall be added to
25 the original 60-day public comment period for a total of 80

1 ~~days begin on the day after the public hearing.~~

2 (c) During any public comment period, any person may file
3 written comments to the Department concerning any portion of
4 the permit application and any issue relating to the
5 applicant's compliance with the requirements of the Act and any
6 other applicable laws.

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

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

11 (225 ILCS 732/1-50)

12 Sec. 1-50. High volume horizontal hydraulic fracturing or
13 horizontal drilling with fracturing operations permit;
14 hearing.

15 (a) When a permit application is submitted to conduct high
16 volume horizontal hydraulic fracturing operations or
17 horizontal drilling with fracturing operations for the first
18 time at a particular well site, any person having an interest
19 that is or may be adversely affected, any government agency
20 that is or may be affected, or the county board of a county to
21 be affected under a proposed permit, may file written
22 objections to the permit application and may request a public
23 hearing during the public comment period established under
24 subsection (a) of Section 1-45 of this Act. The request for
25 hearing shall contain a short and plain statement identifying

1 the person and stating facts demonstrating that the person has
2 an interest that is or may be adversely affected. The
3 Department shall hold a public hearing upon a request under
4 this subsection, unless the request is determined by the
5 Department to lack any adequate factual statement that the
6 person is or may be adversely affected ~~(i) lack an adequate~~
7 ~~factual statement that the person is or may be adversely~~
8 ~~affected or (ii) be frivolous.~~

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

25 (c) The public hearing to be conducted under this Section
26 shall comply with the contested case requirements of the

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

24 (d) At least 21 ~~10~~ calendar days before the date of the
25 public hearing, the Department shall publish notice of the
26 public hearing in a newspaper of general circulation published

1 in the county where the proposed well site will be located.

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