



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB3484

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

#### SYNOPSIS AS INTRODUCED:

225 ILCS 732/1-99.5 new

Amends the Hydraulic Fracturing Regulatory Act. Provides that on the effective date of the amendatory Act, the Department shall suspend accepting and approving any and all new permits for high volume horizontal fracturing wells and operations, horizontal drilling with fracturing operations, and Class II injection wells located in any of the 100-year floodplains in this State. Creates the Floodplain Investigative Task Force to investigate any and all adverse environmental and public health effects of the flooding in Colorado in 2013 and produce a fully-researched report. Sets forth provisions concerning the contents of the report, including recommendations to the General Assembly and the Governor for legislation to protect the public health and the environment from flood-related emergencies, blowouts, spillage, leakage, and damages associated with oil and natural gas wells, drilling operations, Class II injection wells, waste and wastewater containments, pipelines, infrastructure, chemicals, proppants, and byproducts. Sets forth Task Force membership. Requires the Task Force to submit its report to the General Assembly, the Governor, the Task Force on Hydraulic Fracturing Regulation, the Illinois State Water Survey, the Illinois Emergency Management Agency, the Department of Natural Resources, the Groundwater Advisory Council, the Illinois Association for Floodplain and Stormwater Management, and the Department of Public Health. Requires the Task Force to submit its report on or before July 1, 2015 and dissolves the Task Force on July 31, 2015. Repeals these provisions on August 1, 2015.

LRB098 19581 MGM 54773 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 Hydraulic Fracturing Regulatory Act is  
5 amended by adding Section 1-99.5 as follows:

6 (225 ILCS 732/1-99.5 new)

7 Sec. 1-99.5. Permit moratorium in floodplains; floodplain  
8 Investigative Task Force.

9 (a) The Department shall consult with the Illinois State  
10 Geological Survey to determine the exact map location of every  
11 100-year floodplain in this State, as delineated by the Federal  
12 Emergency Management Agency.

13 (b) On the effective date of this amendatory Act of the  
14 98th General Assembly, the Department shall suspend accepting  
15 and approving any and all new permits for high volume  
16 horizontal fracturing wells and operations, horizontal  
17 drilling with fracturing operations, and Class II injection  
18 wells located in any of the 100-year floodplains in this State,  
19 as delineated by the Federal Emergency Management Agency.

20 (c) The Floodplain Investigative Task Force is created for  
21 the purpose of investigating any and all adverse environmental  
22 and public health effects of the flooding in the state of  
23 Colorado in 2013 and producing a fully-researched report. The

1 Task Force shall consist of one member appointed by the  
2 Directors of each of the following: the Illinois Emergency  
3 Management Agency, the Illinois State Water Survey, the  
4 Groundwater Advisory Council, the Illinois Association for  
5 Floodplain and Stormwater Management, and the Department of  
6 Natural Resources. The member chosen by the Director of the  
7 Illinois Emergency Management Agency shall serve as  
8 Chairperson of the Task Force. Members shall serve without  
9 compensation and the Illinois Emergency Management Agency  
10 shall provide staffing, administrative, and financial support  
11 to the Task Force. The Task Force shall meet at least once per  
12 month, at the call of the Chairperson.

13 (d) The Task Force shall investigate the consequences of  
14 the flooding in the state of Colorado in 2013 on the following:

15 (1) the oil and natural gas wells, Class II injection  
16 wells, and the oil, liquid natural gas, and natural gas  
17 industry infrastructure, including pipelines;

18 (2) the spillage, leakage, fires, or blowouts of the  
19 oil and natural gas wells, fracturing waste and wastewater  
20 containment structures, including open pits, oil, liquid  
21 natural gas, and natural gas processing infrastructure,  
22 and transportation infrastructure, including pipelines;  
23 and

24 (3) the spillage, leakage, fires, or blowouts of  
25 chemicals, proppants, and byproducts and their  
26 containment, processing infrastructure, and transportation

1 infrastructure.

2 (e) The Task Force shall submit a report to the General  
3 Assembly, the Governor, the Task Force on Hydraulic Fracturing  
4 Regulation, the Illinois State Water Survey, the Illinois  
5 Emergency Management Agency, the Department of Natural  
6 Resources, the Groundwater Advisory Council, the Illinois  
7 Association for Floodplain and Stormwater Management, and the  
8 Department of Public Health. The report shall be made publicly  
9 available and posted to the Internet website maintained by the  
10 Illinois Emergency Management Agency and the Internet website  
11 maintained by the Department of Natural Resources.

12 The report shall include recommendations and conclusions  
13 on the following:

14 (1) the risks of drilling operations and extracting oil  
15 and natural gas in floodplains;

16 (2) the risks of drilling and operating Class II  
17 injection wells in floodplains;

18 (3) the use of fracturing waste or wastewater open pits  
19 in floodplains;

20 (4) flood-induced contamination of air, water, and  
21 soil from oil and natural gas extraction operations and  
22 waste disposal, as well as its clean-up and public health  
23 effects;

24 (5) emergency management recommendations during floods  
25 involving areas of oil and natural gas operations and  
26 infrastructure;

1           (6) flood-induced spillage and leakage from oil and  
2           natural gas wells;

3           (7) oil and natural gas infrastructure instability  
4           during floods;

5           (8) bonding requirements for oil and natural gas  
6           operations and infrastructure in floodplains;

7           (9) insurance requirements for oil and natural gas  
8           operations and infrastructure in floodplains;

9           (10) best practices for the oil and natural gas  
10           industry operating in floodplains; and

11           (11) any and all emergency management, transportation,  
12           and communication recommendations related to the oil and  
13           natural gas industry and their operations before, during,  
14           and after a flood.

15           The report shall also include recommendations to the  
16           General Assembly and Governor for legislation to protect the  
17           public health and the environment from flood-related  
18           emergencies, blowouts, spillage, leakage, and damages  
19           associated with oil and natural gas wells, drilling operations,  
20           Class II injection wells, waste and wastewater containments,  
21           pipelines, infrastructure, chemicals, proppants, and  
22           byproducts.

23           (f) The Task Force shall submit its report on or before  
24           July 1, 2015. The Task Force is dissolved on July 31, 2015.

25           (g) This Section is repealed on August 1, 2015.