**Section 245.410 Access Roads, Public Roads and Topsoil Conditions**

a) *The access road to the well site must be located in accordance with access rights* either obtained by agreement with the surface landowner or pursuant to *the* Drilling Operations Act [765 ILCS 530] *and located as far as practical from occupied structures, places of assembly, and property lines of unleased property* (Section 1-70(b)(1) of the Act).

b) *The improvement, construction, or repair of a publicly owned highway or roadway, if undertaken by the owner, operator, permittee, or any other private entity, shall be performed using bidding procedures outlined in the Illinois Department of Transportation rules governing local roads and streets or applicable bidding requirements outlined in the Illinois Procurement Code* [30 ILCS 500] *as though the project were publicly funded* (Section 1-70(b)(4) of the Act).

c) *Permittees shall employ practices for control of fugitive dust related to their operations. These practices shall include, but are not limited to, the use of speed restrictions, regular road maintenance, and restriction of construction activity during high-wind days. Additional management practices such as road surfacing, wind breaks and barriers, or automation of wells to reduce truck traffic may also be required by the Department*, in consultation with the Agency as the Department deems appropriate, *if technologically feasible and economically reasonable to minimize fugitive dust emissions.* (Section 1-75(e)(10) of the Act)

d) *Unless otherwise approved or directed by the Department, all topsoil* and subsoil *stripped to facilitate the construction of the well pad*, well site, *and access roads must be stockpiled, stabilized* to prevent erosion*, and remain on site*. Topsoil is the uppermost layer of soil with the darkest color or the highest content of organic matter. The topsoil shall be segregated from the subsoil. All soils shall *remain on site for use in either partial or final* restoration and *reclamation* pursuant to Subpart J. *In the event it is anticipated that the final reclamation shall take place in excess of one year from drilling the well, the topsoil may be disposed of in any lawful manner provided the* permittee *reclaims the site with topsoil of similar characteristics of the topsoil removed.* (Section 1-70(b)(2) of the Act)