



Rep. Jay Hoffman

Filed: 3/18/2022

10200SB3626ham001

LRB102 22745 AMQ 37670 a

1 AMENDMENT TO SENATE BILL 3626

2 AMENDMENT NO. _____. Amend Senate Bill 3626 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Solid Waste Site Operator Certification
5 Law is amended by changing Sections 1004, 1005, 1006, 1007,
6 1009, 1010, and 1011 as follows:

7 (225 ILCS 230/1004) (from Ch. 111, par. 7854)

8 Sec. 1004. Prohibition. Beginning January 1, 1992, no
9 person shall cause or allow the operation of a landfill
10 permitted or required to be permitted by the Agency unless the
11 landfill has on its operational staff at least one natural
12 person certified as competent by the Agency under the
13 provisions of this Act.

14 (a) For landfill sites which accept non-hazardous solid
15 waste ~~other than clean construction or demolition debris~~, the
16 landfill shall have a ~~Class A~~ Solid Waste Site Operator

1 certified by the Agency who is responsible for directing
2 landfill operations or supervising other operational staff in
3 performing landfill operations.

4 (b) (Blank). ~~For landfill sites which accept only clean~~
5 ~~construction or demolition debris, the landfill shall have a~~
6 ~~Class A or B Solid Waste Site Operator certified by the Agency~~
7 ~~who is responsible for directing landfill operations or~~
8 ~~supervising other operational staff in performing landfill~~
9 ~~operations.~~

10 (c) For landfill sites which accept special waste, the
11 landfill shall have a ~~Class A~~ Solid Waste Site Operator
12 certified by the Agency who has received a certification
13 endorsement for the acceptance of special waste and who is
14 responsible for directing landfill operations or supervising
15 other operational staff in performing landfill operations.

16 (Source: P.A. 86-1363.)

17 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

18 Sec. 1005. Agency authority. The Agency is authorized to
19 exercise the following functions, powers and duties with
20 respect to solid waste site operator certification:

21 (a) To conduct examinations, as well as to approve the
22 use of examinations conducted by third parties, to
23 ascertain the qualifications of applicants for
24 certificates of competency as solid waste site operators;

25 (b) To conduct courses of training on the practical

1 aspects of the design, operation and maintenance of
2 sanitary landfills;

3 (c) To issue a certificate to any applicant who has
4 satisfactorily met all the requirements pertaining to a
5 certificate of competency as a solid waste site operator;

6 (d) To suspend, revoke or refuse to issue any
7 certificate for any one or any combination of the
8 following causes:

9 (1) The practice of any fraud or deceit in
10 obtaining or attempting to obtain a certificate of
11 competency;

12 (2) Negligence or misconduct in the operation of a
13 sanitary landfill;

14 (3) Repeated failure to comply with any of the
15 requirements applicable to the operation of a sanitary
16 landfill, except for Board requirements applicable to
17 the collection of litter;

18 (4) Repeated violations of federal, State or local
19 laws, regulations, standards, or ordinances regarding
20 the operation of refuse disposal facilities or sites;

21 (5) For a holder of a certificate, conviction in
22 this or another State of any crime which is a felony
23 under the laws of this State or conviction of a felony
24 in a federal court; for an applicant, consideration of
25 such conviction shall be in accordance with Section
26 1005-1;

1 (6) Proof of gross carelessness or incompetence in
2 handling, storing, processing, transporting, or
3 disposing of any hazardous waste; or

4 (7) Being declared to be a person under a legal
5 disability by a court of competent jurisdiction and
6 not thereafter having been lawfully declared to be a
7 person not under legal disability or to have
8 recovered.

9 (e) To adopt rules necessary to perform its functions,
10 powers, and duties with respect to solid waste site
11 operator certifications.

12 (Source: P.A. 100-286, eff. 1-1-18.)

13 (225 ILCS 230/1006) (from Ch. 111, par. 7856)

14 Sec. 1006. Certification ~~classifications~~. Solid Waste Site
15 Operators shall be certified in accordance with the following
16 ~~classifications~~:

17 (a) ~~Class "A"~~ Solid Waste Site Operator certificates shall
18 be issued to those persons who in accordance with the
19 provisions of this Section demonstrate a practical working
20 knowledge of the design, operation, and maintenance of
21 sanitary landfills in the following areas:

22 (1) unloading, spreading, and compacting of waste,
23 litter collection, and vector abatement;

24 (2) traffic control of vehicles delivering waste;

25 (3) application, maintenance, and inspection of cover

1 and cover requirements under Board rules and Agency
2 permits;

3 (4) fire control, on-site personnel safety
4 requirements, and contingency plan implementation;

5 (5) leachate control operation, leachate management,
6 and landfill gas management;

7 (6) identification of classes of waste;

8 (7) causes for revocation or suspension of
9 certificates;

10 (8) reporting and recordkeeping required by Board and
11 Agency regulations and Agency permits;

12 (9) financial assurance and groundwater monitoring
13 requirements;

14 (10) development and implementation of contingency
15 plans, closure plans, post closure plans, and corrective
16 action; and

17 (11) requirements for payment of fees.

18 (b) ~~(Blank). Class "B" Solid Waste Operator Certificates~~
19 ~~shall be issued to those persons who demonstrate a practical~~
20 ~~working knowledge of the design, operation, and maintenance of~~
21 ~~landfill sites accepting only clean construction or demolition~~
22 ~~debris in the following areas:~~

23 ~~(1) unloading and spreading of waste;~~

24 ~~(2) traffic control of vehicles delivering waste;~~

25 ~~(3) application, maintenance, and inspection of cover~~

26 ~~and cover requirement under Board rules and Agency~~

1 ~~permits;~~

2 ~~(4) fire control, on-site personnel safety segments~~
3 ~~and contingency plan implementation;~~

4 ~~(5) leachate control operation and leachate~~
5 ~~management;~~

6 ~~(6) identification of classes of waste;~~

7 ~~(7) causes for revocation or suspension of~~
8 ~~certificates;~~

9 ~~(8) reporting and recordkeeping required by Board and~~
10 ~~Agency regulations and Agency permits;~~

11 ~~(9) financial assurance and groundwater requirements;~~
12 ~~and~~

13 ~~(10) development and implementation of contingency~~
14 ~~plans, closure plans, post closure plans, and corrective~~
15 ~~action.~~

16 (c) Special waste certificate endorsements shall be issued
17 to those persons who are certified as ~~Class A~~ Solid Waste Site
18 Operators in accordance with the provisions of this Section,
19 and who demonstrate a practical working knowledge of the
20 design, operation, and maintenance of sanitary landfills
21 relative to the acceptance and disposal of special wastes.

22 (Source: P.A. 86-1363.)

23 (225 ILCS 230/1007) (from Ch. 111, par. 7857)

24 Sec. 1007. Qualifications. Every solid waste site operator
25 certified by the Agency shall be capable of performing his

1 duties without endangering the public health or the
2 environment and without violating the requirements applicable
3 to operation of sanitary landfills; shall be able to read and
4 write English; shall produce evidence acceptable to the Agency
5 as to his ability to maintain and operate properly the
6 structures and equipment entrusted to his care; and shall
7 satisfactorily demonstrate to the Agency a practical working
8 knowledge of the design, operation, and maintenance of
9 sanitary landfills ~~appropriate to the classification for which~~
10 ~~certification is sought~~. In addition, persons shall be
11 certified as ~~Class "A" or Class "B"~~ based on level of
12 competency determined by examination and in accordance with
13 educational and experience levels as follows:

14 ~~(a) Class "A" Certificates.~~

15 (1) Graduation from high school or equivalent and not
16 less than 2 years of acceptable study, training, and
17 responsible experience in sanitary landfill operation or
18 management, or not less than 7 years of acceptable study
19 training and responsible experience in operation or
20 management of earth moving equipment; or

21 (2) Grammar school completion or equivalent and not
22 less than 15 years of acceptable study, training, and
23 responsible experience in sanitary landfill operation or
24 management.

25 ~~(b) Class "B" Certificates.~~

26 ~~(1) Graduation from high school or equivalent and not~~

1 ~~less than 6 months of acceptable study, training, and~~
2 ~~responsible experience in sanitary landfill operation or~~
3 ~~management, or not less than 3 years of acceptable study~~
4 ~~training and responsible experience in operation or~~
5 ~~management of earth moving equipment; or~~

6 ~~(2) Grammar school completion or equivalent and not~~
7 ~~less than 5 years of acceptable study, training, and~~
8 ~~responsible experience in sanitary landfill operation or~~
9 ~~management.~~

10 (Source: P.A. 86-1363.)

11 (225 ILCS 230/1009) (from Ch. 111, par. 7859)

12 Sec. 1009. Examinations.

13 (a) Applicants shall undergo examinations ~~Examinations~~
14 ~~provided~~ or approved by the Agency ~~shall be given to~~
15 ~~applicants~~ for the purpose of determining if the applicants
16 can demonstrate a practical working knowledge of the design,
17 operation, and maintenance of sanitary landfills ~~appropriate~~
18 ~~to the classification for which certification is sought.~~ No
19 certificate shall be issued prior to successful completion of
20 the applicable examination.

21 (b) Examinations ~~shall be~~ conducted or approved by the
22 Agency, ~~and~~ shall be held not less frequently than annually.
23 The Agency shall maintain on its website information regarding
24 the examinations, ~~at times and places prescribed by the~~
25 ~~Agency, of which applicants shall be notified in writing.~~

1 (Source: P.A. 86-1363.)

2 (225 ILCS 230/1010) (from Ch. 111, par. 7860)

3 Sec. 1010. Certificates.

4 (a) The Solid Waste Site Operator Certificate shall
5 certify the competency of the applicant ~~within the class of~~
6 ~~the certificate issued,~~ and shall show the full name of the
7 applicant, have an identifying number, and be signed by the
8 Director.

9 (b) Certificates shall be issued for a period of 3 years,
10 with the expiration date being 3 years from the first day of
11 October of the calendar year in which the certificate is
12 issued.

13 (c) Every 3 years, on or before the October 1 expiration, a
14 certified solid waste site operator shall renew his
15 certificate of competency and pay the required renewal fee. A
16 grace period for renewal will be granted until November 1 of
17 that year before the reinstatement penalty is assessed.

18 (d) At the time of certificate renewal, the applicant
19 shall certify the completion of 15 hours of continuing
20 education covering the operation of landfills during the
21 preceding 3 years. Continuing education used to satisfy this
22 subsection must be approved by the Agency and must cover the
23 design, operation, and maintenance of sanitary landfills as
24 set forth in Section 1006 of this Act, and for certificates
25 that include a special waste endorsement, continuing education

1 must cover the operation of landfills relative to the
2 acceptance and disposal of special wastes ~~demonstrate~~
3 ~~competency in the same manner as a new applicant.~~

4 (Source: P.A. 86-1363.)

5 (225 ILCS 230/1011) (from Ch. 111, par. 7861)

6 Sec. 1011. Fees.

7 (a) Fees for the issuance or renewal of a Solid Waste Site
8 Operator Certificate shall be as follows:

9 (1) (A) \$400 for issuance or renewal for ~~Class A~~ Solid
10 Waste Site Operators;

11 (B) (blank); and ~~\$200 for issuance or renewal for~~
12 ~~Class B Solid Waste Site Operators; and~~

13 (C) \$100 for issuance or renewal for special waste
14 endorsements.

15 (2) If the fee for renewal is not paid within the grace
16 period the above fees for renewal shall each be increased by \$
17 50.

18 (b) (Blank). ~~Before the effective date of this amendatory~~
19 ~~Act of the 98th General Assembly, all fees collected by the~~
20 ~~Agency under this Section shall be deposited into the~~
21 ~~Hazardous Waste Occupational Licensing Fund. The Agency is~~
22 ~~authorized to use monies in the Hazardous Waste Occupational~~
23 ~~Licensing Fund to perform its functions, powers, and duties~~
24 ~~under this Section.~~

25 (c) All ~~On and after the effective date of this amendatory~~

1 ~~Act of the 98th General Assembly,~~ all fees collected by the
2 Agency under this Section shall be deposited into the
3 Environmental Protection Permit and Inspection Fund to be used
4 in accordance with the provisions of subsection (a) of Section
5 22.8 of the Environmental Protection Act.

6 (Source: P.A. 98-692, eff. 7-1-14; 98-822, eff. 8-1-14.)

7 Section 10. The Illinois Oil and Gas Act is amended by
8 changing Sections 1, 8c, 14, and 19.7 and by adding Section 8e
9 as follows:

10 (225 ILCS 725/1) (from Ch. 96 1/2, par. 5401)

11 Sec. 1. Unless the context otherwise requires, the words
12 defined in this Section have the following meanings as used in
13 this Act.

14 "Person" means any natural person, corporation,
15 association, partnership, governmental agency or other legal
16 entity, receiver, trustee, guardian, executor, administrator,
17 fiduciary or representative of any kind.

18 "Oil" means natural crude oil or petroleum and other
19 hydrocarbons, regardless of gravity, which are produced at the
20 well in liquid form by ordinary production methods or by the
21 use of an oil and gas separator and which are not the result of
22 condensation of gas after it leaves the underground reservoir.

23 "Gas" means all natural gas, including casinghead gas, and
24 all other natural hydrocarbons not defined above as oil.

1 "Pool" means a natural, underground reservoir containing
2 in whole or in part, a natural accumulation of oil or gas, or
3 both. Each productive zone or stratum of a general structure,
4 which is completely separated from any other zone or stratum
5 in the structure, is deemed a separate "pool" as used herein.

6 "Field" means the same general surface area which is
7 underlaid or appears to be underlaid by one or more pools.

8 "Permit" means the Department's written authorization
9 allowing a well to be drilled, deepened, converted, or
10 operated by an owner.

11 "Permittee" means the owner holding or required to hold
12 the permit, and who is also responsible for paying assessments
13 in accordance with Section 19.7 of this Act and, where
14 applicable, executing and filing the bond associated with the
15 well as principal and who is responsible for compliance with
16 all statutory and regulatory requirements pertaining to the
17 well.

18 When the right and responsibility for operating a well is
19 vested in a receiver or trustee appointed by a court of
20 competent jurisdiction, the permit shall be issued to the
21 receiver or trustee.

22 "Orphan Well" means a well for which: (1) no fee
23 assessment under Section 19.7 of this Act has been paid or no
24 other bond coverage has been provided for 2 consecutive years;
25 (2) no oil or gas has been produced from the well or from the
26 lease or unit on which the well is located for 2 consecutive

1 years; and (3) no permittee or owner can be identified or
2 located by the Department. Orphaned wells include wells that
3 may have been drilled for purposes other than those for which a
4 permit is required under this Act if the well is a conduit for
5 oil or salt water intrusions into fresh water zones or onto the
6 surface which may be caused by oil and gas operations.

7 "Owner" means the person who has the right to drill into
8 and produce from any pool, and to appropriate the production
9 either for the person or for the person and another, or others,
10 or solely for others, excluding the mineral owner's royalty if
11 the right to drill and produce has been granted under an oil
12 and gas lease. An owner may also be a person granted the right
13 to drill and operate an injection (Class II UIC) well
14 independent of the right to drill for and produce oil or gas.
15 When the right to drill, produce, and appropriate production
16 is held by more than one person, then all persons holding these
17 rights may designate the owner by a written operating
18 agreement or similar written agreement. In the absence of such
19 an agreement, and subject to the provisions of Sections 22.2
20 and 23.1 through 23.16 of this Act, the owner shall be the
21 person designated in writing by a majority in interest of the
22 persons holding these rights.

23 "Department" means the Department of Natural Resources.

24 "Director" means the Director of Natural Resources.

25 "Mining Board" means the State Mining Board in the
26 Department of Natural Resources, Office of Mines and Minerals.

1 "Mineral Owner's Royalty" means the share of oil and gas
2 production reserved in an oil and gas lease free of all costs
3 by an owner of the minerals whether denominated royalty or
4 overriding royalty.

5 "Waste" means "physical waste" as that term is generally
6 understood in the oil and gas industry, and further includes:

7 (1) the locating, drilling, and producing of any oil
8 or gas well or wells drilled contrary to the valid order,
9 rules and regulations adopted by the Department under the
10 provisions of this Act;

11 (2) permitting the migration of oil, gas, or water
12 from the stratum in which it is found, into other strata,
13 thereby ultimately resulting in the loss of recoverable
14 oil, gas or both;

15 (3) the drowning with water of any stratum or part
16 thereof capable of producing oil or gas, except for
17 secondary recovery purposes;

18 (4) the unreasonable damage to underground, fresh or
19 mineral water supply, workable coal seams, or other
20 mineral deposits in the operations for the discovery,
21 development, production, or handling of oil and gas;

22 (5) the unnecessary or excessive surface loss or
23 destruction of oil or gas resulting from evaporation,
24 seepage, leakage or fire, especially such loss or
25 destruction incident to or resulting from the escape of
26 gas into the open air in excessive or unreasonable

1 amounts, provided, however, it shall not be unlawful for
2 the operator or owner of any well producing both oil and
3 gas to burn such gas in flares when such gas is, under the
4 other provisions of this Act, lawfully produced, and where
5 there is no market at the well for such escaping gas; and
6 where the same is used for the extraction of casinghead
7 gas, it shall not be unlawful for the operator of the plant
8 after the process of extraction is completed, to burn such
9 residue in flares when there is no market at such plant for
10 such residue gas;

11 (6) permitting unnecessary fire hazards;

12 (7) permitting unnecessary damage to or destruction of
13 the surface, soil, animal, fish or aquatic life or
14 property from oil or gas operations.

15 "Drilling Unit" means the surface area allocated by an
16 order or regulation of the Department to the drilling of a
17 single well for the production of oil or gas from an individual
18 pool.

19 "Enhanced Recovery Method" means any method used in an
20 effort to recover hydrocarbons from a pool by injection of
21 fluids, gases or other substances to maintain, restore or
22 augment natural reservoir energy, or by introducing immiscible
23 or miscible gases, chemicals, other substances or heat or by
24 in-situ combustion, or by any combination thereof.

25 "Well-Site Equipment" means any production-related
26 equipment or materials specific to the well, including motors,

1 pumps, pump jacks, tanks, tank batteries, separators,
2 compressors, casing, tubing, and rods.

3 "Temporary abandonment status" means a well that has
4 received an authorization for temporary abandonment status
5 from the Department.

6 (Source: P.A. 99-78, eff. 7-20-15.)

7 (225 ILCS 725/8c) (from Ch. 96 1/2, par. 5414.1)

8 Sec. 8c. (a) No person shall operate a liquid oil field
9 waste transportation system without a liquid oil field waste
10 transportation permit. The liquid oil field waste transporter
11 assumes legal responsibility for the liquid oil field waste
12 when it first enters the liquid oil field waste transportation
13 system, until it is disposed of in a manner authorized and
14 approved by the Department.

15 (b) No person shall engage, employ or contract with any
16 other person except a permittee under this Section, to remove
17 liquid oil field waste from his premises.

18 (c) Every person who engages, employs or contracts with
19 any other person to remove liquid oil field waste from his
20 premises shall maintain detailed records of all such liquid
21 oil field waste removal effectuated on forms provided by the
22 Department and shall submit such information in such detail
23 and with such frequency, as the Department may require.

24 (d) Before engaging in the business of removing liquid oil
25 field waste from the on-site collection point, a person shall

1 apply for and obtain a permit from the Department. The
2 application shall be accompanied by a permit fee of \$150 ~~\$100~~
3 and by a surety bond covering the period and any renewal
4 thereof for which the permit is issued by a surety company
5 registered in the State, to indemnify the Department for the
6 abatement of pollution of waters which result from any
7 improper disposal of liquid oil field waste by the permittee.
8 The bonds shall be \$10,000. The Department shall be the
9 obligee and the bond shall be for the benefit and purpose to
10 indemnify the State for the elimination of harmful or nuisance
11 conditions and for the abatement of any pollution of waters
12 which result from the improper disposal of liquid oil field
13 waste by the permittee.

14 In lieu of the surety bond, the applicant may provide
15 cash, certificates of deposit, or irrevocable letters of
16 credit under such terms and conditions as the Department may
17 provide by rule.

18 The surety of any bond posted for the issuance of a liquid
19 oil field waste transportation permit, upon 30 days notice in
20 writing to the Department and to the permittee, may cancel any
21 such bond, but such cancellation shall not affect any rights
22 which shall have accrued on the bond before the effective date
23 of the cancellation.

24 (e) If the Department, after such investigation as it
25 deems necessary, is satisfied that the applicant has the
26 qualifications, experience, reputation, and equipment to

1 perform the services in a manner not detrimental to the public
2 interest, in a way that will not cause unlawful pollution of
3 the waters of the State and meets the bonding requirements of
4 subsection (d), it shall issue a permit to the applicant.

5 (f) (1) All trucks or other vehicles used to transport or
6 carry liquid oil field waste shall carry a permit issued
7 by the Department for inspection by its representative or
8 any law enforcement agent. The application for the vehicle
9 permit shall state the make, model and year of the vehicle
10 as well as the capacity of the tank used in transporting
11 liquid oil field waste and such other information as the
12 Department requires. Each application shall be accompanied
13 by a biennial permit fee of \$150 ~~\$100~~ for each vehicle
14 sought to be licensed, payable to the State, and if the
15 Department, after such investigation as it deems
16 necessary, finds the truck or vehicle and equipment is
17 proper and adequate for the purpose, it shall issue a
18 permit for the use of the vehicle. The permit is not
19 transferable from one vehicle to another. The vehicle
20 permit number shall be printed on a decal furnished by the
21 Department which shall designate the years for which the
22 permit was issued. This decal shall be affixed to the
23 upper right hand corner of the inside of the windshield.

24 (2) All vehicle permits shall be valid for 2 years.
25 Application for renewal of a permit must be made 30 days
26 prior to the expiration date of the permit. The fee for

1 renewal shall be the same as for the original permit.

2 (g) (1) The tank shall be kept tightly closed in transit,
3 to prevent the escape of contents.

4 (2) The permittee shall dispose of all liquid oil
5 field waste in conformance with the provisions of this
6 Section.

7 (3) The permittee shall not dispose of liquid oil
8 field waste onto or into the ground except at locations
9 specifically approved and permitted by the Department. No
10 liquid oil field waste shall be placed in a location where
11 it could enter any public or private drain, pond, stream
12 or other body of surface or ground water.

13 (h) Any person who violates or refuses to comply with any
14 of the provisions of this Section shall be subject to the
15 provisions of Sections 8a and 19.1 of this Act. In addition,
16 any person who gathers, handles, transports, or disposes of
17 liquid oil field waste without a liquid oil field waste
18 transportation permit or utilizes the services of an
19 unpermitted person shall upon conviction thereof by a court of
20 competent jurisdiction be fined not less than \$2,000 for a
21 violation and costs of prosecution, and in default of payment
22 of fine and costs, imprisoned for not less than 10 days nor
23 more than 30 days. When the violation is of a continuing
24 nature, each day upon which a violation occurs is a separate
25 offense.

26 (i) For the purposes of this Section:

1 (1) "Liquid oil field waste" means oil field brines,
2 tank and pit bottom sediments, and drilling and completion
3 fluids, to the extent those wastes are now or hereafter
4 exempt from the provisions of Subtitle C of the federal
5 Resource Conservation and Recovery Act of 1976.

6 (2) "Liquid oil field waste transportation system"
7 means all trucks and other motor vehicles used to gather,
8 handle or transport liquid oil field waste from the point
9 of any surface on-site collection to any subsequent
10 off-site storage, utilization or disposal.

11 (Source: P.A. 87-744.)

12 (225 ILCS 725/8e new)

13 Sec. 8e. Plugging and temporary abandonment of inactive
14 production wells.

15 (a) Any idle production well on an active lease or unit
16 that has not had commercial production during the last 24
17 consecutive months shall be deemed abandoned and plugged
18 unless the well has been approved for temporary abandonment
19 status in accordance with subsection (c).

20 (b) Any idle production well on an inactive lease or unit,
21 if the lease or unit has not had commercial production during
22 the last 24 consecutive months, shall be deemed abandoned and
23 not eligible for temporary abandonment status, pending a
24 hearing held in in front of the Department in accordance with
25 rules developed for such hearings by the Department.

1 (c) The permittee shall apply for temporary abandonment
2 status by making written application on forms provided by the
3 Department. The Department shall place the well on temporary
4 abandonment status, if the following conditions, which shall
5 be continuing requirements, are met:

6 (1) The well:

7 (A) shall have proper bond in effect in accordance
8 with this Act, if applicable; and

9 (B) can be the subject of any final administrative
10 decision for abandonment.

11 (2) The well shall have an intact leak-free wellhead,
12 or be capped with a valve and configured to monitor casing
13 or annular pressure.

14 (3) If the well is a permitted gas well and the well
15 has a sustained gas pressure at the surface, the
16 requirements of subsection (e) do not apply.

17 (4) The wellhead shall be above ground level.

18 (5) The permittee complies with the requirements of
19 subsection (d).

20 (d) Prior to the Department placing the well on temporary
21 abandonment status, the permittee shall conduct a fluid level
22 test upon the fluid in the well bore, after notice to and under
23 the supervision of a Department representative, using
24 acoustical, wire line, or string line measuring methods. If
25 the Department authorizes the permittee to conduct a fluid
26 level test without the presence of a Department

1 representative, the permittee shall report the fluid level
2 test on a form prescribed by the Department.

3 (1) If the fluid level in the wellbore is no higher
4 than 100 feet below the base of the fresh water, the
5 Department may grant temporary abandonment status if the
6 conditions in paragraphs (1) through (4) of subsection (c)
7 are met. Unless the permittee elects to satisfy the
8 conditions of subparagraph (A) or (B) of paragraph (3),
9 the permittee shall perform additional fluid level tests,
10 as prescribed in this subsection, every 5 years or until
11 the well is removed from temporary abandoned status.

12 (2) If the fluid level, as tested, is higher than 100
13 feet below the base of the fresh water and, at the time of
14 the temporary abandonment status request, the well is
15 listed in active status in the Department's records, the
16 permittee may:

17 (A) after notice to and under the supervision of a
18 Department representative, remove any fluid to a level
19 100 feet below the base of the fresh water. At least 48
20 hours, but not more than 96 hours after the fluid has
21 been removed, the permittee shall measure the fluid
22 level as prescribed in this subsection.

23 (i) If the fluid level is higher than 100 feet
24 below the base of fresh water, the permittee shall
25 follow the requirements in subparagraph (A) or (B)
26 of paragraph (3); or

1 (ii) If the fluid level remains more than 100
2 feet below the base of fresh water, at least 9, but
3 no longer than 12 months from the date that fluid
4 was removed from the well bore, the permittee
5 shall measure the fluid level in accordance with
6 this subsection. If, after the subsequent fluid
7 level test, the fluid level within the wellbore
8 has remained at least 100 feet below the base of
9 fresh water, and the conditions in paragraphs (1)
10 through (4) of subsection (c) continue to be met,
11 the Department shall grant temporary abandonment
12 status for 5 years from the date of the subsequent
13 fluid level test. Thereafter, the permittee shall
14 perform additional fluid level tests, as
15 prescribed in this subsection, every 5 years or
16 until the well is removed from temporary
17 abandonment status; or

18 (B) elect to follow the requirements of
19 subparagraph (A) or (B) of paragraph (3).

20 (3) If the fluid level, as tested, is higher than 100
21 feet below the base of fresh water and, at the time of the
22 temporary abandonment request, the well is listed in
23 temporary abandonment status in the Department's records,
24 the permittee may, after notice to, and under the
25 supervision of, a Department representative:

26 (A) set a cast iron plug within 200 feet above the

1 uppermost perforated or open hole interval in the
2 cemented portion of the production casing, but no less
3 than 100 feet below the base of the fresh water, remove
4 any fluid to a level at least 100 feet below the base
5 of the freshwater zone, and monitor the fluid level
6 every 5 years in accordance with this subsection; or

7 (B) set a cast iron plug within 200 feet above the
8 uppermost perforated or open hole interval in the
9 cemented portion of the production casing, but no less
10 than 100 feet below the base of the fresh water, and
11 pressure test the casing by maintaining a pressure of
12 300 PSIG, which may vary no more than 5%, for a period
13 of 30 minutes. Subsequent pressure tests shall be
14 conducted every 5 years or until the well is removed
15 from temporary abandonment status.

16 (e) If the Department finds that a well is in violation of
17 the operational requirements set forth in subsection (d), the
18 Department shall issue an order requiring that the well be
19 properly plugged, replugged, or repaired.

20 (f) If a temporary abandonment request is denied, the
21 permittee shall, within 90 days, plug the well or correct the
22 deficiency that caused the denial and secure an approved
23 temporary abandonment permit.

24 (g) Temporary abandonment status for production wells
25 shall not be terminated until the well has been inspected by an
26 office well inspector and a temporary abandonment termination

1 request is approved by the Department. Temporary abandonment
2 termination requests shall be on a form prescribed by the
3 Department.

4 (h) On and after July 1, 2022, temporary abandonment
5 status shall be granted for an initial period of 5 years so
6 long as the well remains in compliance with subsections (c)
7 and (d), and the lease or unit on which the wells are located
8 remains active. Temporary abandonment status may be renewed,
9 in accordance with this subsection and subsections (c) and (d)
10 for successive 5-year periods.

11 The Department shall grant renewals if the well remains in
12 compliance with this subsection and subsections (c) and (d),
13 and upon the permittee's submission of legitimate economical,
14 geological, or engineering evidence that, based on industry
15 standards, the well remains viable for future oil and gas
16 development purposes.

17 (i) All wells that are currently in temporary abandonment
18 status as of July 1, 2022 shall remain in temporary
19 abandonment status, unless plugged or placed back into
20 production by the permittee, for 5 years from July 1, 2022, so
21 long as the well remains in compliance with subsections (c),
22 (d), and (h), and thereafter shall be subject to renewal as
23 described herein.

24 (j) The Department shall assess and collect annual fees of
25 \$100 per well for each well that is in temporary abandonment
26 status.

1 (k) All annual fees collected pursuant to subsection (j)
2 shall be deposited as follows:

3 (1) one-half of all such fees shall be placed in the
4 Plugging and Restoration Fund; and

5 (2) one-half of all such fees shall be placed in the
6 Landowner Grant Program.

7 (l) If a conflict exists between this Section and any
8 provision of this Act, this Section controls.

9 (225 ILCS 725/14) (from Ch. 96 1/2, par. 5420)

10 Sec. 14. Each application for a permit to drill, deepen,
11 convert, or amend shall be accompanied by the required fee of
12 \$400, not to exceed \$300, which the Department shall establish
13 by rule. The fee for an application for a permit to oil lease
14 road shall be \$150. A fee of \$75 for the first 100 wells and
15 \$50 for each well in excess of 100 of \$50 per well shall be
16 paid by the new owner for each transfer of well ownership.
17 Except for the assessments required to be deposited in the
18 Plugging and Restoration Fund under Section 19.7 of this Act
19 and any other deposits required to be deposited in the
20 Plugging and Restoration Fund under this Act, all fees
21 assessed and collected under this Act shall be deposited in
22 the Underground Resources Conservation Enforcement Fund. The
23 monies deposited into the Plugging and Restoration Fund or the
24 Underground Resources Conservation Enforcement Fund under this
25 Section shall not be subject to administrative charges or

1 chargebacks unless otherwise authorized by this Act.

2 On and after July 1, 2022, any fees that are created by or
3 increased by this amendatory Act of the 102nd General Assembly
4 in this Section shall be deposited into the Plugging and
5 Restoration Fund.

6 (Source: P.A. 97-1136, eff. 1-1-13.)

7 (225 ILCS 725/19.7) (from Ch. 96 1/2, par. 5430.2)

8 Sec. 19.7. The Department shall assess and collect annual
9 well fees from each permittee in the amount of \$100 ~~\$75~~ per
10 well for the first 100 wells and a \$75 ~~\$50~~ fee for each well in
11 excess of 100 for which a permit is required under this Act.

12 Fees shall be assessed for each calendar year commencing
13 in 1991 for all wells of record as of July 1, 1991 and July 1
14 of each year thereafter. The fees assessed by the Department
15 under this Section are in addition to any other fees required
16 by law. All fees assessed under this Section shall be
17 submitted to the Department no later than 30 days from the date
18 listed on the annual fee assessment letter sent to the
19 permittee. Of the fees assessed and collected by the
20 Department each year under this Section, 50% shall be
21 deposited into the Underground Resources Conservation
22 Enforcement Fund, and 50% shall be deposited into the Plugging
23 and Restoration Fund unless, total fees assessed and collected
24 for any calendar year exceed \$1,500,000; then, \$750,000 shall
25 be deposited into the Underground Resources Conservation

1 Enforcement Fund and the balance of the fees assessed and
2 collected shall be deposited into the Plugging and Restoration
3 Fund. Upon request of the Department to the Comptroller and
4 Treasurer, the Comptroller and Treasurer shall make any
5 interfund transfers necessary to effect the allocations
6 required by this Section.

7 The monies deposited into the Plugging and Restoration
8 Fund or the Underground Resources Conservation Enforcement
9 Fund under this Section shall not be subject to administrative
10 charges or chargebacks unless otherwise authorized by this
11 Act.

12 (Source: P.A. 97-1136, eff. 1-1-13.)".