

Joint Committee on Administrative Rules**ADMINISTRATIVE CODE****TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
PART 240 THE ILLINOIS OIL AND GAS ACT
SECTION 240.875 LEAKING PREVIOUSLY PLUGGED WELL****Section 240.875 Leaking Previously Plugged Well**

AGENCY NOTE: For purposes of subsections (b) and (d), "permittee" means the last permittee of record for the well when the well was last plugged if that permittee undertakes the actions required by this Section, or means the current permittee of the lease where the leaking well is located if the last permittee does not undertake the required actions.

- a) When any fluids are potentially leaking into the freshwater zones or to the surface as determined by geologic and field investigation through a well plugged under the supervision of the Department, the Department shall notify the last permittee of record for the well when the well was last plugged. The last permittee shall then undertake the necessary actions to comply with the provisions of this Section. If the last permittee is no longer in existence, cannot be located, does not take the necessary actions, or does not diligently pursue the necessary actions, the current permittee of the lease where the well is located shall take the necessary actions. The current permittee, if required to undertake any containment or plugging operations pursuant to this Section, shall have a right of action against the last permittee of record for the well when the well was last plugged for the reasonable cost and expense incurred in plugging, replugging, repairing or restoring the well, and shall have a lien enforceable upon the interest of the obligated persons in accordance with Section 19.5 of the Act. Pending plugging of the well, all injection wells within a $\frac{1}{4}$ mile radius of the leaking well shall be shut in until the leaking well is plugged. The leaking or previously leaking well shall be plugged regardless of well status at the time of plugging. **If the leak persists after the shut in of all injection wells within a $\frac{1}{4}$ mile radius of the leaking previously plugged well, the radius shall be expanded to $\frac{1}{2}$ mile radius. If the Department determines through investigation that further expansion of the radius is needed, it may expand the radius in $\frac{1}{4}$ mile increments to prevent waste and environmental damage.**
- b) Within 24 hours after notification by the Department of the leaking well, the permittee shall take all necessary actions required to contain the leaking well fluids to prevent any further migration and environmental damage until the well is properly plugged and restored. These actions may include, but are not limited to, the digging of containment pits and/or building containment dikes to collect and contain the leaking fluids, hauling and disposing of the collected fluids, and use of absorbent materials to pick up leaking fluids. All collected and contained fluids shall be properly disposed of in a permitted Class II injection well. All used absorbent materials shall be disposed of in accordance with Section 240.891(b).
- c) If the current permittee of the lease is required to undertake any containment actions and does not take the required actions to contain the leaking fluids within 24 hours

after notification by the Department, or within the time frame of any extensions granted by the Department because of extenuating circumstances such as weather conditions, the current permittee shall not operate any wells on the lease where the leaking well is located until all required actions have been taken and may be issued a Notice of Violation and assessed a civil penalty in accordance with Section 240.160(c).

- d) Within 90 days after notification by the Department of the leaking well, or within the time frame of any extensions granted by the Department because of extenuating circumstances, including but not limited to weather conditions or the non-availability of plugging equipment or downhole construction or conditions, the permittee shall properly plug and restore the leaking well in the presence of a Department well inspector.
- e) If the current permittee is required to undertake any plugging operations and does not plug the leaking well within 90 days after notification by the Department, or within the time frame of any extensions granted by the Department, the current permittee shall not operate any wells on the lease where the leaking well is located until the leaking well has been properly plugged and restored in the presence of a Department well inspector.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)