

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Hydraulic Fracturing Regulatory Act
- 2) Code Citation: 62 Ill. Adm. Code 245
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
245.100	New Section
245.110	New Section
245.115	New Section
245.120	New Section
245.200	New Section
245.210	New Section
245.220	New Section
245.230	New Section
245.240	New Section
245.250	New Section
245.260	New Section
245.270	New Section
245.300	New Section
245.310	New Section
245.320	New Section
245.330	New Section
245.340	New Section
245.350	New Section
245.360	New Section
245.400	New Section
245.410	New Section
245.500	New Section
245.510	New Section
245.520	New Section
245.530	New Section
245.540	New Section
245.550	New Section
245.560	New Section
245.570	New Section
245.580	New Section
245.600	New Section
245.610	New Section
245.615	New Section
245.620	New Section
245.630	New Section
245.700	New Section
245.710	New Section
245.715	New Section

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245.720	New Section
245.730	New Section
245.800	New Section
245.805	New Section
245.810	New Section
245.815	New Section
245.820	New Section
245.825	New Section
245.830	New Section
245.835	New Section
245.840	New Section
245.845	New Section
245.850	New Section
245.855	New Section
245.860	New Section
245.870	New Section
245.900	New Section
245.910	New Section
245.920	New Section
245.930	New Section
245.940	New Section
245.1000	New Section
245.1010	New Section
245.1020	New Section
245.1030	New Section
245.1100	New Section
245.1110	New Section
245.1120	New Section
245.1130	New Section
245.1140	New Section
245.1200	New Section

- 4) Statutory Authority: Implementing and authorized by the Hydraulic Fracturing Regulatory Act [225 ILCS 732]
- 5) Effective Date of Amendments: November 14, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. See Section 245.115 Incorporated Materials.
- 8) A copy of the adopted rulemaking, including all material incorporated by reference is on

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file in the Department of Natural Resources' principal office and is available for public inspection.

- 9) Notice of Proposal Published in *Illinois Register*: November 15, 2013, 37 Ill. Reg. 18097
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version:

245.100: Date restrictions were removed.

245.110: Definitions were added, deleted, simplified, or modified to clarify or make consistent with other Rules.

245.120: Disclosure of serious violations was clarified and distinction in reporting time made between different types of changes in registrant information.

245.210: Distinction drawn between plans automatically incorporated as permit conditions and additional information required by Department. Standard additional information requests incorporated into application to facilitate timely permit review, protect public, and enable statutorily required determinations. Some sections combined or eliminated to reduce paperwork.

245.230: Application acceptance and initial processing clarified to harmonize statutory timetable and Department practical requirements, and reduce waste due to an incomplete application.

245.240: The list of entities the Department mails notice to was modified.

245.250: Description of the persons the applicant notifies was clarified and simplified.

245.260: Application correction and public comment rights were harmonized.

245.270: In subsection (a)(1)(A), explanatory definition of "adversely affected" was deleted. In subsection (a)(3), the hearing request procedure was simplified. In subsection (b), hearing venues were localized. In subsection (f), sanctions for failure to appear were balanced. Subsection (c) and subsections (h)-(n) were streamlined.

245.300: Permit decision elements and recordkeeping requirements were harmonized with statutory purpose and language.

245.330: Examples of types of permit modifications were included and the modification process clarified.

245.510(f): Radioactivity testing for certain materials was added, and open storage of radioactive

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materials banned.

245.520: Availability of cement job logs to the Department was clarified.

245.530: Requirement to notify Department during normal business hours only was deleted. Surface casing cement requirements were amplified.

245.540: Mechanical Integrity tests were allowed to be conducted with mud, with conditions. "Normal business hours" requirement was removed from requirement to notify Department for mechanical integrity test.

245.550: "Normal business hours" requirement was deleted from blowout prevention test notification requirement.

245.560: "Normal business hours" requirement was deleted from intermediate cement pouring notification.

245.580: "Normal business hours" requirement was deleted from formation integrity testing notification.

245.600: "Normal business hours" requirement was deleted from baseline testing and follow-up sampling notifications. Well location disclosure was made more specific. Water sampling minimums were clarified.

245.615: Department notice of pollution to local health authorities was added.

245.620: Clarified operation of rebuttable presumption clause and applicability by referencing applicable statutory section and condensing rule.

245.700: Scope of chemical disclosure was clarified.

245.710: Scope of chemical disclosure and ability of contractor to adjust to field conditions was clarified.

245.720: Information required for Department review of trade secret claim was listed.

245.730: Process and responsibilities for disclosure to health professionals of chemicals for which trade secret is claimed were clarified and simplified to reduce communication and logistical obstacles.

245.805: "Normal business hours" requirement was deleted from pressure testing notification; test records location was relaxed.

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245.810: "Normal business hours" requirement was deleted from pressure testing notification; test records location was relaxed.

245.815: "Normal business hours" requirement was deleted from commencement of operations notification. Well plugging sufficiency considerations were listed. Requirement that information provided to Department be current was added.

245.820: Inspection records location was relaxed

245.825: Above-ground tank fluid compatibility and inspection frequency explanations were added. Process to comply with existing Illinois floodplains regulation was added.

245.830: Process for reserve pits to comply with existing Illinois floodplains regulation was added.

245.835: Example of indication of a leak was added.

245.845: Listed minimum information to be provided to Department to support claim that technical infeasibility or economic unreasonableness warrant exception from emission capture requirements. Added requirement of auto-igniter.

245.850: Removed ambiguity regarding time limits on storage of fluids in reserve pits.

245.900: Listed minimum information to be provided to Department to support claim that technical infeasibility or economic unreasonableness warrant exception from emission capture requirements. Added requirement of auto-igniter and flare monitoring.

245.910: Added requirement of auto-igniter and flare monitoring. Clarified emissions calculation method.

245.930: Clarified flaring and/or venting reporting.

245.1010: Well plugging sufficiency considerations were listed.

245.1020: Clarified method for repair of tile lines and repair of soil conservation practices.

245.1110: Streamlined notice of violation.

245.1120: Increased fine amounts and Departmental look-back period.

245.1130: Removed constrictions on costs definition and clarified that attorney's fees are excluded. Clarified non-conflict with civil actions.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Implementing administrative rules to regulate the permitting, drilling, construction, operation, and plugging of wells and the restoration of well sites where high volume horizontal hydraulic fracturing operations are conducted.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The full text of the Adopted Rules begins on the next page: