Good day my name is AJ Beck and I am worried about the ability of fracking companies to circumvent existing laws.

I recently read in the Pittsburgh Tribune-Review that a company Chesapeake Appalachia has to pay a record 3.2 million in federal penalties for clean water violations and spend 6.5 million to restore 27 sites that it damaged during construction.

What I noticed from this is they got busted for constructions practices but can't get busted once they start fracking so there are no laws.

Is there a logical reason that violations are so extremely low?

Section 245.200 states a fine of at max of 2500. With a fine so low it is only logical for a company making so much money to just break the law and pay later.

How many times can a company break the law before they are shut down?

RECEIVED
JAN 9 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

AJ Beck
Carbondale IL

13167

RECEIVED
JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12-28-13

Illinois Department of Natural Resources,

I find that the proposed regulation as stands are flawed in many ways, to list a few:

(1) Wastewater Storage:

Subpart H, Section 245.830, 245.850 - Contains a huge loophole that allows fracking companies to store highly toxic, radioactive, and carcinogenic waste water from fracking in large open air pits rather than closed tanks as mandated by the regulatory bill. Waste water can easily leak from these pits into the groundwater and contaminate the drinking water of over 800,000 Illinois citizens, a risk further heightened by the fact that loopholes allow these pits to be open for months on end. Also the highly toxic wastewater can also generate fumes that further endanger human and animal health.

~~(2) Automatic Permit Revocation for Violations of Mechanical Integrity~~

This is important to me as just recently the southern Illinois area had a deluge of rain, washing out roads, (in the Stonefort area (I was just there 12-28-13) and causing mud slides on OLD 51 close by my house. - Certainly the amount of rain in this one event would and could have caused an open pit ~~of~~ waste water storage area

13168

to over flow and spill into local water supplies - ie streams, ponds and seeping underground contaminating other potable water sources.

Karen Fiorino
Karen Fiorino
Makanda, IL 62958

12/28/2013

Illinois Department of Natural Resources:

I find that the proposed regulations as stands are flawed in many ways, to list:

(2) Fines on Adminstrative and operating violations:

Corporations exist for one purpose: profit! Big banks, fossil fuel companies, all sorts of companies have throughout history have broken laws, poisoned our environments, and endangered human lives for the sake of profit. This does not mean it is the status quo and cannot change!
The only way to ensure corporations follow the law and protect us and our environment is to make it more expensive to break the law than it is to follow the laws. The rules drafted by the IDNR contain minimal fines on corporations for very serious violation of human and enviromental safety. (Section 245.200) Fines start at $50 per violation and only go up to $2500 - Come on now! In Carbondale, the fine for not mowing your yard is $50 - I know, I had to pay it once as a student living in a rental house. These fines in the rules are technically lower than the daily fines specified in the original legislation.
The top 5 producers of oil and gas made over 118 billion in profits last year. The 2011 the annual median income in Carbondale, $17,702 [redacted] Do the math! A $50 or $2500 fine

13169

fine will not slow these corporation down. This is akin to police stopping someone for speeding through a construction zone and hitting a worker and then writing them a ticket for 5 cents.
The cost of polluting the groundwater of over 800,000 Illinoisans, the cost of illness and cancer caused by contaminated water and air, the cost of brain damage caused by toxic fumes -- these should be reflected in the fines.

Karen Fiorino
Karen Fiorino
Makanda, IL 62958

12/28/13

ILLinois Department of Natural Resources:

I find that the proposed regulations as stands are flawed in many ways, to list:

(2) Health Professionals' Access to Chemicals

There are tremendous health and safety risks that come with pumping tons of highly toxic and radioactive water deep into our bedrock. But the actual chemicals used are kept secret. Do not even doctors and health care workers know what toxins have been involved when they see a sick patient. IDNR rules impede the ability of affected patients that come in contact with highly toxic fracking pollutants to acquire immediate treatment (Section 245.730) Even though the law requires IDNR to provide health professionals information about the chemicals used in fracking when that information is necessary to treat a patient, the rules provide a circular definition of an "affected patient" that expects doctors to be able to test for exposure to secret chemicals in order to get fracking companies to disclose exactly what these secret chemicals are. There are over 353 "mysterious" chemicals that could be involved and so doctors cannot run a few tests. To make matter worse, the rules give medical professionals only one of two options in the event of a medical

emergency - call the IDNR during "normal business hours" or call a "trade secret holder" IDNR gives no indication of how one can go about identifying who exactly is this "trade secret holder" or how one can go about trying to reach them outside of IDNR's business hours.

Why is this important? I want the doctors in this area to have full knowledge of the chemicals involved in the instance of illness caused by these chemicals in my family and friends and all the people of Southern Illinois.

Karen Fonino
Karen Fonino
Makanda, IL 62958

12/25/2013

ILLinois Department of Natural Resources

I find that the proposed regulations as stands are flawed in many ways, to list:

Seismicity:
It is well documented that the injection of fracking wastewater into the ground has the potential to trigger man-made earthquakes. this has been know since the 1960s!
Currently, the traffic light control system set up by the rules allow for up to four fracking-induced earthquakes of at least magnitude 4.9 before a company has to shut down an injection well.
A 4.9 earthquake is a serious and newsworthy event- the US Gedogical Survey describes it as "Sensation like a heavy truck striking a building." Dr. Michael Hamburger, Professor of Geophysics at Indiana University himself has remarked that the traffic light control system proposed by IDNR is far too simplified to adequately address the range of possible events and has the potential to jeopardize the lives of thousands of Southern Illinois Residents.
These injection wells are planned to be placed between 2 well know faults - the New Madrid and the Wabash. IF swarms of earthquakes are happening in areas of NO know fault lines ie OHIO, OKLAHOMA, Texas have experienced earthquakes - the, in the 4.0 range - the possibility of an man made earthquake caused by an injection well here - 1377
is even more so. The New Madrid will

go again. Will the gas/oil corporations pay ~~too~~ for the damage caused to the area?

Which comes to, the IDNR has also neglected to require insurance from well operators when it comes to property damage and injuries incurred by residents, business, or public institutions as a result of seismic activity tied to fracking.

Karen Fiorino

Karen Fiorino
Makanda, IL 62958

RECEIVED
JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12/28/2013

Illinois Department of Natural Resources

I find that the proposal regulations as stands are flawed in many ways, to list:

Water Quality Monitoring:

As we all know, high volumn horizontal fracturing means that well bores can often extend for or to two miles from the actual well site. Unfortunately, Section 245.600(b)(1) of the proposed rules only provides for the testing and monitoring of water sources within 1,500 feet of the well site and do not provide for testing along the horizontal leg of the well bore. This is a reckless disregard of the known risk of the underground migration of toxic fluids from a horizontal well bore, especially when hydraulic fracturing involves the use of explosive charges and especially in areas known for the risk of higher-magnitude earthquakes - water and the substances it carries do not respect ~~path~~ political boundries or ~~the~~ mandated distances!

The US Government Accountability Office have themselves acknowledged that one major risk from fracking is the underground migration of gases + chemicals, which can lead to contamination of surface and ground water - ~~steel~~ steel rusts + concrete crumbles - the well casing will detriorate over time and be destroyed in case of an earthquake.

13772

Given that toxic chemicals are present along not only the vertical portion of the fracking wells but also the horizontal, with testings and monitoring must be required within at least 1,500 ft (and more!) of any point along the full length of any Horizontal well bores in order to adequately mitigate these risks.

- Again - water and the migration of fluids do not respect political boundries nor mandated limits and testing must be vigulant along the whole of the horizontal well bore.

Karen Fiorino

Karen Fiorino
Makanda, IL 62958

My name is Judy Jordan and I am concerned about the current rules defining "high volume" fracking operations. Currently "high volume" is defined as using more than 300,000 gallons of water. However when fracking operations mixing other substances such as nitrogen which when measured in liquid gallons adds up to smaller volumes.

Because IDNR has declared gallons of nitrogen to be equivalent to gallons of water. Because of this fracking operators have a tremendous incentive to use a mixture of non-water substances to frack thus sliding under the 300,000 gallon rule.

This is a loophole which IDNR must close.

Non-water, gas-based fracks are very different from water-based fracks & a simple conversion of gas and water volumes does not work.

IDNR, in order to regulate the majority of fracking operations which occur in Illinois must come up with a scientifically sound method of defining non-water fracking operations regulation using field data and risk evaluation.

Hello, my name is Judy Jordan and I am very concerned about wastewater storage.

Since frack waste is filled with heavy metals which are highly toxic, carcinogenic, and radioactive, regulation must prevent human, animal, and environmental contact with it.

IDNR rules (Subpart H, Section 245.830, 245.850) contain a loophole which allows fracking waste to be stored in large open air pits rather than closed tanks as regulated by the regulatory bill.

This highly toxic wastewater can generate fumes that endanger human and animal health.

Wastewater can leak from these pits and contaminate the water. This problem is heightened by loopholes which allow these pits to be open for months on end.

Gully washers and floods are common in Illinois as are tornadoes. What safety precautions are in place for protection against a tornado hitting one of these open containers or floods causing leakage?

IDNR must close this loophole.

U13174

JAN 3 2014

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Hello, My name is Judy Jordan and I am very concerned that IDNR did not use or consult any published studies, or reports, or sources of underlying data in the process of making these rules. IDNR admits this in their rules (Page 3, ¶ 6.)

This simply makes no sense whatsoever.

Would Bobby Kennedy think this was an acceptable way to protect the public health?

IDNR is in charge of the public health. It is the only agency which can protect the public from the oil and gas industry and it needs to look at the industry in other states and it needs to look at studies, all studies which are peer-reviewed & conducted by the government. High volume fracturing most likely will jeopardize the ~~health~~ health of animals, the land, the water, the people, and it will jeopardize the economy. IDNR need to study counties in which hydraulic fracturing has occurred & see how those counties are poorer and the residents health greatly worsened.

013175

Brown, Ronda

From: Mool, Bob
Sent: Monday, November 18, 2013 4:18 PM
To: Brown, Ronda
Subject: FW: Fracking Hearings
Attachments: Hearing request final.pdf

From: Jennifer Walling [mailto:jwalling@ilenviro.org]
Sent: Monday, November 18, 2013 4:17 PM
To: Mool, Bob
Subject: Fracking Hearings

Mr. Mool,

Attached is a letter from the Illinois Environmental Council requesting additional hearings on the fracking regulation from the environmental community. We'll also be placing a copy in the mail.

- Jen Walling

--
Executive Director
Illinois Environmental Council
Main Headquarters: 230 Broadway, Suite 150, Springfield, IL 62701
Chicago Office: 70 E. Lake, Suite 920, Chicago, IL 60601
Cell: 217-493-9455
E-mail: jwalling@ilenviro.org
www.ilenviro.org
Facebook.com/ilenviro
Twitter.com/ilenviro

013176

Illinois Environmental Council

230 Broadway, Suite 150, Springfield, Illinois 62701
www.ilenviro.org / 217-544-5954

IEC/IECEF Officers:

Lenore Beyer-Clow, President
Barry Matchett, Vice-President
Hal Sprague, Treasurer
Brian Urbaszewski, Secretary

Elected Directors:

Ashley Craig
Brian Granahan
Melanie Moore
Lauren Rosenthal
Dave Segel

Appointed Directors/Lead Affiliates:

Hal Sprague
Center for Neighborhood Technology
Anne McKibbin
CNT Energy
David Kolata
Citizens Utility Board
Barry Matchett
Environmental Law and Policy Center
Brian Sauder
Faith in Place
Lisa Nikodem
Environment Illinois
Steve Byers
Izaak Walton League, Illinois Division
Stacey Paradis
Midwest Energy Efficiency Alliance
Nick Magrisso
Natural Resources Defense Council
Lenore Beyer-Clow
Openlands
Glynnis Collins
Prairie Rivers Network
Brian Urbaszewski
Respiratory Health Association
Jack Darin
Sierra Club, Illinois Chapter
Susan Donovan
The Nature Conservancy

Staff:

Jennifer Walling
Executive Director
Mary Pemberton
Administrative Director
Tamika Gibson
Outreach Coordinator

Robert G. Mool
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, IL 62702

Dear Mr. Mool:

As an organization representing over 100 persons, the Illinois Environmental Council requests that the Illinois Department of Natural Resources hold additional hearings on proposed regulatory changes to 62 Ill. Adm. Code 245 and 62 Ill. Adm. Code 240. These regulatory changes create rules for high volume horizontal hydraulic fracturing under the statutory authority of 225 ILCS 732. IEC is making this request on behalf of our member organizations such as Natural Resources Defense Council, Environmental Law and Policy Center, Faith in Place, and Sierra Club, Illinois Chapter.

In addition to proposed hearings at University of Illinois at Chicago in Chicago, Illinois and Rend Lake College in Ina, Illinois, IEC requests that IDNR hold at least two additional hearings for the public to comment on the proposed regulations.

We request at least one hearing in Central Illinois and an additional hearing in Chicago. There are currently no scheduled hearings in Central Illinois making attendance inconvenient for many in the state that may be impacted by the proposed regulations. In addition, because the November 26 hearing is scheduled so close to Thanksgiving, a federal holiday, we request an additional hearing in Chicago to allow Chicago residents a more convenient time to attend.

Fracking regulations in Illinois garnered extensive attention from the public and media while SB1715 was being considered by the state legislature. We expect that there will be a significant amount of public comment on the proposed rules and request that IDNR hold sufficient hearings to receive this public comment.

Pursuant to 5 ILCS 100/5-40(b)(5), we are sending this request within 14 days after the publication of First Notice.

Sincerely,

Jennifer Walling
Executive Director

CC: Director Marc Miller, Todd Main

013177

Brown, Ronda

From: Mool, Bob
Sent: Monday, December 23, 2013 8:55 AM
To: Brown, Ronda
Cc: Cohen, Mitchell; San Diego, Nick
Subject: FW: Comments on draft rulemaking for hydraulic fracturing

Ronda

Another comment re the ad rule.

Bob

From: Tom Wolf [mailto:twolf@Ilchamber.org]
Sent: Friday, December 20, 2013 3:48 PM
To: Mool, Bob
Subject: Comments on draft rulemaking for hydraulic fracturing

December 20, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois, 92702-1271

Re: Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act (62 Ill Adm Code 245: 37 Ill Reg 18097)

Dear Mr. Mool:

The Illinois Chamber appreciates the opportunity to make the following comments regarding the draft rules on hydraulic fracturing in Illinois. I commend the IDNR staff for preparing the draft rules. We understand this was not an easy task and appreciate the time and effort that was put in to get to this first draft.

In an effort to submit comments from supporters of this new industry in the most efficient way, most of the detailed feedback on the draft will be included in the GROW IL letter that you will receive before the January 3 deadline. Our comments in this letter will be focused on a few critical issues that could mean the difference between a road block and a road map for successful economic development on the part of oil and gas industry that is looking to come to Illinois.

We appreciate the effort IDNR has put in to promulgate the rules based on SB1715 and the comments herein are based on the assumption that we all want rules consistent with the intent and spirit of the legislation that was drafted during more than one year of meetings, discussions, quarrels, information-gathering and compromise.

011178

Big-picture comments

As you know, nearly every term and condition contained in SB 1715 was negotiated in specific detail by a bipartisan group of legislators. The negotiations that led to the development of the comprehensive regulatory proposal passed by the General Assembly were conducted over the course of many months. The negotiations were conducted line by line for the explicit purposes of limiting the amount of new language IDNR would need to draft to enact the terms of the bill.

Given these facts, we believe:

- We should not forget that there are no guarantees that the oil and gas industry is coming to Illinois. They have choices on where to invest their capital and we want Illinois to be a welcoming place with a workable regulatory infrastructure.

- Therefore, the IDNR's rule package should adhere as closely to the specific wording in SB 1715 as possible given the detailed negotiations. To deviate significantly from the terms of the legislation or to expand the requirements that were negotiated would undermine the legislative intent behind SB 1715.

- There are a number of organizations who negotiated and lobbied for the passage of this bill who are now getting pressure from their grassroots members to scuttle the regulations or add significant "poison pills" to them. To be clear, the Illinois Chamber also has members who didn't like the compromises industry made during the negotiations. This type of dynamic in which "no one is happy" is the nature of compromise and we ask that you ignore voices telling you to add complexity or additional regulatory burdens to what is a very detailed piece of legislation.

- IDNR's rules should be drafted in a way that streamlines the permitting process in as efficient a manner as possible. IDNR should avoid creating paperwork requirements that are redundant, not specifically required by SB 1715, and do not materially add environmental protections. Again, the General Assembly passed SB 1715 on an overwhelming bipartisan basis as a way to foster economic development while protecting the environment. IDNR must keep the focus on economic development at the forefront of their rule development process.

- Although burdensome, industry believes the process outlined in SB 1715 is workable. Going beyond the extremely prescriptive terms contained in SB 1715 in any aspect however alters industry's analysis on whether the rules can be adhered to in a way that yields positive economic return and opportunities for new capital investment. IDNR should streamline where latitude allows however and avoid adding requirements not explicitly required. Expanding the scope of the regulations will place Illinois at a significant competitive disadvantage and directly undermine the economic development goals openly discussed by the General Assembly.

113179

Specific suggestions

Again, in an effort to avoid redundancy on most issues, we are working with our coalition members in GROW IL to submit a comprehensive document with detailed comments on all the changes we recommend for the draft rules. However, we have the following areas we'd specifically like to include in this letter:

The definition of standing Section 245.270 a) 1) v): Even though oil and gas permits have been granted in Illinois for decades without public hearings, the industry agreed in the negotiations to allow for public hearings *if* they were limited to the people *directly* affected by the proposed permit. We have been and are still wary of people living five miles, ten miles, even a thousand miles away trying to subvert the language in this section to try and gum up the permitting process simply because they don't like hydraulic fracturing. For example, the group negotiating the legislation discussed openly how it would be inappropriate to allow someone to claim standing based on the fact they are concerned that new oil and gas development will contribute to climate change and they are impacted because of their environmental concerns over the fate of artic wildlife species. This kind of open ended interference would not serve the State of Illinois or the regulatory process well. Unfortunately by allowing anyone to claim standing by claiming an "interest" in "environmental value" the draft regulations in fact open the door for this kind of precise abuse in the standing determination process.

Therefore we suggest changing your draft language by either striking subsection "v" or redraft it in the following manner:

v) any other person that is or may be adversely affected who can directly demonstrate in writing within the request for public hearing that the person actually has a real property interest or direct economic interest that may be adversely affected by the granting of the permit at issue at the public hearing.

Registration procedures -- Section 245.200 f): Requiring operators to update their registration within 60 days of a change of any in the information required by Sec. 245.200 is in direct conflict with the terms of SB 1715 and should be revised. SB 1715 explicitly requires updates to be filed annually if any information has changed. Some of the information required in Sec. 245.200 requires disclosure of information outside of Illinois' jurisdiction (i.e. incurrence of violations related to hydraulic fracturing operations). For large companies with operations in multiple regions around the world compiling rolling updates multiple times throughout the year creates unnecessary paperwork requirements and also increases the risk of inadvertently missing a reporting requirement.

Section 245.200 b) 1) C) – Registration Procedures: The proposed regulations require operators to carry proof of insurance in the amount of at least $5 million "per occurrence". This requirement exceeds the scope of SB 1715 and should be deleted on the basis that it will be a disincentive for small businesses and mid-size operators to participate in a meaningful way. SB 1715's registration requirements were the subject of extensive negotiation. The statute requires operators to carry $5 million in insurance to meet the registration requirements. The statute does not contain any reference to "per occurrence" and instead relies on a flat threshold. Establishing a "per occurrence" threshold would require operators to carry significantly larger policies than envisioned by the General Assembly and could discriminate against smaller to midsize

013180

companies. Illinoi's economy will be best benefitted by creating an atmosphere that encourages investment from all sectors of the oil and gas industry – large companies as well as small.

Section 245.210 a)15)B) – Permit Application Requirements: Given the lengthy nature of the permitting process and uncertainty posed by the hearings process it will be nearly impossible for operators to predict with any accuracy the "anticipated" start and end dates for key operations such as drilling. The start and end dates will be directly impacted by equipment availability, weather, permit delays, etc. This will be particularly true during the exploratory phase when operations will be dependent upon transporting the equipment from other states where full scale development is currently occurring. The proposed requirement should be deleted so as to remove a point of concern operators will have while trying to complete true and accurate permit applications.

Section 245.210 a) 26) – Permit Application Requirements: Requiring each permit application to list in detail the contractors that will be used is completely unnecessary and not required in any other type of permitting scenario. All HVHHF completion operations will be conducted by a third party contractor that is retained by the operator. Ultimately the operator is responsible to the regulatory agency for conditions and operations on their lease. The requirement could also be difficult to comply with as the operator may not know at the time the application is submitted which service company will be contracted to do the work. This will be particularly true during the exploratory phase when operations will be dependent upon crew availability and transporting the equipment from other states where full scale development is currently occurring. The proposed requirement should be deleted as it will be impossible to comply with.

Permit Modifications -- Section 245.330 e) 2): The proposed language allows IDNR 90 days to approve "insignificant" permit modifications. The length of the proposed review time for minor items is burdensome and could create economic and scheduling impacts for operators. The proposed rules should allow for minor modifications to be processed in a period not to exceed 14 days. The industry should not have to sit around or otherwise be adversely impacted by minor modifications. We believe the industry and IDNR staff can work together and create an efficient review process for minor changes in the permit.

Conclusion

As we all know we are past the discussion of whether hydraulic fracturing happens currently in this state, or is going to happen in the future. Put simply, the General Assembly put forward a clear mandate on this topic when the House voted 108-9 and the Senate voted 52-3 to adopt SB 1715. IDNR must keep this history in mind as part of its guidance for the rule development process. We are now striving for rules that follow the protections that were painstakingly negotiated and spelled out explicitly in the law -- and also allow for successful oil and gas exploration in our state with the economic benefits that accompany it.

The Illinois Chamber believes our overall economy would benefit from the increased supply of oil and gas from the New Albany Shale. We also believe extracting it can be done in an environmentally responsible way within a structured regulatory format. Finally, we believe the jobs and economic benefits to the people of Illinois will

913181

boom if the rules are promulgated according to the intent of the law and finalized with as many efficiencies as possible embedded in the process.

Working with the IDNR and the other entities that worked so hard to pass legislation this past May, we still believe we'll find this regulatory sweet spot. Then we'll have to cross our fingers and hope the shale play lives up to our expectations and provides our state and country with additional supplies of oil and/or natural gas that are so instrumental for the quality of our economy and our quality of life.

Thank you.

Tom Wolf
Executive Director, Energy Council
Illinois Chamber of Commerce
300 S. Wacker Drive, Suite 1600
Chicago, IL 60606

p) 312-983-7109
f) 312-386-7819
c) 312-925-4115
e) twolf@ilchamber.org

It's always a good time to talk about energy!

013182

Brown, Ronda

From: Mool, Bob
Sent: Monday, December 23, 2013 8:56 AM
To: Brown, Ronda
Cc: Cohen, Mitchell; San Diego, Nick
Subject: FW: IMA Comments on Fracturing Rules
Attachments: IMA comments - Fracturing Rules.pdf

Ronda

Another comment re the ad rule.

Bob

From: Mark Denzler [mailto:mdenzler@ima-net.org]
Sent: Friday, December 20, 2013 3:28 PM
To: Mool, Bob; Miller, Marc
Cc: Ziri, Michael; Jerry Peck; Mark Denzler
Subject: IMA Comments on Fracturing Rules

Marc & Bob,

Please find attached IMA comments on the proposed rules. I hope you and your families have a great holiday!

Best,

Mark

Mark Denzler
Vice President & Chief Operating Officer
Illinois Manufacturers' Association
220 East Adams Street
Springfield, IL 62701
Office: 217-522-1240 Ext.3726
Fax: 217-525-2526
www.ima-net.org

Follow the IMA on Facebook!

13193

Illinois Manufacturers' Association www.ima-net.org
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220 East Adams Street • Springfield, Illinois 62701 • 217-522-1240 • Fax: 217-522-2367
Email: ima@ima-net.org

December 20, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois, 92702-1271

Re: Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act (62 Ill Adm Code245: 37 Ill Reg 18097)

Dear Mr. Mool:

On behalf of the Illinois Manufacturers' Association (IMA), thank you for the opportunity to comment on the Department of Natural Resources' proposed rules for the Hydraulic Fracturing Act. The IMA is the oldest and largest state manufacturing trade association in the United States representing nearly 4,000 member companies and facilities. Manufacturing employs 580,000 direct workers and contributes the single largest share of Illinois' Gross State Product.

For more than three years, the IMA championed passage of hydraulic fracturing legislation in Illinois in order to unlock domestic energy reserves. Use of new and safe fracturing technology will create good jobs, generate tax revenue for local and state governments, and reduce our reliance on foreign sources of energy while protecting the air, water and land in the New Albany Shale basin.

Now that the Hydraulic Fracturing Regulatory Act (P.A. 98-0022) has been signed into law by Governor Quinn, it is essential that the Department of Natural Resources adopt reasonable and common sense rules that simply implement the law as passed. The Department's rulemaking process should not be utilized as a forum to consider new issues or debate issues that were resolved by the General Assembly during the extensive negotiations.

Public Act 98-0022 was the result of substantial negotiations between the IMA and members of the GROW-IL Coalition, Farm Bureau, Sierra Club, National Resource Defense Council, Environmental Law & Policy Center, and many more organizations.. Several of these organizations are now trying to renegotiate the bill through the rulemaking process in the hope that its implementation will be delayed or even stopped. All sides were forced to compromise to reach an agreement and the Department should uphold the statute rather than bending to these politically orchestrated maneuvers.

Finally, before I delve into a few specific areas that we do not believe follow SB 1715 and it's legislative intent, I'd mention that the actions taken by DNR will play a major role in determining whether fracturing occurs in Illinois. The unconventional resource play is in its infancy in the state where early exploration is occurring. Illinois will be competing with many other states that have been utilizing fracturing for many years and have far less restrictive laws and regulations. The Department's rules should not impose additional burdens that will simply add costs and inefficiencies to the system.

With respect to the proposed rules, the IMA believes that several sections should be clarified to meet the statute and its intent.

Section 245.110: The proposed definition of "stimulation treatment" should be deleted. The definition is not contained in SB 1715. SB 1715 in fact is limited in scope to "high volume horizontal hydraulic fracturing operations" which are explicitly defined. If the proposed definition is included it will lead to substantial technical confusion on the part of both industry and the Department. From a strictly technical perspective, there are many other forms of "stimulation treatments" that can be applied to a well. These operations were intentionally not included in SB 1715.

Section 245.200(f): Public Act 98-0022 clearly states that registration information shall be updated annually if any information has changed. Rules proposed by the Department provide that operators shall update their registration within sixty days of any change that is a costly and time-consuming burden. The proposed rule very clearly violates the statute and should be eliminated or amended to match the annual reporting requirement.

Section 245.270(a)(1)(v): The definition of "standing" was a point of contention during the negotiation and the final agreement allows for public hearings for hydraulic fracturing permits despite the fact that permits issued under the Oil and Gas Act do not require these hearings. As part of the agreement, all sides agreed that public hearings would be limited specifically to those people **directly impacted by the permit**. DNR should limit public hearings to people that have a real property interest or direct economic interest that may be adversely impacted by the granting of a permit.

Section 245.330(e)(2): The Department's proposed rules provide that they have ninety days to approve insignificant permit modifications while the statute sets a limit of sixty days for the original permit processing. Minor permit modifications should be approved within a tight fourteen-day window that provides adequate time for review of minor changes. The ninety-day requirement set forth in rules is arbitrary and represents a significant delay for operators that are working on tight schedules.

Sec. 245.540(b): The requirement to use fresh water or brine to conduct mechanical integrity tests should be deleted. Normally the surface and intermediate casing test are performed with mud, not brine or fresh water. As drafted the proposed language would require the operator to displace the mud from the casing before testing and replace it with brine or fresh water. After testing the casing the brine or fresh water would then have to be displaced out of the casing and replaced with mud before drilling could proceed. This is not only an economic waste because of the time and logistics involved, but it also creates a more negative impact on the environment because of the additional waste fluid the sequence would generate. The requirement should be revised to simply allow the test to be conducted with mud per standard industry practice.

Thank you for the ability to comment and consideration of changes to the proposed rules. The IMA appreciates the Department's desire to proceed in an expeditious manner but it's important to make sure that we get it done right.

Regards,

Mark Denzler
Vice President & COO

0181186

Brown, Ronda

From: Mool, Bob
Sent: Monday, December 23, 2013 12:08 PM
To: Brown, Ronda
Cc: Cohen, Mitchell; San Diego, Nick
Subject: FW: GROW- IL Comments on Fracturing Rules
Attachments: GROW - Fracturing Regulation Comments- FINAL.pdf

Ronda

Ad rule comments.

Bob

From: Mark Denzler [mailto:mdenzler@ima-net.org]
Sent: Monday, December 23, 2013 11:34 AM
To: Mool, Bob; Miller, Marc
Cc: Ziri, Michael; Mark Denzler
Subject: GROW- IL Comments on Fracturing Rules

Director, Bob & Mike,

Please find attached a copy of the GROW Coalition's comments on the hydraulic fracturing rules. Thank you for your consideration.

Best,

Mark

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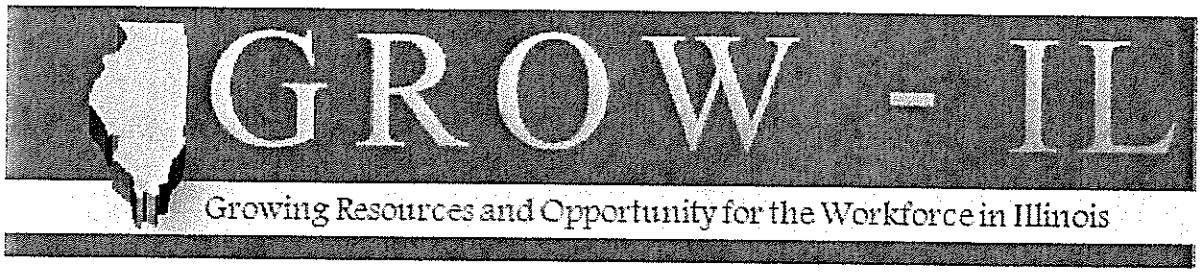

December 22, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois, 92702-1271

Re: Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act (62 Ill Adm Code245: 37 Ill Reg 18097)

Dear Mr. Mool:

On behalf of the GROW-IL Coalition, thank you for the opportunity to comment on the Department of Natural Resources' proposed rules for the Hydraulic Fracturing Regulatory Act. Legislation creating the new Public Act 98-0022 passed with very strong bipartisan majorities in both the House of Representatives and State Senate following months of intense debate and discussion by parties representing the oil & gas industry, organized labor, manufacturing, transportation, agriculture, and environmentalists along with representatives from the Governor and Attorney General.

Co-chaired by the Illinois Manufacturers' Association, Illinois AFL-CIO, and Illinois Petroleum Council, the Grow-IL Coalition represents a diverse group of business, labor, construction, transportation, and agricultural organizations that support hydraulic fracturing in Illinois. Combined, more that three-dozen GROW-IL members represent thousands of companies and hundreds of thousands of working men and women across Illinois.

The GROW-IL Coalition worked in good faith with representatives from environmental organizations such as the Sierra Club, National Resources Defense Council, and Illinois Environmental Council to reach consensus on common sense legislation that will create good high-paying jobs for Illinois workers, generate revenue for state and local coffers, and protect the air, water and land in southeast Illinois.

It is absolutely imperative that the proposed rules mirror the carefully crafted legislation that earned support from all sides after months of debate.

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The General Assembly debated and passed Public Act 98-0022 with great line-by-line deliberation in which all parties were forced to compromise. The Department's rulemaking process should be utilized solely to implement the legislation and should not serve as a forum to consider new issues or debate issues that were resolved during the negotiation.

The unconventional resource play in Illinois is currently in an early exploratory phase while many other states have more than a decade of experience. Other states have witnessed massive economic development opportunities with no damaging environmental impact. The Department should consider that Illinois is competing with other states and countries for capital investment in the oil and gas sector. With that in mind, GROW-IL hopes that the Department will proceed with rules that simply implement the law and do not impose additional costly burdens that will make Illinois less attractive.

GROW-IL would like to raise two general points before addressing some very specific issues with respect to the Department's proposed rules.

1. **Prescriptive vs. Performance-Based Approach**

   The Department has followed a very prescriptive approach in drafting these regulations. Such an approach frequently prescribes very specific ways in which operators must conduct their operations. This type of approach can limit flexibility, remove technically-sound options and can limit implementation of new or improved techniques that are part of normal technology development. Regulations that utilize a performance-based strategy are generally far more effective and efficient in ensuring public health, safety, and environmental protection. While some regulations are required due to the prescriptive nature of the law, the Department should utilize a performance-based approach when possible.

2. **Cumbersome Permitting Process**

   The Illinois law is the strictest and most transparent in the nation as it applies to the permitting and application process, especially in light of the sixty-day requirement. Many of the requirements impose additional burdens on operators and the Department without adding substantive value or security to the overall objectives of safety and efficiency of developing oil and gas resources. The Department should not impose new burdens on permits in the rulemaking process that are not warranted and only serve to delay the process. To the extent possible and unless otherwise explicitly required by the Act, the Department should craft the regulations in a way that promotes efficiencies and eliminates redundant requirements.

GROW-IL offers the following specific comments with regard to the Department's proposed rules and appreciates your consideration.

Section 240.796 (d)

When analyzing and responding to potential induced seismic events, DNR should recognize that determining the location of an event within 3 (or 6) miles may be difficult where seismometers are widely spaced. Determining the exact location of an event should include an assessment of the margin of error so that the appropriate action can be better determined.

Section 240.796 (e)

The technical evaluation of potential induced seismic events should also include sufficient information to identify natural vs. manmade events, as practical.

Section 245.110 Definitions

The proposed definition of "stimulation treatment" should be deleted. The definition is not contained in SB 1715. SB 1715 in fact is limited in scope to "high volume horizontal hydraulic fracturing operations" which are explicitly defined. If the proposed definition is included it will lead to substantial technical confusion on the part of both industry and the Department. From a strictly technical perspective, there are many other forms of "stimulation treatments" that can be applied to a well. These operations were intentionally not included in SB 1715. The definition of "stimulation" cannot be considered the same as hydraulic fracturing. It is not accurate and overly restrictive. There are many other forms of stimulation other than hydraulic fracturing of a well. By limiting the definition as proposed, operators may be reluctant or confused as to how to perform these other activities

Section 245.200; subsection (b)(1)(B)

Registration Procedures: SB 1715's registration requirements were the subject of extensive negotiation. The intent of the legislation was to require the operator to disclose violations of rules specific to the conduct of hydraulic fracturing operations. Although the draft regulations copied the language directly from SB 1715, IDNR should incorporate language that more clearly clarifies the intent and keeps the disclosure narrowly tailored as agreed to. Incorporating clarifying language in the regulations will assist new operators looking to invest in Illinois more clearly understand what is required by this section.

Section 245.200 (b)(1)(C)

Registration Procedures: The proposed regulations require operators to carry proof of insurance in the amount of at least $5 million "per occurrence". This requirement exceeds the scope of SB 1715 and should be deleted. SB 1715's registration requirements were the subject of extensive negotiation. The statute requires operators to carry $5 million in insurance to meet the registration requirements. The statute does not contain any reference to "per occurrence" and instead relies on a flat threshold. Establishing a "per occurrence" threshold would require operators to carry significantly larger policies than envisioned by the General Assembly.

Section 245.200 (f) – Registration Procedures:

Requiring operators to update their registration within 60 days of a change of any in the information required by Sec. 245.200 is in direct conflict with the terms of SB 1715 and should be revised. SB 1715 explicitly requires updates to be filed annually if any information has changed. Some of the information required in Sec. 245.200 requires disclosure of information outside of Illinois' jurisdiction (i.e. incurrence of violations related to hydraulic fracturing operations). For large companies with operations in multiple regions around the world compiling rolling updates multiple times throughout the year creates unnecessary paperwork requirements and also increases the risk of inadvertently missing a reporting requirement.

Section 245.210; subsection (a)(7)(C) – Permit Application Requirements:

Language needs to be added to the second sentence in this subsection that clarifies the surface location map is only required for wells "within 750 feet of any part of the horizontal well bore". As drafted the sentence could be construed to suggest that the operator would be required to supply a map that identifies the surface location of any previously drill well located throughout the entirety of the geologic formation, not just in the immediate area surrounding the newly proposed well.

Section 245.210; subsection (a)(12)(A)– Permit Application Requirements:

The permit requirements established by SB 1715 far exceed the requirements of any other oil and gas producing state. IDNR should avoid imposing additional requirements that expand the amount of paperwork needed to file a permit. The proposed requirements for the "well site safety" plan exceeds the requirements envisioned by SB 1715 and should be revised. The well site safety plans should simply provide streamlined summaries of standard safety practices such as required use of personal protective equipment (PPE), identify emergency points of contacts, contact information for relevant emergency response agencies, and identify emergency access routes. As drafted the proposed regulations could be construed to require a massive safety plan that goes in to detail on how each and every state and federal OSHA requirement will be addressed.

Section 245.210; subsection (a)(12)(C) – Permit Application Requirements:

The requirement to identify "hazardous materials" is redundant to the pre chemical disclosure list required by SB 1715. The requirement was not contained in SB 1715 and should be deleted in the interest of streamlining the application process.

Section 245.210 (a)(15)(A) – Permit Application Requirements:

Scaled maps of the proposed routes that will be primarily used for HVHHF operations should be limited to a five (5) mile radius as opposed to the ten (10) mile radius proposed.

Section 245.210 (a)(15)(B) – Permit Application Requirements:

Given the lengthy nature of the permitting process and uncertainty posed by the hearings process it will be nearly impossible for operators to predict with any accuracy the "anticipated" start and end dates for key operations such as drilling. The start and end dates will be directly impacted by equipment availability, weather, permit delays, etc. This will be particularly true during the exploratory phase when operations will be dependent upon transporting the equipment from other states where full scale development is currently occurring. The proposed requirement should be deleted.

Section 245.210 (a)(25)(A) – B) – Permit Application Requirements:

The proposed requirements are redundant to the registration requirements in Sec. 245.200 and should be deleted in the interest of streamlining the permitting process.

Section 245.210 (a)(26) – Permit Application Requirements:

The proposed requirement is unnecessary since the operator is responsible for the actions of contractors on their lease. All completion operations will be conducted by a third party contractor that is retained by the operator. Ultimately the operator is responsible to the regulatory agency for conditions and operations on their lease. The requirement could also be difficult to comply with as the operator may not know at the time the application is submitted which service company will be contracted to do the work. This will be particularly true during the exploratory phase when operations will be dependent upon crew availability and transporting the equipment from other states where full-scale development is currently occurring. The proposed requirement should be deleted as it will be impossible to comply with.

Section 245.270 (a)(1)(A)(v) – Public Hearings:

The proposed standards for establishing whether a party is "adversely impacted" are overly broad and could lead to abuse of the public hearings process. This section was negotiated in detail during the legislative process. As drafted the language would allow nearly any party to claim they have "an interest" in the "recreational or environmental value" of any area where development is proposed. The language should be tightened in accordance with the legislative intent to require that parties must provide proof of direct economic interest in order to claim they are adversely impacted if they cannot qualify for status under the terms of (i) – (iv) of this section.

Section 245.310 (d) – Permit Denial:

As drafted the language would allow IDNR to deny a permit on the basis that an "emergency condition" is alleged to exist. The language should be revised to state that the emergency condition must be "proven to exist based on evidence reviewed by personnel trained in oil and gas operations".

Section 245.320 (c) – Permit Conditions:

As drafted the language would allow IDNR to impose burdensome terms and conditions based on a low threshold. Section 1-53 of SB 1715 specifically stated that additional conditions that exceed the standard regulatory requirements can be added "only if the record of decision demonstrates" the added requirements are justified. The language in the draft regulations should be modified to reflect the explicit limitations imposed by SB 1715.

Section 245.330 (e)(2) – Permit Modifications:

The proposed language allows IDNR 90 days to approve "insignificant" permit modifications. The length of the proposed review time for minor items is burdensome and could create economic and scheduling impacts for operators. The proposed rules should allow for minor modifications to be processed in a period not to exceed 14 days.

Section 245.340 (c) – Permit Transfers:

Imposing a $2,000 fee for transferring a single well regulated to this section is excessive. The proposed transfer fee should be reduced. The proposed language should also clarify as to whether a per well is required in instances where the entire assets are transferred from one company to another. In those types of instances imposing a per well fee for the entire company assets could impose significant added costs.

Section 245.340 (d)(3) – Permit Transfers:

Requiring contractors to provide proof of insurance is not relevant in instances of permit transfers. Operators hold the permits to operate the wells regulated pursuant to these regulations. Permit transfers will occur from operator to operator. The operator acquiring the permit will have no idea of knowing which contractors they will be using in the future. Furthermore, the operator is the entity responsible to the regulatory agency and is responsible for the conduct of contractors and activities on their leases. This requirement should be deleted because it will be impossible to comply with.

Sec. 245.520(d):

The proposed language requires the cement to be pumped "at a rate in a flow regime that inhibits channeling of the cement in the annulus." Although this language is taken straight from SB 1715, the requirement ignores the technical reality that this standard may not be possible to achieve in larger whole sizes. When drilling operations are unable to reach a turbulent flow regime alternative pumping strategies are typically employed that still ensure well integrity. The draft regulations should allow operators to provide notice to the Department of their intent to utilize alternative pumping strategies in instances in which tubulent flow regime cannot be achieved.

Section 245.520 (h) – Cement Requirements:

Requiring the cement job logs to be submitted within 30 days of completing the activity creates inefficiency and confusion for the operator. As drafted the proposed regulation could be interpreted as imposing a different 30 day clock for each cementing stage. For efficiency purposes the proposed regulation should require the logs to be submitted 30 days "after the rig is released" to allow the operator to submit a single complete filing that covers the entire well.

Sec. 245.520 (h)(2):

The proposed regulation requires copies of the cement job lobs and compressive strength test results to be maintained "at the well site". This requirement is not contained in SB 1715 and does not reflect the reality of the fact that most active drilling operations do not have the storage facilities on site to maintain this extensive a list of records. Normally records of this nature are transmitted electronically to the operator's offices for review by the engineering team. SB 1715 simply requires the operator to maintain the records and does not require the records to be maintained "at the well site". The proposed language should be modified to allow the operator to maintain them at an office location away from the drill site in a manner that can be readily transmitted to IDNR upon request.

Section 245.530 (e) – Surface Casing Requirements:

Requiring operators to provide notice "during normal business hours" and "at least 24 hours" in advance of conducting the work does not reflect the reality of oil and gas operations and must be changed. Most cementing is done after the casing point is reached at whatever hour of the day or weekend that may be. Restricting calls to business hours will create significant economic impacts as operators would prospectively have to shut down their weekend operations to wait for IDNR's offices to reopen. The rules should allow the operator to call an answering service in the appropriate district office and for follow up inspections to be conducted after the fact.

Section 245.530 (f)(1):

For technical accuracy the language should be revised to allow placement of the centralizer "within 10 feet of the bottom" or "on the first joint above the casing shoe". These language modifications would be consistent and allowed within the context of the pure language of SB 1715.

Section 245.530 (h)(1)

The prescriptive requirement proposing the use of API Class A cement should be replaced with a performance based requirement that specifies any cement used should meet API Standards (API Spec 10A). There are many types of cement that have been in use for decades. It is unclear what attributes t DNR feels may be unique to Class A cement to justify its use. Additionally, API Spec 10B-2 provides guidance of testing cements and several of the other "10-Series" documents provide information on mixing and evaluation of cement slurries.

Section 245.530 (h) – Surface Casing Requirements:

The requirement that the cement must meet a minimum density of 14.5 ppg should be deleted as it would prevent new cementing technologies from being introduced. There are many areas in the industry where surface formations will not support a 14.5ppg density. Requiring this high of density may cause the formations to break down and not only could the cement go in to potentially fresh water sands, it will be impossible to get cement to surface. This requirement should be dropped as the regulations also specify a minimum compressive strength for the cement. There is a lot of new technology that has been used to develop very light weight high strength cement that is being used all over the industry for this application. The proposed language as drafted prohibits using any of these light weight high strength cements developed just for this purpose. It is much more important to get adequately strong cement in place to surface than to have a high density slurry that will lose much of its volume to the formation and may not get to surface at all without multiple cement squeeze jobs.

Section 245.530 (i) – Surface Casing Requirements:

The mandated use of centralizers was negotiated at length during the legislative process. The centralizer requirements imposed in Sec. 245.530(i), 245.560(h), and 245.570(f) significantly exceed the explicit requirements contained in Section 1-70 of SB 1715. The expanded list of explicit requirements contained in the proposed regulations should be deleted in lieu of the more general guidance provided for in SB 1715 that allowed technical well design decisions to be dictated by the engineering and regulatory professionals as required by the subsurface environment. Blindly mandating the use of centralizers by regulation without consideration to the specific design of the well is unwise and can create well integrity issues that could otherwise be avoided.

Section 245.530 (k) – Surface Casing Requirements:

The notification requirement for inspection is redundant with the notification requirements imposed in Section 245.540 and should be deleted. As drafted the regulations appear to require multiple notifications and inspections for similar activities.

Section 245.540 (a) – Establishment of Internal Mechanical Integrity:

Requiring operators to provide notice "during normal business hours" and "at least 24 hours" in advance of conducting the mechanical integrity test does not reflect the reality of oil and gas operations and must be changed. Restricting calls to business hours will create a significant economic impact as operators would have to shut down their weekend operations to wait for IDNR's offices to reopen. The rules should allow the operator to call an answering service and for the district offices to maintain "on call" personnel that can witness tests on the weekend and during evening hours.

Section 245.550 (a) – Installation of Testing and Blowout Prevention Equipment:

The notification requirement for inspection is redundant with the notification requirements imposed in Section 245.540 and should be deleted. As drafted the regulations appear to require multiple notifications and inspections for similar activities.

Sec. 245.540 b): The requirement to use fresh water or brine to conduct mechanical integrity tests should be deleted. Normally the surface and intermediate casing test are performed with mud, not brine or fresh water. As drafted the proposed language would require the operator to displace the mud from the casing before testing and replace it with brine or fresh water. After testing the casing the brine or fresh water would then have to be displaced out of the casing and replaced with mud before drilling could proceed. This is not only an economic waste because of the time and logistics involved, but it also creates a more negative impact on the environment because of the additional waste fluid the sequence would generate. The requirement should be revised to simply allow the test to be conducted with mud per standard industry practice.

Section 245.550 (e) Installation of Testing and Blowout Prevention Equipment:

Drilling and completion operations are separate and distinct phases in the well development process. Blow out preventers (BOP) are used during drilling while well trees are used to manage downhole pressure during the completion operation. As it relates to the proposed language in Sec. 245.550 SB 1715 failed to recognize the difference between the two types of operations. The proposed regulations should incorporate language that recognizes the technical differences between these types of operations to ensure that the correct type of well control systems are being used during the appropriate phase.

Sec. 245.560 (b)4):

The word "or" should be inserted at the end of subsections A) of this section. As drafted the proposed regulation appears to read that operators must comply with the requirements in both A) and B) which is not consistent with SB 1715 or technically consistent with proper well design protocols.

Section 245.560 (h) – Intermediate Casing Requirements: See comment related to Section 245.530 (i) above.

Sec. 245.560 o): The requirement for the relief valve, if needed at all, should only be required during Hydraulic Fracturing Operations. Normally this annular pressure is monitored during frac operations and no relief valve is used. Relief valves are normally on the pump discharge of the pumping equipment and they are set just above the anticipated treating or pumping pressure.

Sec. 245.570 a): As drafted the language is confusing and goes beyond the pure requirement of SB 1715. The language in the entire subsection should be deleted as drafted and replaced with the language straight from SB 1715 which simply states that "production casing must run and fully cemented to 500 feet above the top perforated zone, if possible." The "if possible" standard was intentionally included in the statute in light of the reality that each well is

designed to fit the unique surrounding geologic conditions. It is unnecessary to include detailed information on an alternative cementing approach if the basic requirement is not appropriate. Rather than try to be prescriptive, the alternative approach can be properly identified in discussions between the regulatory staff and drilling engineering staff for the company.

Section 245.570 (f) – Production Casing Requirements: See comment related to Section 245.530 (i) above.

Section 245.600 – Water Quality Monitoring:

The proposed rules require labs retained for water quality testing to be accredited or certified. The State should take steps to ensure that the certification process is efficient so operators are not unnecessarily delayed due to a shortage of qualified labs available to conduct work in a timely fashion.

Section 245.845 (d) – Management of Gas and Produced Hydrocarbons during Flowback:

The proposed rules require both Department and Agency approval in order for a producer to use a combustion completion device (CCD). In the interests of streamlining the process the rules should delete the redundant requirement to have two agencies involved in the review and limit approval to the Department's purview as the primary industry regulator. Requiring two agencies to be involved in approving a routine device will lead to delays that could negatively impact the economics and schedules of the operators. CCDs will be essential during the exploratory phase as the infrastructure needed to utilize "closed loop" systems will not be constructed until it is determined whether a viable reservoir exists.

Section 245.850 (k) – Transportation and Reporting Requirements:

Requiring producers to file a separate fluid handling report with the Department is redundant and should be eliminated in the interests of streamlining the regulatory process. The transfer tickets that are maintained by the trucking company and provided to the operator contain the relevant information required by the Act in regards to reporting the disposal of fluids. The regulations should simply require operators to maintain copies of their transfer tickets for an established period of time and to make the materials available to the Department upon request.

Section 245.900 (d) – Managing Natural Gas and Hydrocarbon Fluids during Production:

The requirement to have both the Department and the Agency approve an operator's application to utilize a flare during the production process is redundant and should be streamlined. Review and approval should be limited to the Department.

Section 245.1010 (d) – Plugging Previously Abandoned Unplugged Wells:

The requirement to receive written approval from the Department that the plugging required by this section is satisfactory is unnecessary and should be deleted in the interest of eliminating barriers that add delays to the process. The Department has established standards for properly plugging and abandoning wells. The Department has the ability to ensure operators are complying with the abandonment standards by conducting spot inspections and requiring operators to produce records upon request. It is unnecessary to delay the ability of operators to conduct HVHHF operations in a timely fashion by requiring multiple points of written approval during the process for a single well. Despite the representation in the media, HVHHF operations are routine operations that are conducted by trained professionals. The permitting process should be as efficient and streamlined as possible.

Section 1-77 (a) of the Hydraulic Fracturing Regulatory Act:

Establishes provisions requiring a "permittee" or "applicant, or person who will perform the high volume horizontal hydraulic fracturing operations at the well" to submit chemical disclosures within 21 days prior to performing the hydraulic fracturing operations. In fact, the statute employs the phrase "permittee, applicant, or person who will perform the high volume horizontal hydraulic fracturing operations at the well" throughout this section of the law.

At the same time, certain provisions of Section 1-77 apply only to "the person performing high volume hydraulic fracturing operations." In particular, Section 1-77(a) provides that the person performing high volume hydraulic fracturing operations may adjust or alter the contents of the fluid during the treatment process to respond to unexpected conditions, provided that notice is given to the Department. In addition, Section 1-77(c) sets forth reporting and other requirements that apply only to persons performing high volume hydraulic fracturing operations.

Section 245.700 and Section 245.710

The proposed rule addresses these requirements in 1-77 by bifurcating or creating separate sections for the "permittee" and a new category of "contractor." "Contractor" is neither defined by this proposed rule nor the statute. The Department's decision to create separate sections addressing the rights and responsibilities of a permittee and contractor reflects the fact that permittees can perform hydraulic fracturing operations themselves (rather than hiring a service company) but the way the Department has gone about it results in two key issues.

First, as drafted Section 245.700 does not make clear that the obligations in that section apply to a permittee only to the extent that it is also the "person performing high volume hydraulic fracturing operations." Under the statute, a permittee that uses a contractor to perform hydraulic fracturing operations (as is typically the case) has no obligation to provide the Department with master lists of chemicals to be used. Under those circumstances, the permittee would not be able to provide complete lists of chemicals because it would not have access to its contractor's trade secret information and the Legislature took great care in

structuring the Act to ensure that contractors were not required to provide permittees with proprietary information.

Second, under proposed Section 245.710 a contractor no longer has the right "to alter or adjust the contents of the fluid." Such right exists under the statute if the permittee or the person who will perform the high volume horizontal hydraulic fracturing operations at the well gives the Department notice of the change by email within 24 hours of the change. Under the proposed rule, only the permittee retains this right. Not only is this deviation from the statute beyond the scope of the Department's delegated authority, but also is directly contrary to the law passed by the General Assembly.

This section of the Proposed Rule is not only legally invalid as it has usurped the authority of the legislature by rewriting the statute, it is also impractical. Where a permittee uses a contractor to perform hydraulic fracturing operations, the permittee would not be in possession of the chemical information required to comply with this section as it relates to trade secret information. The legislature contemplated this practicality and therefore allowed the person performing the hydraulic fracturing operations (which could be either the permittee or a "contractor") to change the contents of the fluid upon proper notification to the Department. Without a change to this section consistent with the law, the Rule will most likely be held invalid and also unworkable as many fluid adjustments will require a 21-day delay.

Accordingly, Section 745.700 (a) should be amended to clarify that it only applies if the "permittee" is performing the hydraulic fracturing treatment:

> If the chemical disclosure information required by Section 245.210 (a)(8) is not submitted at the time of the permit application, and the permittee is the entity performing the high volume horizontal fracturing operations, then the permittee shall submit this information to the Department in electronic format no less than 21 calendar days before performing the high volume horizontal hydraulic fracturing operations.

In addition, Section 245.710 should be amended to clarify that the "contractor" can alter or adjust the contents of the fluid under certain conditions if it provides the Department notice of the change by email within 24 hours of the change by adding:

> Section 245.710(d) Nothing in this Section shall prohibit the contractor performing the high volume horizontal hydraulic fracturing operations on behalf of the permittee from adjusting or altering the contents of the fluid during the treatment process to respond to unexpected conditions, as long as the contractor performing the high volume horizontal hydraulic fracturing operations on behalf of the permittee notifies the Department by electronic mail within 24 hours of the departure from the initial treatment design and includes a brief explanation detailing the reason for the departure.

Under Section 1-77 (f) of the statute, an "applicant, permittee or the person or entity performing the high volume horizontal hydraulic fracturing operations" is required to submit to the Department two separate chemical disclosures, one "redacted" version which blocks trade secret information and another "un-redacted" version, which does not block trade secret information. At all times, the Department is to protect the trade secret information except in the instance of a spill, Section 1-77 (m), or in the treatment of a patient, Section 1-77 (l).

Section 1-77 (l) of the Hydraulic Fracturing Regulatory Act allows the Department to disclose certain trade secret information to health care professionals under certain circumstances. Namely, it allows for the "*provision of information furnished under a trade secret* (emphasis added) to a health professional that states a need for the information and articulates why the information is needed." Section (l) further specifies the terms and conditions of the use of the trade secret information.

The Section 745.730 of the Proposed Rule, however, has created a complex four-tiered process for health professionals to obtain this information from both the Department and "trade secret holders." The first two methods are "in an emergency health care situation," the second two methods are "in a non-emergency health care situation."

Under neither scenario did the statute provide for a specified period of time to respond nor for penalties in the event that the response was delayed. Instead, the statute granted rulemaking authority consistent with Section 1-77(l) of the statute. The rulemaking authority was specific; to create rules regarding how the "information furnished under a trade secret..." is to be provided to medical professionals and how the information is to be used and protected.

The General Assembly provided that the trade secret information must be provided in two forms; "redacted" and "un-redacted," to allow the Department the ability to respond to health care situations and potential spills. Otherwise, the trade secret information could remain in the possession of the trade secret holder, rather than the State. Instead, the General Assembly prescribed the "redacted" model to allow the Department to directly respond to these healthcare situations.

Under the Proposed Rule, in an emergency, the health professional can retrieve this information by and through a request to the Department. The Department is under no time constraints as to its response to the emergency. Second, a health professional can retrieve this information by and through a request to the trade secret holder that has a two-hour time constraint to respond.

In a non-emergency, the health professional can retrieve this information by and through a request to the Department. The Department has two business days to respond. Second, a health professional can retrieve this information by and through a request to the trade secret holder that must respond within the same business day.

Ironically, the non-emergency response time could be shorter than the response time required in an emergency; for example, if a trade secret holder received a request at 4:59 p.m.,

it could essentially be required to respond instantaneously in a situation where there is no emergency. In addition, it is not clear why a non-emergency situation would even require a time constraint for trade secret holders when the information is available from the Department and it is not an emergency situation; i.e. time is not of the essence.

As a practical matter, companies remains committed to responding to both potential spills and health care situations on a 24-hour a day/seven day a week basis. However, a trade secret holder should not be subjected to unwarranted time constraints and penalties when the information required is in the possession of the Department, is not prescribed by statute, and open to potential abuses. At a minimum, the time constraints as applied to the trade secret holder and or the Department should be consistent; "as quickly as possible" in an emergency and "within 2 business days" in a non-emergency.

Therefore, Section 245.730(b)(2) should be amended as follows:

> "call the trade secret holder at any time (24 hours/7 days a week) and submit a completed request for information to the trade secret holder directly by fax or email. The trade secret holder shall respond to the health professional as ~~soon~~ quickly as possible~~, but in case more than 3 hours,~~ by fax or other methods determined by the trade secret holder to be a secure means of disclosure."

Section 245.730(c)(2) should be amended as follows:

> "call the trade secret holder at any time (24 hours/7 days a week) and submit a completed request for information to the trade secret holder directly by fax or email. The trade secret holder shall respond to the health professional ~~within the same business day~~ 2 business days by fax or other methods determined by the trade secret holder to be a secure means of disclosure."

On behalf of the GROW-IL Coalition, thank you for your consideration of our comments. We appreciate your commitment and desire to help develop an industry that can create jobs and generate revenue in an environmentally-safe manner.

GROW-IL Coalition Members

Illinois Manufacturers' Association
Illinois AFL-CIO
Illinois Petroleum Council
Illinois Retail Merchants Association
Illinois Chamber of Commerce
Chemical Industry Council of Illinois
Chicagoland Chamber of Commerce
Illinois Association of Convenience Stores
Illinois Petroleum Marketers Association
Illinois Oil & Gas Association
Illinois Railroad Association
Illinois Association of Aggregate Producers
Illinois American Water
U.S. Steel Corporation
Caterpillar
Illinois Fertilizer & Chemical Association
Illinois Trucking Association
Mid-West Truckers Association
Southwest Illinois Employers Association
Illinois State Council of Operating Engineers
American Chemistry Council
Illinois Business Roundtable
Mayor Bob Butler, Marion
Mayor Tom Jordan, West Frankfort
Mayor Vic Ritter, Herrin
Consumer Energy Alliance
IBEW Local #134
Mayor Joe Bisch, Grayville/Southern Illinois Mayors Association President
Mayor Mary Jane Chesley, Mt. Vernon
Mayor Dick Deitz, McLeansboro
Mayor Dennis Mitchell, Zeigler
Mayor Eric Gregg, Harrisburg
The Illinois Pipe Trades Association
The Chicago & Cook County Building & Construction Trades Council
IBEW Local #9
Chicago Journeymen Plumbers and Technical Engineers Local Union 130 UA
Laborers International Union – Midwest Region

IL5202

Brown, Ronda

From: Cohen, Mitchell
Sent: Friday, November 22, 2013 12:50 PM
To: DNR.Lawreception
Cc: Brown, Ronda
Subject: RE: Webuser Feedback (ID): Hydraulic Fracturing - public comment

The Department will accept this email as a public comment for consideration with all other public comments during the first notice period of the rulemaking process.

From: DNR.Lawreception
Sent: Friday, November 22, 2013 10:11 AM
To: Cohen, Mitchell
Subject: FW: Webuser Feedback (ID): Licenses, Hunting

Mitch,

Can you have the appropriate person respond.

Thanks.

From: Illinois DNR [mailto:ilext.moss.farm@illinois.gov]
Sent: Thursday, November 21, 2013 7:13 PM
To: DNR.Lawreception
Subject: Webuser Feedback (ID): Licenses, Hunting

Webuser Feedback ID 119493 has been submitted by Robert Crain, resident of Illinois (affiliation Concerned Citizen).

Email: crainrf@aol.com

Phone:

Primary area of interest: Law/Regulations

Question/comment: Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident. First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730] Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830

113293

245.850] Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100] Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620] Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330] I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

I need a reply

IL 613204

Brown, Ronda

From: Cohen, Mitchell
Sent: Thursday, December 05, 2013 11:35 AM
To: Brown, Ronda
Cc: Keener, Valerie
Subject: FW: Concerned Student Wanting to Discuss Fracking in southern Illinois
Attachments: Hydraulic Fracturing.docx

Ronda,

Please consider this as a public comment to the Hydraulic Fracturing administrative rules.

Thanks
Mitch

From: DNR.Teachkids
Sent: Wednesday, December 04, 2013 7:56 AM
To: McCloud, Chris; Woods, Michael L.; Cohen, Mitchell
Subject: FW: Concerned Student Wanting to Discuss Fracking in southern Illinois

Valerie Keener
Head, Division of Education
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-0973
Cell 217-725-9620
FAX 217-782-9552
http://www.dnr.illinois.gov/education
valerie.keener@illinois.gov

From: Alexandra Mistak [mailto:anmistak11@siu.edu]
Sent: Tuesday, December 03, 2013 11:02 PM
To: DNR.Clearing; DNR.Watercraft; DNR.Parksadmin; Williams, Jay D.; DNR.Teachkids; DNR.Endspec; DNR.Espb; Mick, Lynnette; DNR.Greenway; Renn, James; DNR.Lawreception; DNR.Mmlrd; DNR.INPC; McFall, Don; DNR.Volunteers; DNR.Dwrm
Subject: Concerned Student Wanting to Discuss Fracking in southern Illinois

Dear IDNR,

Attached are my concerns about Hydraulic Fracturing in the southern Illinois area.

Sincerely,
Alex Mistak

013205

Dear Illinois Department of Natural Resources,

Today I am writing you so that you may reconsider implementing hydraulic fracturing policies in southern Illinois. Although hydraulic fracturing has about 50% support in this area, why would another 50% in Illinois be against it, if it is said to benefit them? The answers are rooted in science and experience.

The first reason residents of southern Illinois are against "fracking" is because parents are worried about their children's health. Research on fracking has found that it causes air, water, and soil problems. For instance, studies show that fracking leads to an increase in birth defects, cancer, and neurological disorders near drilling sites due to air pollution. Hydraulic fracturing is also dangerous when well casings fail. Studies show that 60% of cement well casings used for fracking fail within 20 years. When well casings fail in southern Illinois it will put the rich soil in danger of contamination due to toxic fracking chemicals. Moreover, many southern Illinoisans are concerned about the fact that hydraulic fracturing is exempt from important federal regulations that protect public health and safety. Are we willing to hurt resident's well-being, including children, in Illinois so that corporations can make a profit?

Another great concern that many Illinoisans have about fracking in southern Illinois is that it causes earthquakes that can be detrimental to the area. Southern Illinois sits on the verging point of two major fault systems, the New Madrid Seismic Zone and the Wabash Valley Seismic Zone; because of this the chances of Southern Illinois experiencing an earthquake are greater and if and when hydraulic fracturing begins it can cause major problems that will be hard to fix. Although hydraulic fracturing is a fairly new way of getting energy, it has already caused numerous earthquakes in places like Oklahoma and Ohio. Earthquakes in the southern Illinois area are a major concern.

Furthermore, despite promises about an improved economy, we are not so sure that hydraulic fracturing is the best way to "improve" the economy. First, job creation projections in this area are not realistic because southern Illinois does not have as much oil as other states that have seen a boom in their economy like Texas. Additionally, all oil produced by fracking in southern Illinois will be sold overseas and so it will not help our economy by doing things like decreasing gas prices or any prices for that matter locally. More than anything, it seems to undermine southern Illinoisan's economic power, because an important thing to American's-property ownership will be taken away when landowners are forced to lease their land and mineral rights against their will for corporate gain. Also, some resident's will see their property values become devalued when hydraulic fracturing is nearby.

Although I understand that the United States has tremendous energy needs for cars, houses, appliances, businesses, and more, I ask that you reconsider hydraulic fracturing in the Southern Illinois area or to at least hold the corporations in charge of this project more

accountable. It is dangerous to the public and it will not help the economy in the Southern Illinois in a substantial or long lasting way. If it is impossible to reverse legislation though, I suggest some improvements to the current draft of the fracking legislation by the Illinois Department of Natural Resources.

First, do not let industry lobbyists have the authority to be the main writers of the legislation. We need the government's power to overpower the corporation's interests to protect the people. One problem with the current legislation, that is not protecting the people, is HB2615 in which it is stated that trade-secret-protected information about chemicals can only be disclosed to health workers if it is necessary to treat a patient and only during IDNR business hours or through trade secret holders. Emergencies can happen at any time of day and many people may be effected by chemicals without knowing it. This is not only wrong, but *dangerous* to the public. The government is supposed to protect its people, not harm them. Furthermore, it allows fracking operations to set up just 500 feet from water wells, homes, churches, schools, hospitals and nursing homes. Also, the penalty on these corporations is only a slap on the wrist, the fee for environmental degradation is not large enough to hold corporations accountable. I hope that public hearings will help to create a bill which protects the people-because that is all that we want. In addition, if the legislation is done correctly, the mandate can change fracking standards across the nation.

-Sincerely,

A Concerned Student -Alexandra Mistak

913207

Brown, Ronda

From: Cohen, Mitchell
Sent: Friday, December 20, 2013 2:42 PM
To: Brown, Ronda
Cc: Mool, Bob
Subject: FW: IPC Comments on Proposed DNR HF Rules
Attachments: IPC Comments on HF Rules Cover (2).pdf; IPC HF Detailed Comments Attachment.xlsx

Importance: High

Ronda, here is the comment we just spoke about. Bob, Ronda suggested I send this to her so she could print it out.

Mitch

From: Daniel Eichholz [mailto:eichholzd@api.org]
Sent: Friday, December 20, 2013 11:24 AM
To: Mool, Bob
Cc: James R. Watson; Cohen, Mitchell
Subject: IPC Comments on Proposed DNR HF Rules
Importance: High

Dear Mr. Mool:

Please find attached the IL Petroleum Council's comments on DNR's proposed rules to implement the Hydraulic Fracturing Regulatory Act. The documents include a cover letter with general comments and a spreadsheet offering more detailed comments. In addition to the comments attached, the IL Petroleum Council intends to be a signatory on comments that will be submitted by the GROW IL coalition. Please let us know if we can provide any additional information.

Sincerely,

Dan

Dan Eichholz
IL Petroleum Council
400 W. Monroe, Ste. 205
Springfield, IL 62704
(217)544-7404

11s208

ipc illinois petroleum council

JIM WATSON
Executive Director

DAN EICHHOLZ
Associate Director

400 W. Monroe, Suite 205 • Springfield, IL 62704 • 217/544-7404 • FAX 217/523-5131

December 20, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois, 92702-1271

Re: Illinois Petroleum Council Comments on the Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act (62 Ill Adm Code245: 37 Ill Reg 18097)

Dear Mr. Mool:

Thank you for providing this opportunity to provide comments on the Department's proposed rules to implement the Hydraulic Fracturing Regulatory Act. The Illinois Petroleum Council (IPC) is a trade association that represents all segments of America's technology-driven oil and gas industry. IPC members sustain over 263,000 Illinois jobs. Our comments below will first offer some general high-level comments relevant to large sections of the rule or reflecting the general approach used in crafting the rule, followed by some more specific comments. Also included in this submittal is a spreadsheet offering more detailed comments.

General Comments

Use of a prescriptive vs. performance based approach

The Illinois Department of Natural Resources (DNR) has followed a very prescriptive approach in drafting these proposed regulations. Such an approach is frequently prescribing very specific ways that operators must conduct their operations, an approach that significantly limits flexibility, removes many technically sound options and can limit implementation of new or improved techniques that are part of the normal process of technology development. IPC members find regulations that are developed following a well thought out performance based strategy a far more effective and efficient approach to ensuring public health and safety and environmental protection. Having clearly presented performance requirements allows operators flexibility, the opportunity to develop and use new technologies or approaches and encourages innovation. IPC recognizes that the vast majority of this prescription is required by the enabling law, which is written much more like a regulation than a traditional law. Where possible however, DNR should lead by utilizing a performance based approach.

Cumbersome permitting process

The proposed process for application for and obtaining a permit to drill a horizontal well and perform a high volume hydraulic fracturing stimulation is an unreasonably complex and cumbersome process, particularly when the requirement that it be done in 60 days is considered. The proposed process will place many additional burdens on operators and DNR without adding substantive value or security to

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the overall objectives of safely and efficiently developing oil and gas resources. The processes of drilling horizontal wells and performing high volume hydraulic fracturing operations is a technology that has developed from other oil and gas development processes that have been in use for decades both in Illinois and many other states without significant adverse consequences. The burdens proposed in this draft rule are neither warranted nor justified.

Specific Comments

Section 245.110 Definitions

The definition of "flowback" is an artificial construct that serves little real purpose. All activities involving the recovery and management of fluids from a well should be considered production operations and all water recovered from a well should be considered produced water.

The definition of "freshwater" uses a verbal description that is not consistent with the prescriptive technical definition offered. DNR has wrongly adopted the 10,000ppm TDS limit used by the Safe Drinking Water Act's Underground Injection Control program as the basis for prescriptively defining freshwater. This is a TDS level that is an order of magnitude greater than the levels typically recognized as being worthy of protection in most regulatory scenarios.

The definition of "pollution and diminution" should be based on a comparison of the baseline or reference case that is required to be developed by this rule. As currently worded, this definition appears to ignore pre-existing conditions that may be found.

The definition of "stimulation" as being the same as hydraulic fracturing is not accurate and overly restrictive. There are many other forms of stimulation other than hydraulic fracturing of a well. By limiting the definition as proposed, operators may be reluctant or confused as to how to perform these other activities

Section 245.210 a)8) and others

The disclosure requirements of this rule are burdensome to operators and are likely to lead to great confusion of the interested public. Requiring pre-job disclosure of a planned job is of questionable value since operators often do not have detailed information available until a few days before the job. In those cases the state would not be able to post that information in a timely manner, which makes the submittal essentially pointless. Contractors are required to provide "master lists" of additives and it is unclear how those data will be used in the context of other data that will be provided to DNR. The contractor master lists are also likely to be changing on a very frequent basis since new product development and introduction is a continuous process. Master lists will often be "out of date" almost upon submittal.

Post job chemical disclosure is where the real value of any disclosure program resides. It is critical that this information be made available in a reasonable time frame and openly accessible to the public. At the same time, it is vital that legitimate confidential information be protected. The IPC strongly supports and recommends the use of the FracFocus website as the default method of post-job disclosure. This web site has a long standing record of providing the public with the information it wants in consistent format that can be used for easy comparison between operators, jobs, and states. DNR data submittal requirements appear identical to those of FracFocus. Nearly all states with disclosure rules allow use of the FracFocus web site. DNR should allow use of FracFocus as well.

Section 245.240 a)
Having the public comment and hearing process based on a review of the operators application is a fundamental flaw in this process. The basis of the public comment and hearing process must be the draft or proposed permit prepared by the DNR. The application submitted by the operator, while having many components that may be incorporated into the draft permit, does not fully reflect the proposed regulatory action under consideration and in fact may include information that is not applicable to or consistent with the final action. This will lead to confusion by those reviewing the proposed action and does not afford the public the opportunity to comment on the actual proposed action. The public comment and hearing process must be based on the draft permit prepared by DNR.

Section245.330
The permit modification process fails to recognize that often, a permit modification may be necessary to respond to an active operational complication or change while the well is being drilled. As such, having a public review process that could take weeks, if not months, as proposed is not workable. It is not reasonable or practical and may be unsafe to have an operator with a rig actively drilling a well shut down operations for such an extended period of time while waiting on such an extended review process. DNR must have authority to grant modifications in a timely manner in those situations.

Section 245.360
The lack of an administrative appeal process for permit decisions will place unnecessary burdens on operators, the public, the judiciary, and DNR by forcing appeals to go directly to judicial review. Experience in other states strongly indicates that the vast majority of appeals can be resolved fairly simply via an unbiased administrative process. Addition of such a process would avoid the unnecessary burdens associated with a judicial appeal.

Section 245.530 h)1)
The prescriptive requirement proposing the use of API Class A cement should be replaced with a performance based requirement that specifies any cement used should meet API Standards (API Spec 10A). There are many types of cement that have been in use for decades. It is unclear what attributes t DNR feels may be unique to Class A cement to justify its use. Additionally, API Spec 10B-2 provides guidance of testing cements and several of the other "10-Series" documents provide information on mixing and evaluation of cement slurries.

Section 240.796 d)
When analyzing and responding to potential induced seismic events, DNR should recognize that determining the location of an event within 3 (or 6) miles may be difficult where seismometers are widely spaced. Determining the exact location of an event should include an assessment of the margin of error so that the appropriate action can be better determined.

Section 240.796 e)
The technical evaluation of potential induced seismic events should also include sufficient information to identify natural vs. manmade events, as practical.

Attached for further review by DNR is a spreadsheet with additional comments on the draft rules. As noted above, we have significant concerns with the structure and form of this proposal, which we recognize is mandated by the law. However, the state should be aware that the likely result will be significantly increased costs to operators without a commensurate improvement in either public or

environmental protection. The rules will also inhibit both the pace and overall development of this potential resource that could be very important to the state's continued economic development.

IPC appreciates this opportunity to submit comments on the proposed rules. Thank you for your consideration.

Sincerely,

Jim Watson

Jim Watson, Executive Director
IL Petroleum Council

Dan Eichholz

Dan Eichholz, Associate Director
IL Petroleum Council

DETAILED COMMENTS ATTACHED

#15212

Brown, Ronda

From: Cohen, Mitchell
Sent: Friday, January 03, 2014 8:55 AM
To: Brown, Ronda
Cc: Mool, Bob; San Diego, Nick
Subject: FW: Comments on Proposed HF Regs

Ronda:

Please accept and add this as a public comment re: Hydraulic Fracturing proposed rulemaking.

Thanks
Mitchell Cohen
Illinois Department of Natural Resources

From: Hugh Muldoon [mailto:hughmuldoon700@gmail.com]
Sent: Thursday, January 02, 2014 9:22 PM
To: Cohen, Mitchell
Subject: Comments on Proposed Regs

Mr. Cohen:

I submitted the following general comments through the regular process without a specifically referenced section to the proposed regulations. I send them to you now as it seems the appropriate thing to do as they pertain to larger more general concerns.

I have been impressed by the responses to the public hearings and believe there is something going on that merits a hearing on a deeper level. I hope that the many voices of ordinary citizens are being heard as they speak out with passion for a land that they truly love. I hope further that their testimony gives pause to you and your colleagues as you proceed. I wish you wisdom and a strong heart to do what is best for all of us including our future generations.

General Comments on Regulations

I have read a good part of the proposed regulations and have already commented on a number of specific concerns. I appreciated the burden of developing adequate regulation in a sometimes highly charged atmosphere. But for the sake of stating my own beliefs with full disclosure, if you will, I have to say that as a citizen of this state I am greatly concerned about our integrity as stewards of the resources we now hold in trust. I ask myself the following questions which I now pass on for your consideration. The questions also reflect the concerns of many, if not most of my friends. While they may not be specifically relevant to your current tasks, they are perhaps even more fundamentally relevant to our common needs, our common work, and our common good.

How do we regulate a process that inherently disrupts (forever?) millennial old structures that have evolved to support the health of our soil, water, air, flora and fauna—the basic stuff we and our children can't live without?

013213

How do we countenance and effectively counter the overriding influence of corporate "persons"

whose interests assume a political priority over ours?

whose allegiance is to growing wealth for faceless corporate officers and stockholders and not to the people and land of Illinois?

whose business plan relies on and exploits our addiction to fossil fuels, our cravings for more consumer goods, and our comparatively poor economic condition?

whose well-funded, slick pubic relations and "educational" programs repeat false claims and half truths and depend on uncritical media to pass it along? and ironically,

whose "efficient" and "profitable" extractive processes serve well to extract our ecological balance and long-term sustainability?

Do the proposed rules really reflect the intent and letter of the Act?

Are there any political or agency people in Springfield that can say hydraulic fracturing is a regressive way to meet our energy and employment needs, that more long term energy and jobs can be produced with the committed development of renewable resources?

Who is it that makes the big profits from hydraulic fracturing? Do they have names?

Who will be the end users of the fuels extracted? Will they be Illinoisans? Koreans?

Spaniards? South Africans?

Who will pay for road repairs, long-term remediation, health services, extra enforcement costs, and other "externalized" environmental and social costs?

What "royalties" will the people of Illinois receive from the profits gained from resources entrusted to our care? Is there an acceptable percentage? Is there anything like a "tax" calibrated to the amount of resources extracted? Who really "owns" these resources anyway?

Have questions like these really been addressed in open discussion among Illinoisans?

IL 32214

Thank you for your hard work and consideration of my thoughts.

Hugh Muldoon
618-549-1051

700 W. Elm
Carbondale, IL 62901

Brown, Ronda

From: Cohen, Mitchell
Sent: Monday, December 30, 2013 9:17 AM
To: Brown, Ronda
Cc: Mool, Bob; Shutt, Doug
Subject: FW: Proposed drilling regulations

Ronda,

I cannot tell if Robert G. Mool received this email separately and therefore it was received as a public comment? If not, here it is; please accept this as a public comment related to the HF ad rules received during the public comment period.

Mitchell Cohen
Illinois Department of Natural Resources

From: Valissa Sutton [mailto:kvkmsutton@yahoo.com]
Sent: Sunday, December 29, 2013 5:11 PM
To: Shutt, Doug; Cohen, Mitchell
Subject: Proposed drilling regulations

December 9, 2013

Robert G Mool
Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL. 62702-1271

To whom it may concern:

I am writing this letter to object to the proposed Administrative Rules governing Hydraulic Fracturing in the strongest terms possible. In my experience as a landowner, I have found the current rules to be grossly inadequate to protect the citizens of the State of Illinois from the Oil and Gas industry. Therefore, future rules must protect landowners and citizens from this industry and their gross negligence we are currently being subjected to.

I attended the public hearing on December 3, 2013 at the Rend Lake College Theater in Ina, IL. I didn't have the opportunity to speak; but listened to the multitude of concerns about the lax proposed rules. *What disturbed me the most about the issues presented was that many of the atrocities that people were concerned about are already occurring and it is obvious that the Department of Natural Resources is powerless with current lax regulations to come close to addressing these concerns. It is grossly apparent that the oil lobby/industry has written these regulations with little input from a regulatory agency in Illinois. I can only hope that changes with the new regulations.*

015216

Incidentally, as I was attending this meeting, there was and is a rotary drilling unit operating within an eighth of a mile from my home in Southwest White County, IL a few miles outside of Norris City. This has been a common place for Oil and Gas Companies to operate in White County for many years, however the total disrespect this industry has for property and homeowners has increased exponentially. The resulting onslaught has decreased property values of homes and decreased acres of productive farm ground. Southern Illinois is known for its family farms and every acre counts to the farmer. However, excessive drilling is now consuming farm fields with pumping units, lease roads, and tank batteries. As you are aware, much of the ownership of mineral rights and land surface parted from each other as far back as the 1930's and thus has been a major avenue for the corrupt Oil and Gas industry to exploit. What I have found is that the "landmen" of the industry go to the descendents of the mineral right owners (many of which may not even be a resident of the area and see the destruction that is occurring) offering cash for the right to drill for oil. These "leases" often have little or no protections for the land surface owner and are subjected to daily intrusions into their life and property. Personally, I do not own the mineral rights to the ground that has been raped by the oil industry. We were given a flat, onetime fee for the top use of our ground and will likely never see another dime despite the continued destruction and use of our property. Since oil wells was drilled on my ground, the industry has and continues to subject my property to erosion, salt water discharges, 24 hour a day smoke discharge from burning flares, noxious gas discharges, damaged/destroyed my growing row crops and uses my property daily with no reimbursement, rental, or otherwise compensation for the damages. We have made many calls to my local Department of Natural Resources Office. Calls to the DNR regarding any of the above violations are met with "We have no jurisdiction over that," or a DNR employee will come out and write a minimal fine to the company. These fines equal a slap on the wrist to these oil production companies and I spend too much of my time policing my property for their negligent activity and calling in violation. If fines the fines were steeper, the companies just might try harder to keep their production practices from destroying the landowner's property. The bottom line is the current fines are a "drop in the barrel" to these companies. *To make matters worse, once a spill is called in, the oil company will self-report their salt/oil spills amount totals and the DNR will take their word for this amount even if it is obvious the amount is under-reported!*

On September 1th of this year a flare from an operating well caught the field on fire and came within feet of burning my house down. Trees were damaged and yet I have not received any compensation for what occurred. A "band aid fix" was applied to the flares despite Harlan Dozier (Carmi, IL DNR representative) requesting the company run these flare lines off our property. Many times after reporting problems we have been told that the DNR can only suggest things like this but have no authority to require a company to improve their practices.

Furthermore, *I want to object to the lax proposed regulations that are full of loopholes that allow the oil industry to continue to operate without any significant standards of ethical*

15217

operation. Here are a few examples of the loopholes that I found when reading over the regulations:

1. **Section 245.900 Managing Natural Gas and Hydrocarbon Fluids During Production**

For wells regulated by this Part, *permittees shall be responsible for minimizing the emissions associated with venting of hydrocarbon fluids and natural gas during the production phase* to safely maximize resource recovery and minimize releases to the environment (Section 1-75(e)(4) of the Act). d) *If the permittee establishes that it is technically infeasible or economically unreasonable to minimize emissions associated with the venting of hydrocarbon fluids and natural gas during production using the methods specified in* subsections (b) and (c), *the Department,* in consultation with the Agency as the Department deems appropriate, *shall require the permittee to capture and direct any natural gas produced during the production phase to a flare.*

By allowing this regulation to stand as written, it will allow oil companies to release whatever they so choose simply by documenting that it is not cost effective to capture it! But, in turn, I as a homeowner with 13 operating wells within a 1/4 of a mile of my home have to breathe in noxious fumes 24/7 all because the company doesn't want to pay for proper collection? *These loopholes must be closed!*

Another example:

1. **Section 245.910 Uncontrolled Emissions from Storage Tanks Containing Natural Gas and Hydrocarbon Fluids**

a. In addition to the requirements of Section 245.900, *uncontrolled emissions exceeding 6 tons per year from storage tanks* containing natural gas or hydrocarbon fluids *shall be recovered and routed to a flare that is designed in accordance with 40 CFR 60.18 and is certified by the manufacturer of the device.*

I can personally take you on a tour of wells in Norris City and you will see that there are NO COLLECTION OF FUMES FROM ANY TANK BATTERIES! And, 6 TONS/YEAR is the proposed regulation?! People are living around these tank batteries and this proposed regulation does nothing to protect anyone from these noxious fumes. How are you planning to measure the 6 ton/year standard? If you are counting on self reporting from the oil companies you will find grossly inadequate reporting. "Regulations" such as this will allow the oil companies to continue policing themselves.

Another example:

1. **.Section 245.1010 Plugging Previously Abandoned Unplugged or Insufficiently Plugged Wells**

215218

Prior to conducting high volume horizontal hydraulic fracturing operations at a well site, the permittee shall cause to be plugged all previously abandoned *unplugged* or insufficiently plugged *well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the* geologic *formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations* pursuant to the requirements of this Section (Section 1-95(b) of the Act) c) If the permittee is unable to locate an abandoned unplugged well or insufficiently plugged well identified by the Department for plugging before high volume horizontal hydraulic fracturing operations begin, the permittee may receive a waiver of the plugging requirement from the Department after demonstrating a diligent effort to locate the abandoned unplugged well or insufficiently plugged well in the field.

"Diligent Effort" is NOT measurable and thus is a loophole that will be taken full advantage of in order to save a dime on behalf of the oil company. There should be NO waivers for the plugging requirement. Diligent effort to the corrupt industry is directly tied to cost of that effort so they will spend very little effort. What protection is there for landowners in this regulation for the "unlocated" or "insufficiently plugged wells" when the fracking takes place and a huge saltwater/oil spill is produced from the activity? In our experience the company will SELF REPORT damages and the local DNR well inspectors will write a minimal fine to the company. Damages for the landowners will be NONEXISTANT.

Another example:

Section 245.1020 Restoration of Lands Other than the Well Site and Production Facility

Unless contractually agreed to the contrary by the permittee and the surface landowner, *the* permittee *shall restore any lands used by the* permittee *other than the well site and production facility to a condition as closely approximating the pre-drilling conditions that existed before the land was disturbed for any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations.* a) *Restoration shall be commenced within 6 months* after *completion of the well* site *and* shall be *completed within 12 months.*

b) *Restoration shall include, but is not limited to:*

1) *repair of tile lines,*

2) *repair of fences and barriers,*

3) *mitigation of soil compaction and rutting,*

4) *application of fertilizer or lime to restore the fertility of disturbed soil, and*

5) *repair of soil conservation practices such as terraces and grassed waterways.* (Section 1-95(c) of the Act)

A restoration should start IMMEDIATELY and be completed within one month----Why should the landowner be penalized for up to a year? Keep in mind, for any farmer that has land, every acre counts and 6-12 months could be an entire growing season.

Another example:

913219

1. Section 245.1100 Suspension, Revocation, Remediation and Administrative Penalties

The Department may, through the enforcement process set forth in this Subpart, suspend or revoke a high volume horizontal hydraulic fracturing permit, order actions to remediate, or issue administrative penalties for one or more of the following causes:

a) *providing misleading, or materially untrue information in a permit application process or in any document or information provided to the Department* (Section 1-60(a)(1) of the Act);

b) *violating any condition of the permit* (Section 1-60(a)(2) of the Act);

c) *violating any provision of or any regulation adopted under the Act or the Illinois Oil and Gas Act* (Section 1-60(a)(3) of the Act);

d) *using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere* (Section 1-60(a)(4) of the Act);

e) *having a high volume horizontal hydraulic fracturing permit, or its equivalent, revoked in any other state, province, district, or territory for incurring a material* ILLINOIS REGISTER DEPARTMENT OF NATURAL RESOURCES NOTICE OF PROPOSED RULE

In this section, "The Department ***may***" should the read "The Department ***WILL***" revoke all rights and privileges to operate in the State of Illinois for an indefinite period of time with significant fines as to make it cost prohibitive to be a corrupt operator in this State. *This is yet another example of a loophole that will be taken full advantage of by corrupt producers.*

Yet another example:

6.Section 245.1120 Director's Decision

a) Upon receipt of a Notice of Violation, the Director or Director's designee shall conduct an investigation and may affirm, vacate or modify the Notice of Violation. In determining whether to affirm, vacate or modify the Notice of Violation, the Director shall consider:

1) whether the facts support the violation set forth in the Notice of Violation;

2) the seriousness of the violation, including any harm to public health, aquatic life, wildlife, the environment or damage to property;

3) the permittee's history of previous violations, including violations at other locations and under other permits.

A) A violation shall not be counted if the Notice of Violation or Director's Decision is the subject of pending administrative review by the Department under Section 245.1130, or judicial review under the Administrative Review Law and the rules adopted under that Law, or if the time to request a review has not expired, and thereafter it

shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision.

B) No violation for which the Notice of Violation or Director's Decision has been vacated shall be counted;

4) the degree of culpability of the permittee;

5) whether the remedial action to address the violation set forth in the Notice of Violation is completed within the time set forth in the Notice of Violation; and

6) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by any person or by the permittee.

b) Modification to the Notice of Violation may include:

1) any different or additional remedial actions required to address the violation and the time within which the remedial actions must be completed;

2) assessment of administrative penalties not to exceed $1,000 a day for each and every act of violation;

3) probationary or permanent modification or conditions on the permit, which may include special monitoring or reporting requirements;

4) suspension of the permit; and

5) revocation of the permit.

c) The Director shall determine whether to assess administrative penalties based on the factors set forth in subsection (a). Administrative penalties shall not be assessed for a violation of Section 245.1100(g). If an administrative penalty is assessed by the Department, the administrative penalty shall be computed as follows, but shall not exceed $1,000 per day for each and every act of violation:

1) Administrative violations are violations of any submission, reporting or notification requirements of this Part, including, but not limited to, providing incorrect, misleading, incomplete or materially untrue information regarding permittee registration, permit application, permit modification, permit transfer, or permit bonding, and failing to properly comply with the reporting and Department notification requirements set forth in the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit, and shall be assessed on a permittee-specific basis. The Department may assess a penalty for an administrative violation as follows:

A) No previous violation of the same rule: $50.

B) One previous violation of the same rule: $100.

C) Two previous violations of the same rule: $150.

D) Three previous violations of the same rule: $200.

E) Four or more previous violations of the same rule: $500.

2) Operating violations are violations of all other requirements of this Part not covered by subsection (c)(1), including, but not limited to, operating a well required to be permitted under the Act without first obtaining a proper permit from the Department, constructing or operating a well in violation of the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit. The Department

may assess a penalty for an operating violation by considering elements of subsections (c)(2)(A), (B) and (C) as follows:

A) History of Violations:

i) No previous violation of the same rule: $100.

ii) One previous violation of the same rule: $250.

iii) Two previous violations of the same rule: $500.

iv) Three previous violations of the same rule: $750.

v) Four previous violations of the same rule: $1,000.

vi) Five or more previous violations of the same rule: $2,500.

B) Seriousness:

i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $100; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $250; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $1,000.

ii) If the violation created a hazard to the safety of any person: add $2,000.

For an industry with record profits, these penalties/fines DON'T even come close to hold these companies accountable. It is a joke to make these fines so small. The fines are not enough to change the negligent practices that are prevalent.

Final topics that MUST BE ADDRESSED in these proposed regulations:

- The amount of Well Inspectors and law enforcement specific to this industry in this area is grossly inadequate. This industry is extracting multitudes of cash from this state with no law enforcement oversight. Fines MUST reflect the damage being done.
- Who is ensuring that the mineral rights owners are actually being paid for the oil that is being extracted and the division orders of the leases are accurate? I know the answer to that question. NO one. More regulations must assure individuals are being paid for their rights.
- There is additionally NO mention of the township and County roads that the oil industry is abusing. They drive daily on the roads even in the winter when the roads have posted weight limits. The road commissioner reports he is powerless to stop them. There

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should be a section here for maintenance and restoration of these roads. There should be significant fines to make it cost prohibitive to break these posted weight limits.

In conclusion, the above notes are just a ***few examples*** of the loopholes and lax penalties that are rampant in these proposed rules. Our hope is that you, as an attorney that is employed by the Illinois Department of Natural Resources who has NO influence by the oil industry, will scour these regulations and identify them in order to hold this industry accountable.

Finally, I extend an invitation to the committee tasked with conducting these hearings on these proposed rules to come to White County and meet with me on my property. We can go for a drive, see the "salt kills", smell the hydrogen sulfide as well as other noxious fumes, see the smoke roll for the gas flares that is evidently not cost effective to capture or conserve, and see the damage to our roads. It would be more enlightening for the committee to see what is occurring first hand than to hear about it from a 4 minute or less speech at a hearing or from one of the multitude of oil industry lobbyists describing their hardships in Springfield. I look forward to your possible visit.

Please do not hesitate to contact me to set up a time: Kurt Sutton 618-384-6175.

Sincerely,

Kurt Sutton

UI3223

RECEIVED
JAN 03 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

January 3, 2014

My name is LeLe Isspieh. I am a twelve year old girl fighting a rare kind of bone cancer. When I have been in the hospital I heard doctors talking about genetic and environmental stuff with cancer. I have a tough time trying to beat cancer but I'm doing it. I got to know other kids fighting cancer, too.

What I learned is sometimes the environment can cause cancer if it has been poisoned. If fracking can cause our earth and water to be poisoned why are we doing it?

Don't let kids be sick. It hurts.

I hear there are a lot of mistakes in fracking. Why are we doing something that a lot of times go wrong and then it hurts our environment?

Please don't make mistakes that can cause more cancer.

Thank you,

LeLe Isspieh

Desoto, Illinois

- 013224

RECEIVED
JAN 03 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Dear Joint Comm. on Administrative Rules and Governor Pat Quinn,

We are pleased to present you with this petition affirming this statement:

"Dear Gov. Quinn,
We, concerned residents of Illinois, have determined that the draft rules for fracking, recently published by the IL Dept. of Natural Resources (IDNR), are insufficient to protect the public health and the environment from the many dangers of fracking. There are at least a "Dirty Dozen" significant problems with fracking that must be addressed by a state-sponsored Council - consisting of members of several state agencies, front line community members and independent scientific advisers. We ask that you step in and extend the First Notice Period for these draft rules and convene this state-sponsored Council immediately to oversee the rewriting of these rules.

We ask that this state-sponsored Council consist of representatives from IEMA, ILGS, IDPH, IEPA, the IL Water Survey, the IL Dept. of Agriculture, the IL Dept of Commerce and Economic Opportunity, the IL Department of Labor, the Pollution Control Board, the State Fire Marshal, the IL Dept of Transportation, the IL State Police, front line community groups who will be directly impacted by fracking, and independent scientific advisers. We have the time and the duty to make these rules the most protective of the public health and the environment as possible, we ask that you intervene to get this accomplished.

Many of the residents of Illinois have been following the documented problems with fracking in other states and we are very concerned that the same mistakes will be made here. We refuse to take lightly the many dangerous impacts of fracking that are poorly addressed in the draft rules, including but not limited to this "Dirty Dozen":
1) toxic radioactive waste,
2) induced seismicity,
3) chemical disclosure rules that protect the industry rather than the public health,
4) insufficient fines, penalties and permit revocations,
5) inadequate chemical and water testing procedures,
6) dangerous allowance of open pits for waste water storage,
7) an unfair public hearing process with permits that are allowed to be modified to the benefit of the industry over the rights of local residents to be fully informed,
8) rules that override local control by the counties,
9) insufficient handling of non-water fracking operations,
10) ill-advised allowance of fracking on flood plains,
11) public health dangers from fracking related air pollutants including volatile organic compounds,
12) exemptions for fracking operations that have already begun.

Please use your power as the Executive Officer of the State to extend the First Notice Period for the rules for fracking and to convene a state-sponsored Council to oversee the rewriting of these rules. We, the undersigned, will not support a Governor who does not make the protection of the public health, safety, and welfare, and the water and environment of Illinois a first priority.

Petition generated by Frack Free Illinois, ww.facebook.com/FrackFreeIllinois

Please send daily comments to the IDNR about the rules by going to www.ilagainstfracking.org until Jan 3rd."

Attached is a list of individuals who have added their names to this petition, as well as additional comments written by the petition signers themselves.

Sincerely,
Lora Chamberlain

We have enough resources without fracking. Say no to fracking!

Jacquie Chapman
Glenview, IL 60025
Jan 2, 2014

Kerry Rose
Maple Park, IL 60151
Jan 2, 2014

Pamela Spacek
Chicago, IL 60626
Jan 1, 2014

Rhenda Price
Summersville, IL 62864
Jan 1, 2014

The rush to more jobs and new money should not be more important than the health and welfare of our citizens.

Theresa J. Peterson
West Dundee, IL 60118
Jan 1, 2014

Sarah Baumgarten
Jonesboro, IL 62952
Jan 1, 2014

THIS IS NOT A REQUEST--IT'S A DEMAND!!!!!!!!

PAT FELCAN
ADDISON, IL 60101
Jan 1, 2014

Adriana Caballero
Oak Park, IL 60302
Dec 31, 2013

James L Ellis
Urbana, IL 61801
Dec 31, 2013

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carol poland
Warrensburg, IL 62573
Dec 30, 2013

Julia Marselle
Buffalo Grove, IL 60089
Dec 30, 2013

Jane Perrin
Wilmette, IL 60091
Dec 30, 2013

Greg Brotherton
Taylorville, IL 62568
Dec 30, 2013

Marilyn Shipley
Chicago, IL 60645
Dec 30, 2013

Bryant Jayme
Chicago, IL 60645
Dec 30, 2013

Alex Oles
Oak Brook Mall, IL 60521
Dec 30, 2013

Please protect the PEOPLE of rural Illinois and their land, air, and water resources. The current proposed rules for fracking need to be evaluated by a multi-agency panel with the intent of putting people first, ahead of corporate profit.

Patty Rykhus
Taylorville, IL 62568
Dec 30, 2013

Linda Yancey
Sorento, IL 62086-3200
Dec 30, 2013

If we destroy Earth where do we go?

Angela McElwain
Lincolnwood, IL 60646
Dec 30, 2013

Randy Weber
Chicago, IL 60640
Dec 30, 2013

Forest Jahnke
Gays Mills, WI 54631

Dec 30, 2013

Charlie Barker
Tower Hamlets, United Kingdom
Dec 30, 2013

Peter Kohberger
Chicago, IL 60641
Dec 30, 2013

Gerald Alt
LIBERTYVILLE, IL 60048
Dec 30, 2013

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vicki capalbo
chicago, IL 60647
Dec 30, 2013

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no more fracking please !!

adrian byrne
Glencoe, IL 60022
Dec 30, 2013

Carol Smith
Channahon, IL 60410
Dec 30, 2013

These rules are terrible.

Cynthia Linton
Chicago, IL 60611-1374
Dec 30, 2013

Claire Kristufek
Homer Glen, IL 60491
Dec 30, 2013

Craig W Murison
Itasca, IL 60143
Dec 30, 2013

Ross Dettman
Bensenville, IL 60106
Dec 30, 2013

Dylan Amlin
Chicago, IL 60640
Dec 30, 2013

We need you to do this!!

Cynthia Kristufek
Romeoville, IL 60491
Dec 30, 2013

Joe Pacenti
Alsip, IL 60803
Dec 30, 2013

Ann Moro
Schaumburg, IL 60193
Dec 29, 2013

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dan
Graceland, IL 60657
Dec 29, 2013

Tom Callaghan
Wilton Center, IL 60442
Dec 29, 2013

Linda Cabanban
Yorkville, IL 60560
Dec 29, 2013

Dominique Frigo
Oak Park, IL 60304
Dec 29, 2013

Treesong
Carbondale, IL 62903
Dec 28, 2013

Michael Levin
Stickney, IL 60402
Dec 28, 2013

Richard Bartkowicz
Hoffman Estates, IL 60169
Dec 27, 2013

Darryl Harris
Gary, IN 46407
Dec 26, 2013

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geraldine
des plaines, IL 60016

Dec 26, 2013

Mary Hufnagl
Aurora, IL 60502
Dec 26, 2013

Susan Episcopo
United States 60103-2115
Dec 24, 2013

Ted Lowe
Wheaton, IL 60187
Dec 24, 2013

Fracking should be outlawed. We already have passed the tipping point to stop global warming. It's insane to continue to take any more fossil fuels out of the ground. Spend all this effort switching to safe renewable clean energy - solar, wind, geothermal, and conserving energy use.

Steve Alesch
Warrenville, IL 60555
Dec 24, 2013

Bede
Poplar, MT 59255
Dec 24, 2013

Francina Parrett
Chicago, IL 60628
Dec 24, 2013

Brooke K Thurau
Galesburg, IL 61401
Dec 23, 2013

Betty Kennedy
Chicago, IL 60660
Dec 23, 2013

Kristine Falck-Pedersen
Chicago, IL 60626
Dec 23, 2013

Jerry Pendergast
Chicag, IL 60625-4608
Dec 23, 2013

Geri Rennhack
Brookfield, IL 60513
Dec 23, 2013

Catharine White
Skokie, IL 60077
Dec 23, 2013

Abraham Duenas
Chicago, IL 60623
Dec 23, 2013

DELAY THE POISONING OF OUR LITTLE STATE

Padraig O'Hara
Chicago, IL 60608
Dec 23, 2013

Peggy Salazar
Chicago, IL 60617
Dec 23, 2013

IDNR's draft rules are pitifully thoughtless. This petition thoughtfully highlights each of the problems with the draft rules.

Ivy Czekanski
Chicago, IL 60614
Dec 23, 2013

Lori McConville
Crystal Lake, IL 60014
Dec 23, 2013

Lori Nicoli
Woodland Addition, IL 61350
Dec 22, 2013

Daniel King
CARBONDALE, IL 62903
Dec 22, 2013

Cara Ammon
Chicago, IL 60640
Dec 22, 2013

The information provided to the public in general and specifically in the areas most likely to be fractured has been woefully and suspiciously inadequate. IDNR and the State of Illinois should be protecting it's citizens not selling them out. This is a chance for Illinois to take a stand on something and show the nation it is working to draw the line on corruption and corporate influence.

Steve Gariepy
Murphysboro, IL 62966
Dec 22, 2013

Melody Wall
Granite City, IL 62040
Dec 22, 2013

Karin Rickley
Rantoul, IL 61866
Dec 21, 2013

Sarah Palm
IL, United States 62903-7674
Dec 21, 2013

Chelsea Brady
Carbondale, IL 62901
Dec 21, 2013

Julie Alessandri
Lisle, IL 60532
Dec 21, 2013

Peter Greene
Cobden, IL 62902
Dec 21, 2013

Michael Ander
sleepy hollow, IL 60118
Dec 21, 2013

Watch the documentary "Gasland" and you will understand our concerns. Seeing is believing.

jen king
Schaeferville, IL 61554
Dec 21, 2013

Katie Sawyer
Normal, IL 61761
Dec 21, 2013

0013229

Chad Kahl
Yuton, IL 61701
Dec 21, 2013

Marissa Godlewski
Triple Lake Heights, IL 62901
Dec 20, 2013

Sarah Paull
Triple Lake Heights, IL 62901
Dec 20, 2013

clare
St. Petersburg, FL 33703-5128
Dec 20, 2013

Bethany Ransom
Murphysboro, IL 62966
Dec 20, 2013

Daniel Presley
Carbondale, IL 62901
Dec 20, 2013

Yolan Presley
Triple Lake Heights, IL 62901
Dec 20, 2013

Jesslyn Jobe
Carbondale, IL 62901
Dec 20, 2013

Deirdre Stokes
Carbondale, IL 62901
Dec 20, 2013

Joshua Buchheit
Buncombe, IL 62912
Dec 20, 2013

These rules have great consequence to Illinois citizens and to release them for review just during the holiday season is short-sided at best. The bad timing also adds to the growing perception of political ill will toward the citizens of Illinois. Again, this is too important to rush. It is extremely important to extend the comment period time.

Janet Elizabeth Donoghue
Carbondale, IL 62902
Dec 20, 2013

Dale Ritzel
Murphysboro, IL 62966-5232
Dec 20, 2013

Catherine Fay Talbott
Herrin, IL 62948
Dec 20, 2013

Erin Wittlich
Belleville,, IL 62220
Dec 20, 2013

Rachael Starkovich
Glendale Heights, IL 60139
Dec 20, 2013

Karen Peterson
Northbrook, IL 60062
Dec 20, 2013

Regina
Sleepy hollow, IL 60118
Dec 20, 2013

Craig Slocum
Riverside, IL 60546
Dec 20, 2013

Jessica Carson
Chicago, IL 60640
Dec 20, 2013

Kyle Freiler
Glen Ellyn, IL 60137
Dec 19, 2013

Susan Osada
Buffalo Grove, IL 60089
Dec 19, 2013

Andrew Sledd
Chicago, IL 60643
Dec 19, 2013

Heather Lawson
Rochelle, IL 61068
Dec 19, 2013

Daniel Starck
Carbondale, IL 62902
Dec 19, 2013

Sandra Alguire
BARRINGTON, IL 60010
Dec 19, 2013

Fracking should be completely illegal.

Patricia Caraballo
Naperville, IL 60540
Dec 19, 2013

James H. Reid
Bloomington, IL 61701
Dec 19, 2013

Melissa Brice
Elk Grove Village, IL 60007
Dec 19, 2013

Jessica Bradshaw
Carbondale, IL 62901
Dec 19, 2013

Daniel Maki
Elgin, IL 60123
Dec 19, 2013

You need to OPEN your eyes Gov Quinn and realize it is not about the money but about life and keeping our water clean. Watch a flick called 'Gasland' by Josh Fox and remedy your mistaken belief that Hydraulic fracturing will be a good business venture for this state. It will not. Sincerely EAK

Eliza Kassly
Swansea, IL 62226
Dec 18, 2013

ROGER GAMBLE
SLEEPY HOLLOW, IL 60118
Dec 18, 2013

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phae henson
Henry Mcgee, IL 60653
Dec 18, 2013

Jeanne Daykin
Peoria, IL 61614

Dec 18, 2013

Charles Bradford
Mt. Vernon, IL 62864
Dec 18, 2013

Jill
Wheaton, IL 60187
Dec 18, 2013

Please protect public health, and our environment.

Alexis Petroff
Chicago, IL 60622
Dec 18, 2013

Kevin Carroll
Rogers Park, IL 60626
Dec 18, 2013

Jane Bicek
oakland, CA 94610
Dec 18, 2013

I am in disbelief that you would approve fracking in Illinois knowing that it is a major threat to our precious water supply and the health of the people here in Illinois. I am regretting voting for you, Mr. Quinn. Please reconsider...

Susan Ferguson
Mount Zion, IL 62549
Dec 18, 2013

Gail T Smith
Chicago, IL 60625
Dec 17, 2013

Gov. Quinn Place The Health And Safety of The Citizens of The State First. And Not Those Of Your Lobbyists. P.S. I Remember You Supported Mayor R. Emmanuelle Law To Place 300 + Speed Cameras All Over The City of Chicago. And Will Not Give You My Vote.

Armin Balli
Chicago, IL 60659
Dec 17, 2013

Please waste no time on this issue, Gov. Quinn. Stand for the health of the people of Illinois.

Catherine Schultz
Burr Ridge, IL 60527
Dec 17, 2013

Steven Serikaku
Chicago, IL 60660
Dec 17, 2013

Jacquelyn Seaman
Evanston, IL 60201
Dec 17, 2013

emilee
Mt Prospect, IL 60056
Dec 17, 2013

Dane Nelson
Urbana, IL 61801
Dec 17, 2013

Theresa Kemling
Glenview, IL 60025
Dec 17, 2013

No fracking in Illinois. Period. No fracking sands from Illinois.

Darrell Kemling
Mt. Prospect, IL 60056
Dec 17, 2013

Kevin Henry
Evanston, IL 60202
Dec 17, 2013

Carl Gorracagorra
Warrenville, IL 60555
Dec 17, 2013

Kathleen Hathaway
Genoa, IL 60135
Dec 17, 2013

Jeanene
East Peoria, IL 61611
Dec 17, 2013

Thank you for your consideration.

Colin Kay
Tinley Park, IL 60477
Dec 17, 2013

I'm sure you have made bad choices in the past, don't let Greed get the best of you. Do the right thing and stop this violation of our land!!!

William Carlson
Chicago, IL 60630
Dec 17, 2013

Phil Smith
Normal, IL 61761
Dec 17, 2013

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darlene kramer
Swansea, IL 62226
Dec 17, 2013

Mary Shultz
Champaign, IL 61821
Dec 17, 2013

Beverly Paulsey
Chicago, IL 60607
Dec 17, 2013

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tara jacobsen
West Dundee, IL 60118
Dec 17, 2013

Keith Kostecki
Chicago, IL 60608
Dec 17, 2013

The rules are simply a license for the oil and gas industry to pollute with immunity. The do nothing to protect the public and the environment from this toxic practice.

Clare Tobin
Chicago, IL 60659
Dec 17, 2013

These rules affect the environmental and health well being of the entire state not just Southern Illinois. Lackadaisical environmental rules are NOT in the best interests of Illinois! Please support and promote SAFER EPA & IDNR rules for Illinois! Thank you.

Shelby J Lewicki
IL, United States 60950-1332
Dec 17, 2013

UE3432

No fracking in Illinois. Too dangerous, too many variables in what can go wrong. Focus on solar and wind!

Doro Boehme
Evanston, IL 60202
Dec 17, 2013

Ruben Alvarado
Grand Ridge, IL 61325
Dec 17, 2013

Shane Nodurft
Chicago, ID 60641
Dec 17, 2013

Alicia Paravola
Chicago, IL 60618
Dec 16, 2013

Kate Goetz
Chicago, IL 60645
Dec 16, 2013

Katie Valentino
Itasca, IL 60143
Dec 16, 2013

Mary Burnitz
LOCKPORT, IL 60441
Dec 16, 2013

Kimberly Warner-Blodgett
Danville, IL 61832
Dec 16, 2013

Allan Kaplan
Round Lake, IL 60073-5650
Dec 16, 2013

Laurie Goldstein
Wilmette, IL 60091
Dec 16, 2013

Marybeth Dougherty
Hinsdale, IL 60521
Dec 16, 2013

James J. Alstrum
Normal, IL 61761-1328

Dec 16, 2013

Paul Flynn
Alsip, IL 60803
Dec 16, 2013

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george mcjimpsey
mokena, IL 60448
Dec 16, 2013

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alex vazquez
Rogers Park, IL 60660
Dec 16, 2013

Marissa Pearl
Chicago, IL 60601
Dec 16, 2013

Joshua Gentile
Hometown, IL 60456
Dec 16, 2013

Peter Schafer
Chicago, IL 60605
Dec 16, 2013

Sheryl Hogan
Arlinhgton Hgts, IL 60004
Dec 16, 2013

Eugene Jamison
Hazel Crest, IL 60429
Dec 16, 2013

Karen Patterson
Oak Lawn, IL 60453
Dec 16, 2013

George E.Milkowski
Chicago, IL 60645
Dec 16, 2013

Robert H. Sheldon
Chicago, IL 60632-3733
Dec 16, 2013

Dean Scarcelli
Channahon, IL 60410
Dec 16, 2013

Mary Kay Flanigan OSF
Chicago, Il. 60626, IL 60626
Dec 16, 2013

Art Gunther
Wilmette, IL 60091
Dec 16, 2013

Levi Hartline
Johnston city, IL 62951
Dec 16, 2013

If we have to allow fracking in Illinois, let's at least not make the same mistakes as the other states that started before us. We can ill afford any additional environmental disasters! Governor Quinn, your brother was my history teacher at Fenwick and I'm sure he would agree that we must learn our history so that we can avoid the worst mistakes of the past. I know industry will be fighting the citizens of this state and that it will be hard to do this, but you are a man of honor and I expect that you will make the right choice for current and future generations that must live on this land. Sincerely, Noel Catrambone Chicago, IL

Noel Catrambone
Elmwood Park, IL 60707
Dec 16, 2013

Mary Mordan
Chicago, IL 60631
Dec 16, 2013

John Martin
Hazel Crest,, IL 60429
Dec 16, 2013

Margaret
Hazel crest, IL 60429
Dec 16, 2013

Tina Faulisi
Cicero, IL 60804
Dec 16, 2013

Lindsay Paulus
Wheaton, IL 60187
Dec 16, 2013

Brenda Rance
Chicago, IL 60622
Dec 16, 2013

Patrick Barrett
Chicago, IL 60631
Dec 16, 2013

Tim Smerken
Murphysboro, IL 62966
Dec 16, 2013

Steve Liska
Ravenswood, IL 60625
Dec 16, 2013

We do not want our faucets catching fire.

Janice Gintzler
Crestwood, IL 60445
Dec 16, 2013

Dorothy Stoner
Ontarioville, IL 60103
Dec 15, 2013

Beth Malosti-Gerber
Highland Park,, IL 60035
Dec 15, 2013

Margaret Keylin
Downs, IL 61736
Dec 15, 2013

PK Doyle
Chicago, IL 60618-1315
Dec 15, 2013

Jan Kalmar
URBANA, IL 61801
Dec 15, 2013

JOseph Gardner
Chicago, IL 60601
Dec 15, 2013

Donald Goldhamer
Shaker Heights, OH 44120
Dec 15, 2013

Kim Wolf
New Lenox, IL 60451

013634

Dec 15, 2013

Douglas Ower
Zion, IL 60099
Dec 15, 2013

Michele Hoffman Trotter
Chicago, IL 60626
Dec 15, 2013

Fracking is too dangerous to our water system and has so many other ramifications.

Louise Nora RN. NP
Chicago, IL 60610-1809
Dec 15, 2013

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jessica wagner
metamora, IL 61548
Dec 15, 2013

Better yet, reverse your approval for fracking, and ban fracking, declaring all parts of fracking criminal!

Kathy Cummings
Chicago, IL 60622
Dec 15, 2013

Chris Mest
Prospect Hts, IL 60070
Dec 15, 2013

Dorothy Lynch
Brookfield, IL 60513
Dec 15, 2013

Elizabeth Gregory
Marseilles, IL 61341
Dec 15, 2013

Judy McEvoy
Evanston, IL 60202
Dec 15, 2013

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renee gauri
Winnetka, IL 60093
Dec 15, 2013

Rosalie Riegle
Evanston, IL 60201
Dec 15, 2013

Ryan Danzinger
Arlington Heights, IL 60004-4042
Dec 15, 2013

Mary Bennett
Chicago, IL 60659
Dec 15, 2013

Barry Gilstrap
Princeton, IL 61356
Dec 15, 2013

Why do people let the industry to be regulated write the regulations? Obviously, the regulations will be totally worthless!!! If the polluters did anything to regulate themselves we wouldn't need the regulations in the first place!!! Their idea of regulations amount to "let the industry do whatever it wants to--I love drinking water that I can set on fire!"

Elizabeth A. Cerny
Downers Grove, IL 60516
Dec 15, 2013

Kelvin Ho
Chicago, IL 60609
Dec 15, 2013

Steven Rhodes
Chicago, IL 60605-2884
Dec 15, 2013

Alison Miller
Evanston, IL 60202
Dec 15, 2013

This is an urgent matter. Our planet is dying.

Patricia Knowles
Urbana, IL 61801
Dec 15, 2013

Sean Dadban
Lombard, IL 60148
Dec 15, 2013

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patricia keenan
carbondale, IL 62901
Dec 15, 2013

As a Geologist, I have yet to be convinced that the hazards involved in fracking have yet to be fully understood, and certainly not well documented. We should follow a reasoned and well-researched approach to addressing the concerns, as outlined in the list of 'Dirty Dozen' in this petition, to make certain that our children do not need to inherit from us a gigantic environmental mess.

Douglas V. Roberts
Lombard, IL 60148
Dec 15, 2013

Jim Bacigalupo
Pontiac, IL 61764
Dec 15, 2013

Jessica Ailene Muench
Plainfield, IL 60544
Dec 15, 2013

Josephine M Bulger
Blue Island, IL 60406
Dec 15, 2013

Arthur Burzykowski
Chicago, IL 60634
Dec 15, 2013

Carol Shukur
Wilmette, IL 60091
Dec 15, 2013

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mel
Champaign, IL 61820
Dec 15, 2013

Altheal Randolph
Springfield, IL 62704
Dec 15, 2013

Sylvia Arnstein
Champaign, IL 61820
Dec 15, 2013

Mary Sussman
Chicago, IL 60641
Dec 15, 2013

Extend the First Notice Period on the draft rules for fracking.

Anna Devine
McHenry, IL 60051
Dec 15, 2013

We your public have determined the draft rules for Fracking need to be strictly revised in order to protect the public health & environment of The State of Illinois - You won't be able to bring back the Land's Ecosystem that you are about to give the green light to destroy

Steven Kempner
Chicago, IL 60610
Dec 14, 2013

Please have staff review video of presentations organized by U Chicago Program on the Global Environment on fossil fuels & specifically on fracking.

Alice Furumoto-Dawson
Chicago, IL 60605
Dec 14, 2013

015436

February 2, 2012 Campbell Energy finishes drilling a fracking well in White County in Southern Illinois. http://switchboard.nrdc.org/blogs/aalexander/Campbell%20completion%20report.pdf August 27, 2012 Strata-X bought 49,200 acres for fracking in Clay County in Southern Illinois. http://finance.yahoo.com/news/strata-x-moving-forward-two-153632494.html December 5, 2012 Fracking CEO wonders "How many of these things do I want to drill with no market? ...state says it's not their job to "speculate on the development end of processes it regulates." www.mariettatimes.com/page/content.detail/id/548428.html January 29, 2013 Illinois State University professor warns politicians about the dangers of fracking in Southern Illinois where there are many fault lines. www.illinoispeoplesaction.org/uploads/1/2/6/2/12620849/bill_rau_letter_29_jan_13_-_executive_summary_with_note March 11, 2013 Illinois approves Strata-X permit to a drill a horizontal fracking well in southern Illinois. They name it Burkett 5-34HOR. There's an occupied dwelling within 200 feet of the proposed site. http://switchboard.nrdc.org/blogs/aalexander/StrataXApplication%20with%20plat.pdf June 26, 2013 Illinois passes fracking regulations... "it may be several months before IDNR finalizes regulations implementing the act and begins issuing permits." www.huschblackwell.com/~/media/Files/BusinessInsights/BusinessInsights/2013/06/Illinois%20New%20Fracking%2 July 9, 2013 Strata-X begins drilling Burkett 5-34HOR. www.marketwired.com/press-release/strata-x-begins-operations-on-burkett-5-34hor-well-vail-oil-project-tsx-venture-s July 9, 2013 Duke University publishes research showing that "homeowners living <1 km [3,281 feet] from gas wells have drinking water contaminated with stray gases" www.ncbi.nlm.nih.gov/pmc/articles/PMC3710833/pdf/pnas.201221635.pdf July 12, 2013 U.S. Department of Geological Survey (USGS) employee publishes research showing the fracking process is causing earthquakes in SE Ohio. Southern Illinois far outnumbers the faults in SE Ohio. www.clas.ufl.edu/users/prwaylen/GEO2200%20Readings/Readings/Fracking/Earthquakes%20and%20fracking.pdf August 2013 USGS publishes a report on critical safety and health issues associated with fracking. http://pubs.usgs.gov/of/2013/1137/pdf/ofr2013-1137.pdf August 30, 2013 Strata-X finishes drilling Burkett 5-34HOR. www.frackingmag.com/news/strata-x-successfully-drills-horizontal-through-oil-zone-in-the-burkett-5-34hor-well-illin September 19, 2013 Halliburton is praised by the U.S. Department of Justice for their forthright cooperation in the Deepwater Horizon investigation, and avoids criminal charges for deleting records connected to the horrific accident. "The Company remains dedicated to operating with safety and integrity." www.halliburton.com/public/news/pubsdata/press_release/2013/corpnws_091913.html October 17, 2013 Strata-X hires Halliburton to fracture Burkett 5-34HOR. If anybody can oil the legislative process to open new fracking pipelines and markets, it's Halliburton. www.strata-x.com/news/2013/news101713.html November 4, 2013 Magnitude 3.2 earthquake shakes northern Illinois. www.usgs.gov/blogs/features/usgs_top_story/magnitude-3-7-seismic-event-in-illinois/ November 21, 2013 Strata-X releases Halliburton after they clog Burkett's wellbore with sand. Oh no, is that the end of Halliburton? www.strata-x.com/news/2013/news112113.html December 10, 2013 Sand stuck like glue in Burkett's wellbore. Strata-X better hurry up and get 'er done, because Halliburton is returning in January! www.oilvoice.com/n/StrataX_updates_Vail_Oil_Project_completion_stimulation/764ac590577e.aspx#gsc.tab=0 December 16, 2013 Exactly 202 years since the 7.7 New Madrid earthquake that made the Mississippi River run backwards. The New Madrid is still active, along with all the other "little" faults in Southern Illinois. http://pubs.usgs.gov/fs/2009/3071/pdf/FS09-3071.pdf Fracking in Southern Illinois makes no sense to me, unless you plan to load up the truck, and move to Beverly.

Brenda McCracken
Joliet, IL 60431
Dec 14, 2013

If fracking isn't approached carefully and our water supply is contaminated, this may be very hard to reverse. This would also go for our other valuable resources.

Stephen
Batavia, IL 60510
Dec 14, 2013

John Novinson
Northbrool, IL 60062
Dec 14, 2013

Sarah McEvoy
Urbana, IL 61801
Dec 14, 2013

Money is a poor replacement for clean water, clean air and a future for the children of Illinois. Your charge of office is the protection of Illinoisans, not the pillaging of her natural resources by out of state interests. -James Earles

James Earles
Carbondale, IL 62901
Dec 14, 2013

Irene Stemler
Chicago, IL 60652
Dec 14, 2013

Sharon Wakefield
Geneva, IL 60134
Dec 14, 2013

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-, IL 60626
Dec 14, 2013

Peter Draper
Chicago, IL 60649
Dec 14, 2013

Gerry Manning
Joliet, IL 60436
Dec 14, 2013

Mary A Carroll
Chicago, IL 60657-6051
Dec 14, 2013

Mary Glenn
Naperville, IL 60540
Dec 14, 2013

Karen Fiorino
Makanda, IL 62958
Dec 14, 2013

John Boza
Joliet, IL 60435
Dec 14, 2013

Penny Hanna
Urbana, IL 61802
Dec 14, 2013

Andrew Gumbiner
Normal, IL 61761
Dec 14, 2013

Tedd Ward, Jr.
Tice, IL 62675
Dec 14, 2013

Governor Quinn, I read the IDNR rules and testified in Rend Lake, where opposition to the rules and fracking in general was overwhelming.

Rachel Tompkins, Ph.D.
Edwardsville, IL 62025
Dec 14, 2013

Lea Compton
Collinsville, IL 62234
Dec 14, 2013

Karen Ann Miller
Brookfield, IL 60513
Dec 14, 2013

There is nothing to lose and much to be gained by having a representative committee look at all the issues in order to reevaluate the proposed IDNR rules for tracking to make them more responsive to issues that have sufficed in other states.

Joan Fragen
Winnetka, IL 60093
Dec 14, 2013

Bettina Perillo
south Elgin, IL 60177
Dec 14, 2013

Maureen A. Lee
Elgin, IL 60120
Dec 14, 2013

Anna Grover
wheeling, IL 60090
Dec 14, 2013

linda sullivan
chicago, IL 60640
Dec 14, 2013

Kathryn Franke
Warrenville, IL 60555
Dec 14, 2013

Joy Ingersoll
Glenview, IL 60025
Dec 14, 2013

Patrick F. Dillon
Chicago, IL 60631
Dec 14, 2013

MJ C UR TS I NG ER
La Grange Park, IL 60526
Dec 14, 2013

Dolores Becker
Batavi, IL 60510
Dec 14, 2013

Bridget Sperduto
River Forest, IL 60305
Dec 14, 2013

gina
Woodridge, IL 60517
Dec 14, 2013

Philip Jolliffe
Chicago, IL 60645
Dec 14, 2013

013438

Janice Lindquist
Chicago, IL 60618-1943
Dec 14, 2013

Amy Peradotta
Pinckneyville, IL 62274
Dec 14, 2013

Fracking should be BANNED!

Christy Ann Elamma
Bement, IL 61813
Dec 14, 2013

Please protect the citizens of Illinois.

marian tompson
United States 60201-4764
Dec 14, 2013

Debbie Losada
Triple Lake Heights, IL 62901
Dec 14, 2013

Mary Green
Arlington Hts, IL 60005
Dec 14, 2013

Philip Kritzman
Chicago, IL 60646-5917
Dec 14, 2013

Marlene
Spillertown, IL 62959
Dec 14, 2013

Mario Parra
Land O Lakes, FL 34639
Dec 14, 2013

These are very serious health issues, and water resource protection. Not only that, the job opportunities are exaggerated and benefit companies that have no stake in Illinois.

Carol Cummins, D.D.S.
Geneva, IL 60134
Dec 14, 2013

Debi Lynn
Lk In The Hls, IL 60156
Dec 14, 2013

Greg Spahn
Wheaton, IL 60187-4426
Dec 14, 2013

Ray Gayton
Park Forest, IL 60466
Dec 14, 2013

Over the last ten years the IDNR has been gutted. It's just getting back on its feet. It has neither the expertise nor the personnel to begin to tackle this problem.

Mary McCarthy
Murphysboro, IL 62966
Dec 14, 2013

Erin Carman-Sweeney
Makanda, IL 62958
Dec 14, 2013

Morgan Usadel
Urbana, IL 61801
Dec 14, 2013

Wilbur Zielke
Oak Lawn, IL 60453
Dec 14, 2013

Frederick Brown
Chicago, IL 60645
Dec 14, 2013

Margaret H. Fulkerson
Oak Park, IL 60304
Dec 14, 2013

Sharon Mikulich
Chicago, IL 60615
Dec 14, 2013

Guido Bernstein
Mulkeytown, IL 62865
Dec 14, 2013

013439

Erika Petersen
New York, NY 10024
Dec 14, 2013

JoLynn Doerr
Chicago, IL 60618
Dec 14, 2013

Mark
Lombard, IL 60148
Dec 14, 2013

Sharris
Roseland, IL 60628
Dec 14, 2013

Daryl Wilson
Tinley Park, IL 60478
Dec 14, 2013

Mary Schmitz
Delavan, IL 61734
Dec 14, 2013

Dorothy OByrne
Chicago, IL 60640
Dec 14, 2013

Peter Gorr
Palatine, IL 60067
Dec 14, 2013

Julie Prandi
Bloomington, IL 61701
Dec 14, 2013

Rosi Tapia
Elgin, IL 60123
Dec 14, 2013

Karine Gabrini
Carbondale, IL 62901
Dec 14, 2013

Norine urban
Morrison, IL 61270
Dec 14, 2013

robert yancey
Sorento, IL 62086
Dec 14, 2013

Staffan Axelsson
Round Lake, IL 60073
Dec 14, 2013

Lanina long
springfield, IL 62704
Dec 14, 2013

Deanna Letts
Madison, WI 53715
Dec 14, 2013

Marissa Godlewski
Triple Lake Heights, IL 62901
Dec 14, 2013

Marilyn Champlain
Streator, IL 61364-3460
Dec 14, 2013

Catherine May Katauskas
Evanston, IL 60203
Dec 14, 2013

David
Ottawa, IL 61350
Dec 14, 2013

I don't know why there even needs to be debate! Do these politicians not care about their own people, over money! Look what's happened in Texas. Tainted un drinkable water, whistleblowers being sued for standing up to the oil companies!

K Collins
Edinburg, IL 62531
Dec 14, 2013

Stop the insanity! They are destroying our ground water!!

Patricia Grimmer
Carbondale, IL 62902
Dec 14, 2013

Kevin Michael
Arlington Hts, IL 60004

Dec 14, 2013

Susan digiovanni
Princeton, IL 61356
Dec 14, 2013

Leanne Primrose-Brown
Joliet, IL 60433
Dec 14, 2013

Let's address the "Dirty Dozen" problems with the draft rules for fracking before it's too late.

JoAnn Nelson
Carbondale, IL 62901
Dec 14, 2013

Mark Buric
Clarendon Hills, IL 60514
Dec 13, 2013

Comprehensive piece on Fracking Industrialization & Induced Earthquakes:
http://fullerfuturefest.com/fracking-industrialization-and-induced-earthquakes-the-mechanisms-that-connect-the-dispos

Brent Ritzel
Carbondale, IL 62901
Dec 13, 2013

Joyce Pope
Fairview Heights, IL 62208-2820
Dec 13, 2013

Jacqueline Heckman
Park Ridge, IL 60068
Dec 13, 2013

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stan
Chicago, IL 60660
Dec 13, 2013

Fracking is a dirty and dangerous business. If it is to be done at all, it must be approached with the utmost care and circumspection. No amount of money can compensate for the destruction of the environment, the health problems, the water problems which are associated with fracking.

Joy Schochet
Chicago, IL 60657
Dec 13, 2013

Ann Joseph
John Buchanan, IL 60617

Dec 13, 2013

Shawn Abrahamson
Chicago, IL 60626
Dec 13, 2013

Judith Meives
Chana, IL 61015-0084
Dec 13, 2013

Virginia Warren
Evanston, IL 60202
Dec 13, 2013

Sharon Folsom
Kinmundy, IL 62854
Dec 13, 2013

James Parr
Bloomington, IL 61701
Dec 13, 2013

Sue Neville
Bloomington, IL 61701
Dec 13, 2013

Please serve the people, not the industry. They pay for their representation; we vote for ours.

Jeffrey Hobbs
Springfield, IL 62702
Dec 13, 2013

Alex Poltorak
Chicago, IL 60608
Dec 13, 2013

Maryjo Osowski
La Grange Park, IL 60526-1818
Dec 13, 2013

Iris rudnick
Chicago, IL 60659
Dec 13, 2013

Gary Bettega
Orland Park, IL 60467-1015
Dec 13, 2013

ui3441

john brna
chicago, IL 60642
Dec 13, 2013

Why waste our natural resources for a product that has a decreasing demand? Given the federal tax breaks, exporting it will not gain us a penny. It will, however, cost the state taxpayers to alleviate the destruction fracking creates. Please do not kick the can down the road. Make the rules stiff so taxpyers are not on the hook for repairs to our environment, infrastructure and health,

Mary Welter
Chicago, IL 60608
Dec 13, 2013

Errole Ross
Chicago, IL 60618
Dec 13, 2013

Garret Hammond
Downers Grove, IL 60515
Dec 13, 2013

Daniel McLean
Evanston, IL 60201
Dec 13, 2013

Alison bailey
Bloomington, IL 61701
Dec 13, 2013

Any Company who is allowed to frack must be held FULLY accountable for all the environments damages they create. This should include jail time for the CEO and heavy fines.

Mark Kater
Skokie, IL 60077
Dec 13, 2013

Llloyd Richardson
Springfield, IL 62711
Dec 13, 2013

Please governor, let's not destroy our state! Have you seen what fracking has done to North Dakota?

Marsha Willis
lake zurich, IL 60047
Dec 13, 2013

Please do something positive for our environment. Thank you.

robert willis
lake zurich, IL 60047
Dec 13, 2013

Fracking is wrought with problems. Our leaders should take the time to get this one right.

Dale Duda
Northbrook, IL 60062
Dec 13, 2013

Jolie Misek
Wonder Lake, IL 60097
Dec 13, 2013

I AGREE WITH THE POINTS MADE IN THIS PETITION, AND AM VERY CONCERNED WITH THE FRACKING ISSUE!!

MRS. MARILYN OAKS
PETERSBURG,, IL 62675
Dec 13, 2013

Yolanda Whitehead
Merrionette Park, IL 60655
Dec 13, 2013

Dianna Uchida
Chicago, IL 60615
Dec 13, 2013

Dienna Drew
Quincy, IL 62301
Dec 13, 2013

Alba Tomasula y Garcia
Chicago, IL 60640
Dec 13, 2013

Kay Diblik
Winfield, IL 60190-1347
Dec 13, 2013

Annette Howell
Chicago, IL 60647
Dec 13, 2013

013642

Susan Wolfe
Ontario Street, IL 60611
Dec 13, 2013

No to ALL fracking. Frack you very much.

Sydney Vilen
Berkeley, CA 94702-1740
Dec 13, 2013

Courtney Smith
Triple Lake Heights, IL 62901
Dec 13, 2013

James Petersen
Carol Stream, IL 60188
Dec 13, 2013

James Anderson
Washburn, IL 61570
Dec 13, 2013

Mark T. Lundholm
Palatine, IL 60074-1291
Dec 13, 2013

Jim O'Neil
Saint Marys, IL 62401
Dec 13, 2013

Please protect our state and strengthen the rules on fracking.

Linda Brown
North Aurora, IL 60542
Dec 13, 2013

Adrienne Kirshbaum
Highland Park, IL 60035
Dec 13, 2013

This would be terrible for the environment.

Tim Daniels
Naperville, IL 60540
Dec 13, 2013

Michelle Dare
Crystal lake, IL 60014

Dec 13, 2013

Larry halm
Ottawa, IL 61350
Dec 13, 2013

Please note the drastic and unusual seismic activity in several states - in areas where there has been unchecked fracking. WE DON'T WANT THIS IN ILLINOIS!!!

anne-Bernadette Weiner
chicago, IL 60637
Dec 13, 2013

Aprl Velasquez
North Aurora, IL 60542
Dec 13, 2013

Maria Cruz
Wilmette, IL 60091
Dec 13, 2013

STOP FRANK ING MOTHER EARTH

Chris Krusa
Glen Carbon, IL 62034
Dec 13, 2013

Nadia BlancDaley
South Elgin, IL 60177
Dec 13, 2013

Pat Vasile
Westmont, IL 60559
Dec 13, 2013

Mary Ann Freeman
Coatsburg, IL 62325
Dec 13, 2013

John P. Jankowski
Stockton, IL 61085
Dec 13, 2013

Sandy
Normal, IL 61761
Dec 13, 2013

Julie Mark
Oak Brook Mall, IL 60521

013443

Dec 13, 2013

WE NEED TO MAKE SURE THAT FRACKING IS DONE WITHOUT TOXIC FLUIDS BEING INJECTED IN TO OUR EARTH AND SLOW ENOUGH TO INSURE THAT THERE WILL BE NO EARTH SHAKING PROBLEMS. bob rayburn

bob rayburn
chicago, IL 60617
Dec 13, 2013

Susan Meredith Burt
Normal, IL 61761-1528
Dec 13, 2013

Marilea White
Bloomington, IL 61701
Dec 13, 2013

Charles Morrill
Murphysboro, IL 62966
Dec 13, 2013

Please don't be in a hurry to ruin the system for filtering our water that nature took millions of years to put in a place. Once damage due to impulsiveness is done, there is no turning back.

Kristen Johns
Champaign, IL 61820
Dec 13, 2013

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mark gillono
aurora, IL 60503
Dec 13, 2013

Clean water is essential for health and life. The decisions on fracking must be made on the basis of the precautionary principle. It must be PROVED SAFE before being approved. Clean water is a limited resource on our planet.

Kathy Ruopp
Chicago, IL 60643
Dec 13, 2013

Peter C Frazer Sr.
Wilmington, IL 60481
Dec 13, 2013

John Kavalunas
Elgin, IL 60124
Dec 13, 2013

Bob Elkins
Round Lake Beach, IL 60073
Dec 13, 2013

Mr David James Ogorzaly
Hoffman Estates, IL 60169
Dec 13, 2013

Patricia Powell
Champaign, IL 61821
Dec 13, 2013

Catherine Connor
Natick, MA 01760
Dec 13, 2013

Judy Lubin
Evanston, IL 60201
Dec 13, 2013

John Ploof
Chicago, IL 60616
Dec 13, 2013

Sandra Nickerson
West Dundee, IL 60118
Dec 13, 2013

Eric Morris
Carbondale, IL 62902
Dec 13, 2013

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val tomaszewski
Western Springs, IL 60558
Dec 13, 2013

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mary hanley
riverside, IL 60546
Dec 13, 2013

Please do the right thing here. If you are not aware of all the problems, please research fracking in other places. The problems are horrendous.

Dorothy Martirano
Champaign, IL 61820
Dec 13, 2013

wallace and sonja chan
Kankakee, IL 60901
Dec 13, 2013

Craig Williams
Evanston, IL 60201
Dec 13, 2013

Michael Shotwell
Lake In the Hills, IL 60156
Dec 13, 2013

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nicholas whitfield
springfield, IL 62703
Dec 13, 2013

Nicolas
Woodridge, IL 60517
Dec 13, 2013

WEiss Ed&NANCY
Batavia, IL 60510
Dec 13, 2013

Doing this will cause more damage then good! We have already destroyed most of Illinois!

Thomas ODonnell
Chicago, IL 60640
Dec 13, 2013

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sandra simonson
Chicago, IL 60660
Dec 13, 2013

Judith A. Bootcheck
Lincoln Park, IL 60614
Dec 13, 2013

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margaret collins
DESOTO, IL 62924
Dec 13, 2013

Sheila Bunting
NORMAL, IL 61761
Dec 13, 2013

Marla Shuman
Chicago, IL 60614

Dec 13, 2013

John Litvinenko
Streamwood, IL 60107
Dec 13, 2013

It is imperative that you skeptically approach this matter, as fracking has the potential to wreak very costly devastation in our state. Be VERY careful!

Therese Davis
Warrenville, IL 60555
Dec 13, 2013

Jonathon A. MeDrano
Henry Mcgee, IL 60615
Dec 13, 2013

Gillian Suess
Cedarville, IL 61013
Dec 13, 2013

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maryann vintika
lombard, IL 60148
Dec 13, 2013

NO FRACKING! It is far too dangerous and destructive.

Carolyn Treadway
Normal, IL 61761-1621
Dec 13, 2013

Cheryl Metzelaars
Effingham, IL 62401
Dec 13, 2013

For the sake of our water quality for the future!

Lyle Fettig
Savoy, IL 61874
Dec 13, 2013

Whats the hurry? Save the resources for another time while you address the problems. This is just a race to the bottom

Dennis de Bourbon
St. David, IL 61563
Dec 13, 2013

Judith A. Bootcheck
Lincoln Park, IL 60614
Dec 13, 2013

James Bachman
Valley View, IL 60174
Dec 13, 2013

Randy Pearson
Champaign, IL 61821
Dec 13, 2013

Alicia Zody
Marshall, IL 62441
Dec 13, 2013

Rex Burrus
Lansing, IL 60438
Dec 13, 2013

Dennis
Cobden, IL 62920
Dec 13, 2013

Geoffrey Odean
Crystal Lake, IL 60014
Dec 13, 2013

P M
Chicago, IL 60611
Dec 13, 2013

Mark Wilcox
Bull Valley, IL 60050
Dec 13, 2013

Sue and John Gates
Kell, IL 62853
Dec 13, 2013

Helen Seiler
Northbrook, IL 60062
Dec 13, 2013

mary southard
La Grange Park, IL 60526
Dec 13, 2013

Michelle
Henry Mcgee, IL 60615
Dec 13, 2013

Charles Ripp
oak park, IL 60302
Dec 13, 2013

Donald Lanktree
Chicago, IL 60645
Dec 13, 2013

Diane Zoric-Montag
Chicago, Denmark
Dec 13, 2013

James O'Malley
Wheaton, IL 60189
Dec 13, 2013

Mary Beling
Ingleside, IL 60041
Dec 13, 2013

Ingrid Landberg
Arlington Heights, IL 60005
Dec 13, 2013

Lynette Bertsche
Jackson Park, IL 60637
Dec 13, 2013

Eric Jensen
Schaumburg, IL 60194
Dec 13, 2013

Rick Perrin
Saint Johns, IL 62832
Dec 13, 2013

Laura Krumwiede
Hermantown, MN 55811
Dec 13, 2013

FRACKING IS FRACKING CRAZY !!

laurie caglayan
glendale heights, IL 60139

Dec 13, 2013

Have you seen videos of the hundreds of trucks blocking traffic on rural highways? I do not desire this for my community in Johnson County with its majestic vistas. Please do the right thing.

Sandra Speice
Pulleys Mill, IL 62939
Dec 13, 2013

Judy Grossman
Des Plaines, IL 60016
Dec 13, 2013

Jose Alvarado
Chicago, IL 60641
Dec 13, 2013

Greg Bohlen
West Peoria, IL 61604
Dec 13, 2013

Kalina Malyszko
chicago, IL 60608
Dec 13, 2013

Cortney Zaret
Albania
Dec 13, 2013

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ginger Cox
Park Ridge, IL 60068
Dec 13, 2013

Please protect illinoisans from fracking disaster and our health.

Mary Welch
Homewood, IL 60430
Dec 13, 2013

Judy Stewart
Hafer, IL 62918
Dec 13, 2013

Citizens deserve the right to comment on important environmental issues. Please extend the comment period on fracking.

Bob Jorgensen
East Peoria, IL 61611
Dec 13, 2013

Fraking is absolutely evil.

Lea Houdek
Cortland, IL 60112
Dec 13, 2013

Kristin Logerquist
Oak Park, IL 60304
Dec 13, 2013

I would prefer that horizontal hydraulic fracturing be banned in Illinois, given the many examples elsewhere in the country where this industry has failed to protect the safety and health of people and the environment, not to forget the financial hits to property values, retraction of insurance coverage, social dysfunction from imported boom-bust economies, road deterioration, and such. But if one is forced to accept the industry, which I think, is nevertheless unconstitutional, as it's a hazard to our life and health, then the industry regulations must be seriously overhauled by the variety of professional sectors indicated in this petition, then subject to further rounds of public hearing and comment periods, and other public notices in each and every county and township in which the industry operates, and into which the waste will spread into the water, air and land. The state must also demonstrate how it will fund the added toxic waste clean-up and healthcare costs, given that our state deficit already fell seriously behind in Medicaid reimbursements, SURS-related health insurance, natural area support, and other relevant funding areas. If we obtain these energy resources, they should only be for domestic use vs. allowing China or other nations to drive the extraction of our resources, and the consequent decline of our own human and ecological health. We already have Superfund sites and toxic waste and health problems from the existing oil, coal and other industry; we don't need more such problems. Reallocate support in the energy sector toward solar, wind, waste recycling, energy efficient design, and other more sustainable, less environmentally hazardous methods. As for the state-sponsored Council, its members must also come from the hydraulic fracturing impacted region in southern Illinois, not just greater Chicago, as so many state-wide committees often end up being.

Sabrina Helen Bennett Hardenbergh
Carbondale, IL 62902
Dec 13, 2013

Sergio M. Rivera
Chicago, IL 60641
Dec 13, 2013

Linda Schwartz
Buffalo Grove, IL 60089
Dec 13, 2013

This issue needs to be considered thoughtfully.

Lori Meek Schuldt
Glendale Hts, IL 60137
Dec 13, 2013

Lonnie Radcliffe
Chicago, IL 60649

Dec 13, 2013

PLEASE keep ILLINOIS land,water and air clean.

eric meyer
waterloo, IL 62298
Dec 13, 2013

No frackong

Edward Lewis
Lombard, IL 87507
Dec 13, 2013

Tess Rpgers
carbondale, IL 62901
Dec 13, 2013

Jerica Etheridge
Yuton, IL 61701
Dec 13, 2013

Mike Horvath
Addison, IL 60101
Dec 13, 2013

Dinah Seibert
Carbondale, IL 62901
Dec 13, 2013

Connie Baker
Carterville, IL 62918
Dec 13, 2013

Diedre Guthrie
Chicago, IL 60634
Dec 13, 2013

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frank james johnson
chicago, IL 60632-1739
Dec 13, 2013

Carole Pooler
Ravenswood, IL 60625
Dec 13, 2013

Heidi Coons
Carbondale, IL 62901
Dec 13, 2013

Krista Grimm
La Grange Park, IL 60526
Dec 13, 2013

For all the reasons stated, plus many more, providing a few jobs is not worth the destruction of our environment, the health of future generations, nor the risk of seismic activity in an area which is already prone to major earthquakes.

Denise Livingston
Carterville, IL 62918
Dec 13, 2013

Sarah Oaks
Chicago, IL 60637
Dec 13, 2013

Norman W. Lathrop
Bolingbrook, IL 60440
Dec 13, 2013

Jennifer Pullum
Carterville, IL 62918
Dec 13, 2013

I am concerned that the rush to secure short term profits has taken priority over the long term consequences of fracking. The potential for detrimental environmental, local economic, and public health outcomes is alarming, and the proposed rules do not adequately address the high cost of damage to our water supply. Fracking exploits a limited resource for a limited time. The water supply is more important and irreplaceable. We can survive without fracking; we cannot survive without water. Therefore, it is critical that any fracking allowed be limited to seismically stable areas away from water and protected natural areas. Please take the time to develop adequate environmental and safety regulations. The potential for unfixable accidents and contamination is too high to risk our limited natural resources. New energy sources are being found all the time. But no one can create water, which is essential for life.

Evelyn H. Grom
Sleepy Hollow, IL 60118
Dec 13, 2013

Christopher Bathon
mount vernon, IL 62864
Dec 13, 2013

Better yet, stop fracking altogether.

Amalie Callahan
Rock Island, IL 61201
Dec 13, 2013

015248

lori williamson
Downers Grove, IL 60515
Dec 13, 2013

This one's a no-brainer, Mr Quinn. There's too much we DON'T know about the effects of hydraulic fracking.
-SAC

Scott Cordell
Atlanta, IL 61723
Dec 13, 2013

Daniel Duller
Rock Falls, IL 61071-2171
Dec 13, 2013

James Solotke
Riverwoods, IL 60015
Dec 13, 2013

Jake Metz
Urbana, IL 61801
Dec 13, 2013

Richard Swanson
Brookfield, IL 60513
Dec 13, 2013

Let's keep it clean for our children and grandchildren.

Charles Frost
Herrin, IL 62948
Dec 13, 2013

Marc Buschnyj
Roselle, IL 60172
Dec 13, 2013

Georgiann Schulte
Oak Park, IL 60302
Dec 13, 2013

M Smerken
Somerset, IL 62966
Dec 13, 2013

Peter Dempsey
Waukegan, IL 60085
Dec 13, 2013

Kenny Shepard
Bloomington, IL 61701
Dec 13, 2013

Please don't allow fracking in Illinois. Please watch GASLAND 1 an 2 if you don't know why fracking is bad for everything. Natural Gas may be "cleaner burning" than coal, but it devastates the lands by the ways it is extracted, and often with zero accountability for all of the damage that constituents of other states are suffering still. Please do the right thing by not allowing fracking or at least putting a heavy foot down to regulate all of the procedures and clean up need to make the collection of natural gas safe for people and the environment. Please do the right thing by all of us. Thank you!

Jane Albright
Chicago, IL 60640
Dec 13, 2013

Land, which is sacred on many levels, human and animal lives are all at stake. The implications of fracking will be present forever! Please look at the situation with wisdom toward the future. Thank you.

Lesliann King
St. Charles, IL 60174
Dec 13, 2013

Governor Quinn, I have followed your career from afar when you were a fighter for consumer issues. I trust you will once again come to the rescue of those of us endangered by the approval of the dangerous fracking legislation. Thanks for continuing to be there for us. P>S> Good luck Jordan Lynch and the Southwest Side. Alan Vojtech

Alan Vojtech
Chgo, IL 60655
Dec 13, 2013

Carol Warner
Evanston, IL 60202
Dec 13, 2013

Anne McGowan
Normal, IL 61761
Dec 13, 2013

Deb Ogilvie
Libertyville, IL 60048
Dec 13, 2013

Lynne
Sinclair, IL 62650
Dec 13, 2013

013249

Gov Quinn, I would have thought you to be more protective of the environment.

Sharon McNair
Chicago, IL 60647
Dec 13, 2013

Deborah Naas
Shawneetown, IL 62984
Dec 13, 2013

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susan porterfield
Dekalb, IL 60115
Dec 13, 2013

Come on, Mr. Quinn, stand up for the environment. We will remember at the polls what you do on this crucial issue.

Jacqueline Leavy
Oak Park, IL 60304
Dec 13, 2013

Siv Ferguson
Glen Ellyn, IL 60137
Dec 13, 2013

Mariell Waltner
Chicago, IL 60611
Dec 13, 2013

Please no fracking!! Free ash water for all, use solar & wind energy!

Steve Mehlberg
Bloomington, IL 61704
Dec 13, 2013

Diane Howard
Ruma, IL 62278
Dec 13, 2013

Roy C Treadway
Normal, IL 61761
Dec 13, 2013

Laura Long
Chicago, IL 60613
Dec 13, 2013

Please do your duty and represent the will of the people in our state . Extend the content period for us bring the info to the people who are uninformed yet concerned for the future of of our environment.

Patti Walker
Karbers Ridge, IL 62955
Dec 13, 2013

Amy P
Sparta, IL 62286
Dec 13, 2013

David M. Butler
Urbana, IL 61802
Dec 13, 2013

Alexis Fry
McHenry, IL 60050
Dec 13, 2013

John C Tompkins
Naperviile, IL 60565
Dec 13, 2013

Benjamin West
Marion, IL 62959
Dec 13, 2013

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john rogers
Somerset, IL 62966
Dec 13, 2013

The regulations are a joke, written by the industry. Your job is protect all residents of the state, as well as the water and land. We need safe jobs, not these horrible, dangerous short-term jobs. We need a moratorium on fracking in IL. Thank you.

Gina Orlando
Oak Park, IL 60302
Dec 13, 2013

Sheila Brady
Chicago, IL 60640-1343
Dec 13, 2013

Those of us who rely on Lake Michigan water for our drinking water supply are also concerned about the possible impacts of a spill from shale oil tankers on the Great Lakes.

Leigh Dionne
Lisle, IL 60532

013450

Dec 13, 2013

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larry day
Oak Park, IL 60302
Dec 13, 2013

Jonathon A. MeDrano
Schaumburg, IL 60168
Dec 13, 2013

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tod
makanda, IL 62958
Dec 13, 2013

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dan rusk
McCook, IL 60525
Dec 13, 2013

Debra Wendt
Downers Grove, IL 60516
Dec 13, 2013

Gerald J. Vertrees
Pleasant Hill, IL 62366
Dec 13, 2013

Graham Cowger
Bloomington, IL 61701
Dec 13, 2013

Shari R
Geneva, IL 60134
Dec 13, 2013

Joshua Patterson
alsip, IL 60803
Dec 13, 2013

Mike Lehker
Herrin, IL 62948
Dec 13, 2013

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you know were all against it

Ananta das & FB.Bhakti Yoga
Chicago, IL 60612
Dec 13, 2013

Heather Smith
Carbondale, IL 62903
Dec 13, 2013

Kevin Loseke
Bloomignton, IL 61701
Dec 13, 2013

John Steven Kjome
Decorah, IA 52101
Dec 13, 2013

Deborah Baker
Brighton, MA 02135
Dec 13, 2013

Alex Ross
Summersville, IL 62864
Dec 13, 2013

Carol Frey
Marion, IL 62959
Dec 13, 2013

Pat Bullard
Carterville, IL 62918
Dec 13, 2013

This is an urgent issue. It requires your immediate attention. Please act with dispatch.

Charmaine Hamill
Carpentersville, IL 60110-2121
Dec 13, 2013

John Williams
Herrin, IL 62948
Dec 13, 2013

Stop fracking in Illinois!

Carol Ronan
Gilbert's, IL 60136
Dec 13, 2013

Julie McCamish
Carterville, IL 62918
Dec 13, 2013

Linda McCarthy
Lansing, IL 60438
Dec 13, 2013

Ron Kurowski
Tinley Park, IL 60477
Dec 13, 2013

Chuck Ginsberg
Lakeview, IL 60613
Dec 13, 2013

Joshua
Rogers Park, IL 60660
Dec 13, 2013

The time to be cautious is NOW. Not when irreparable harm is done. I really wish you would readdress a moratorium. The IDNR drafted these regs with way too much input from the oil and gas industry. Please extend the comment period. Please have another comment period if the rules are modified.

Beth Brennan
Mt. Vernon, IL 62864
Dec 13, 2013

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people over profits

Thomas Skomski
Wedron, IL 60557
Dec 13, 2013

John Atwood
Rogers Park, IL 60626
Dec 13, 2013

Preserving our natural environment is more important than money and it always will be.

Clint Thomson
Bloomington, IL 61705
Dec 13, 2013

Jim Oppedahl
My City, IL 61201
Dec 13, 2013

Bonnie Nalley
Carbondale, IL 62903
Dec 13, 2013

when the stakes are so high, what's the rush? explore the details and options as one in responsible roles are expected.

bob kucera
ottawa, IL 61350
Dec 13, 2013

Wynne Corson
Chicago, IL 60657-3221
Dec 13, 2013

S Israil
Skokie, IL 60076
Dec 13, 2013

Ryan Pilcher
Chicago, IL 60622
Dec 13, 2013

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david marriott
St. Joseph, IL 61873
Dec 13, 2013

William Briska
Elgin, IL 60120
Dec 13, 2013

I'm not convinced that fracking is safe for drinking water and wonder what other harmful byproducts this procedure will entail later on as time passes. We need to make sure the people and our natural resources are protected. rahm loves santorum

Mark Buban
Chicago, IL 60625
Dec 13, 2013

Alice Englebretsen
Urbana, IL 61801
Dec 13, 2013

Mary Ann Matthews
Mahomet, IL 61853
Dec 13, 2013

Please Gov. Quinn - I have met you & I know that you are a caring man, especially for the animals & environment. Please extend the First Notice Period for the IDNR rules for tracking. Thank You

Sandra McGee
Winthrop Harbor, IL 60096
Dec 13, 2013

Kathleen Slattery
Chicago, IL 60660
Dec 13, 2013

Theresa Badus
Hoffman Estates, IL 60169-1627
Dec 13, 2013

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joy reese
Graceland, IL 60657
Dec 13, 2013

Linda Ricker
bloomington, IL 61701
Dec 13, 2013

Edward Paine
Decatur, IL 62526
Dec 13, 2013

Karen Wilson
Chicago, IL 60637-1823
Dec 13, 2013

Jack Shouba
Saint Charles, IL 60175-6958
Dec 13, 2013

Teresa Earp
Evanston, IL 60202
Dec 13, 2013

James B Truesdale
Wheaton, IL 60187
Dec 13, 2013

Nancy Lacy
Naperville, IL 60564-6121
Dec 13, 2013

Tim McCrory
West Dundee, IL 60118-5316
Dec 13, 2013

Don Albrecht
Northlake, IL 60164
Dec 13, 2013

Joe P. Dick
Wheaton, IL 60187
Dec 13, 2013

Mary Liss
Brookfield, IL 60513
Dec 13, 2013

thomas Frank
East Chicago, IN 46312
Dec 13, 2013

Nancy Fong
Oak Park, IL 60302
Dec 13, 2013

Annette K.
Chicago, IL 60613
Dec 13, 2013

B. Raucci
Valley View, IL 60174
Dec 13, 2013

Dawn Larsen
Chicago, IL 60645
Dec 13, 2013

Kathy
Naperville, IL 60563
Dec 13, 2013

Joseph Sessa
Chicago, IL 60612
Dec 13, 2013

Christine Turney
New Lenox, IL 60451
Dec 13, 2013

013453

Jon Kelley
Chicago, IL 60647
Dec 13, 2013

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scott zeal
Somonauk, IL 60552
Dec 13, 2013

These rules need a re-write and as well rules should be put forth that cover the mining of sand that is used for fracking purposes. Thousands of acres of prime farm land are being lost due to the GREED of Urban Investors as well as to Corporate Greed.

willis f. fry
utica, IL 61373-9509
Dec 13, 2013

Carolyn Jarosz
Palatine, IL 60067
Dec 13, 2013

Water is more precious than natural gas

Adrian Van Buskirk
Champaign, IL 61820
Dec 13, 2013

With as many Nuclear Plants and sitting on a fault line I would think you would NOT be allowing fracking in Illinois. Disappointed in my state government again!

Anna Ellsworth
Lake in the Hills, IL 60156
Dec 13, 2013

Bill and Tesse Donnelly
Oak park, IL 60302-1505
Dec 13, 2013

S.P. Franklin
Naples, FL 34104
Dec 13, 2013

More input and research needs to be done before the rules for fracking are made law. There should not be a rush to put laws into place that would impact the health and safety of humans or animals, damage water resources and impact the long term environment.

Brenda Dilts
Canton, IL 61520
Dec 13, 2013

Rael Slavensky
Geneseo, IL 61254-9526
Dec 13, 2013

Denise Hampton
Calumet Park, IL 60827
Dec 13, 2013

Please proceed with caution regarding fracking. DO NOT destroy the heartland.

Chris McGowan
ARLINGTON HTS, IL 60004
Dec 13, 2013

Sharon Kopina
Ladd, IL 61329
Dec 13, 2013

Lynn Barron
Twenty Second Street, IL 60616
Dec 13, 2013

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ruth hosek
Ontario Street, IL 60611
Dec 13, 2013

Angel White
Chicago, IL 60656
Dec 13, 2013

Joann Powers
Kankakee, IL 60901
Dec 13, 2013

Let the people speak and be heard

Blake Anderson
De Soto, IL 62924
Dec 13, 2013

Leigh Bailey
Carol Stream, IL 60188
Dec 13, 2013

Gary Champagne
Des Plaines, IL 60016
Dec 13, 2013

015254

Carolyn Andre
Chicago, IL 60618
Dec 13, 2013

CJ Jelinek
Chicago, IL 60626
Dec 13, 2013

Fracking endangers the water table.

Allan Johnston
Evanston, IL 60202
Dec 13, 2013

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peter g
chicago, IL 60608
Dec 13, 2013

Janice Cox
Bloomington, IL 61701
Dec 13, 2013

Michael Ryan
Chicago, IL 60622
Dec 13, 2013

Kenneth Kadlec
Palatine, IL 60074-2988
Dec 13, 2013

Susan Grams
Wheaton, IL 60187
Dec 13, 2013

Darius Turcinskas
Wheeling, IL 60060
Dec 13, 2013

Mary E. Dettman
Aurora, IL 60503
Dec 13, 2013

Margaret Myers
Normal, IL 61761
Dec 13, 2013

Matthew McDonnell
Wilmette, IL 60091

Dec 13, 2013

Terese Mueller-Bocian
Burbank, IL 60459
Dec 13, 2013

I read about many problems occuring in other states and it causes me concern that Illinois is moving too fast to allow fracking. Please take the time to investigate further.

paul
Elgin, IL 60120
Dec 13, 2013

Stephanie A. Miklavcic
Ottawa, IL 61350
Dec 13, 2013

Deirdre Jameson
Chicago, IL 60611
Dec 13, 2013

Megan Kennedy
Chicago, IL 60641
Dec 13, 2013

Jenny Hartman
Glenview, IL 60026
Dec 13, 2013

Janet Potts
Naperville, IL 60540
Dec 13, 2013

Mary Popiela
Elgin, IL 60120
Dec 13, 2013

Stop the fracking for our HEALTH!

Mary leung
Normal, IL 61761
Dec 13, 2013

Let's be responsible and keep our environment safe for the next generation.

Linda Sielck
Mount Prospect, IL 60056
Dec 13, 2013

Timothy E. Johnson
Chicago, IL 60640
Dec 13, 2013

henry gelstor
Carbondale, IL 62901
Dec 13, 2013

Barry Wang
Rockford, IL 61109
Dec 13, 2013

AURORA INSURRIAGA
CHICAGO, IL 60617-5545
Dec 13, 2013

Michael Lang
Peoria, IL 61606
Dec 13, 2013

erik gardner
Northbrook, IL 60062
Dec 13, 2013

Thad Pendleton
IL, United States 60643-5003
Dec 13, 2013

Pamela Nicholls
Carrier Mills, IL 62917
Dec 13, 2013

P
Monee, IL 60449
Dec 13, 2013

Aimee
Round Lake, IL 60073
Dec 13, 2013

Scott
Round Lake, IL 60073
Dec 13, 2013

Mimi Biskus
Gurnee, IL 60031
Dec 13, 2013

Ellen
Lockport, IL 60441
Dec 13, 2013

Byron Dale
Rockford, IL 61108-6710
Dec 13, 2013

John Humanski
Naperville, IL 60563
Dec 13, 2013

Thomas L. Scarborough, Jr.
Naperville, IL 60565
Dec 13, 2013

Steve Towne
villa park,, IL 60181
Dec 13, 2013

NO FRACKING IN ILLINOSI!!!

Richard L. Wosylus
Smithton, IL 62285
Dec 13, 2013

There need to have safer ways for fracking. Those chemicals are too dangerous to our health and our environment! It is simply not worth the health risks!

Keri Curtis
Peru, IL 61354
Dec 13, 2013

Claire McIntyre
Roscoe, IL 61073
Dec 13, 2013

David Kwitkowski
Chicago, IL 60646
Dec 13, 2013

There are other means of discovering burning fuel. that is a proven; burning salt water check out you tube.

Shay Osborne-Jones
Chicago, IL 60620
Dec 13, 2013

please protect the earth. support alternative energy research. Stop fracking!! We need to protect our water sources.

Mary Kaplar
Plainfield, IL 60544
Dec 13, 2013

Genevra Gallo-Bayiates
Evanston, IL 60202
Dec 13, 2013

Dustin D. Smedley
Kankakee, IL 60901
Dec 13, 2013

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ellen
Chicago, IL 60625
Dec 13, 2013

Dirk Dypold
Elgin, IL 60123
Dec 13, 2013

Julie Peterson
Chicago, IL 60618
Dec 13, 2013

Linda Sklodowski
yorkville, IL 60560
Dec 13, 2013

Joe Douin
Palos Hills, IL 60465
Dec 13, 2013

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sue falco
roselle, IL 60172
Dec 13, 2013

Madeleine Burkhart
Evanston, IL 60202
Dec 13, 2013

Please extend the first notice period for the IDNR fracking regs and convene a state-sponsored council to over see their rewriting.

Barbara Olson
Springfield, IL 62704

Dec 13, 2013

Peggy
Crystal Lake, IL 60014
Dec 13, 2013

Jan Kay
Wheaton, IL 60187
Dec 13, 2013

Rob
Ravenswood, IL 60625
Dec 13, 2013

KJD Dowds
Ravenswood, IL 60625
Dec 13, 2013

Jonathan Doss
Moline, IL 61265
Dec 13, 2013

Please protect our air and water. Sure, we will gave cheaper energy for a decade or so...but at what final cost to the tax payer and citizens of Illinois? How much will it cost and will we be able to clean the air and water once polluted. I would feel better if I could find one...one community not having geological , hydrological or atmospheric issues once Fracking comes to town. Oh, I know....you can't prove it is the Fracking, that is what they say, but we aren't fooled governor Quinn, you shouldn't be either!

Deb Perryman
Streamwood, IL 60107
Dec 13, 2013

No Fracking in Il. I've seen the mess going on in Texas!

K Collins
Edinburg, IL 62531
Dec 13, 2013

Tina Milianti
New Lenox, IL 60451
Dec 13, 2013

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mike butche
aurora, IL 60504-5238
Dec 13, 2013

Matthew
Henry Mcgee, IL 60615
Dec 13, 2013

Paula Guttilla
Utica, IL 61373
Dec 13, 2013

Tony Krohn
Decatur, IL 62521
Dec 13, 2013

Ed Leinaetas
Oak Park, IL 60304
Dec 13, 2013

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kerem colletti
Chicago, IL 60651
Dec 13, 2013

David Baldwin
Galva, IL 61434
Dec 13, 2013

ROGER F. HOMERDING
wilmington, IL 60481
Dec 13, 2013

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k bernreuter
Chicago, IL 60601
Dec 13, 2013

Just Ban Fracking!

Daniel schiessl
Chicago, IL 60526
Dec 13, 2013

Richard Roche
Downers Grove, IL 60515
Dec 13, 2013

Jeanette
Geneva, IL 60134
Dec 13, 2013

Janet Simpson
Rolling Meadows, IL 60008
Dec 13, 2013

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scot ramsay
tinley park, IL 60477

Dec 13, 2013

John Zahos
Skokie, IL 60076
Dec 13, 2013

The destruction of precious and irreplaceable fresh water supplies by the very certain toxic contamination that is characteristic of the fracking process will lead to the inevitable public disgrace and condemnation of all of the ignorant government officials who fail to stand up now and stop this stupidly unnecessary process. The environmental damage from the process is irrevocable and will adversely affect not only our current population but also generations to come. Please VOTE NO TO FRACKING IN ILLINOIS!!!

Harvey Kaplan
Rogers Park, IL 60626
Dec 13, 2013

Timothy C. Berneche
Glen Ellyn, IL 60137-5669
Dec 13, 2013

Laurie Barsotti
Aurora, IL 60504
Dec 13, 2013

Erin
Triple Lake Heights, IL 62901
Dec 13, 2013

Saul Aguirre
Chicago, IL 60622
Dec 13, 2013

Elizabeth Douglas
Chicago, IL 60626
Dec 13, 2013

Linda Moorman
Chicago, IL 60653-1376
Dec 13, 2013

Fredrick Whalum
Richton Pk., IL 60471
Dec 13, 2013

Dennis Allman
Frankfort, IL 60423
Dec 13, 2013

Let's invest instead on jobs that enhance quality of life here in Illinois.

Maureen Headington
Burr Ridge, Illinois, IL 60527
Dec 13, 2013

The draft being proposed right now is terribly flawed! I have spoken out against this draft at the UIC on November 26th. A lot more talks need to happen!

Randy Juras
Homer Glen, IL 60491-5966
Dec 13, 2013

Lyn Swanson
Villa Park, IL 60181
Dec 12, 2013

Sheila Culkin PhD
Evanston, IL 60201
Dec 12, 2013

Diane Kar
Skokie, IL 60077
Dec 12, 2013

Artemis Asproyerakas
Chicago, IL 60642-6456
Dec 12, 2013

Daniel A. Stafford
Oak Brook, IL 60523
Dec 12, 2013

Richard J Gardner Sr
Chicago, IL 60620
Dec 12, 2013

Thomas Poulson
Jupiter, FL 33458
Dec 12, 2013

From Ottawa, Illinois. Frack for natural gas, and the wells will be tapped in a few years, but your water tables will be poisoned permanently.

Paul Eichhorn
Albuquerque, NM 87112
Dec 12, 2013

Jeremy
Woodland Addition, IL 61350
Dec 12, 2013

Duane Ediger
Chicago, IL 60608
Dec 12, 2013

George Thorne
Carpentersville, IL 60110
Dec 12, 2013

A healthy need in America!!!

shirley boyd
franklin, TN 37067
Dec 12, 2013

Nancy Peiffer
Evanston, IL 60202
Dec 12, 2013

Brandon Norris
Carpentersville, IL 60110
Dec 12, 2013

M jones
Lincoln Park, IL 60614
Dec 12, 2013

Elaine C. Koffman
Lincolnwood, IL 60712-4717
Dec 12, 2013

We need help fast!!

James Bodkn
South Barrington, IL 60010
Dec 12, 2013

Odette Calderon
Niles, IL 60714
Dec 12, 2013

Molly Rose Lewis
Rogers Park, IL 60647
Dec 12, 2013

013259

Margaret Pechota
Downers grove, IL 60515
Dec 12, 2013

Shawn Garland
Joliet, IL 60431
Dec 12, 2013

I oppose fracking in Illinois and especially in Williamson County. We need better environmental stewardship than this legislation.

Beth Spezia
Paineville, IL 62948
Dec 12, 2013

If nothing else; STOP FRACKING so that future generations (who may have a better method) will have some oil left.

Gerald Rillint
unincorporated, IL 66111
Dec 12, 2013

Water is more precious that oil or gas.... Please- THINK>

John Heiser
Milwaukee, WI 53210
Dec 12, 2013

Therese Yee
Chicago, IL 60645
Dec 12, 2013

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sherrie marchi
palatine, IL 60067-4839
Dec 12, 2013

Carol Zanker
Lombard, IL 60148
Dec 12, 2013

Mark Gallik
Chicago, IL 60632
Dec 12, 2013

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maureen elick
Rockford, IL 61107
Dec 12, 2013

William Kazak
Lansing, IL 60438
Dec 12, 2013

Sharon Hillhouse
Evanston, IL 60202
Dec 12, 2013

Mary Nommensen
Arlington Heights, IL 60004
Dec 12, 2013

Ralph Vidmar
Mundelein, IL 60060
Dec 12, 2013

Margarita Whaley
Franklin Park, IL 60131
Dec 12, 2013

Sandra Makela
Libertyville, IL 60048
Dec 12, 2013

Laura Kamedulski
Downers Grove, IL 60516
Dec 12, 2013

Keep Illinois free from fracking. Then, when the greed of the oil and natural gas corporations have destroyed other states' water supplies and depleted their natural resources, Illinois will remain a gem among the devastation.

Calvin E. Johnson
Marion, IL 62959
Dec 12, 2013

You disappointed me in signing the pension bill; please don't disappoint me on this.

Barbara Evans
United States 60120-5717
Dec 12, 2013

Moe Gorsline
Wheeling, IL 60090
Dec 12, 2013

We must not frack in Illinois. We must never put our drinking water in danger, ever.

Gregory Coe
Galesburg, IL 61401
Dec 12, 2013

David Loewy
Mackinaw, IL 61755
Dec 12, 2013

Annette smith
Naperville, IL 60563
Dec 12, 2013

Lisa Kadolph
Cicero, IL 60804
Dec 12, 2013

Michael Martin
Glen Ellyn, IL 60137
Dec 12, 2013

Edgar Gonzalez-Baeza
Midlothian, IL 60445
Dec 12, 2013

Ellen
Chicago, IL, IL 60626
Dec 12, 2013

Jordan Russell
Pilsen, IL 60608
Dec 12, 2013

JanLyn
Normal, IL 61761
Dec 12, 2013

Mary Anne Schierman
Normal, IL 61761
Dec 12, 2013

Glenda Emanuelson
Germantown Hills, IL 61548
Dec 12, 2013

Brandon Oswald
West Dundee, IL 60118

Dec 12, 2013

Everytime you make a decision regarding fracking, I would like to imagine that the fracking would be in your backyard.

Keern Woodward
McHenry, IL 60050
Dec 12, 2013

Kevin Metcalf
Mount Prospect, IL 60056
Dec 12, 2013

Extend the First Notice Period for the draft IDNR rules. Call for a state-sponsored Council including community members and independent scientists to review and oversee the rewriting of the draft rules.

Ed Carroll
Normal, IL 61761
Dec 12, 2013

Mark Ginger
Arlington Hts, IL 60004
Dec 12, 2013

Alice Haznedl
Lake in the HIls, IL 60156
Dec 12, 2013

Mia Fiore
Bolingbrook, IL 60440
Dec 12, 2013

Susan Barrons
Hanover Park, IL 60133-5505
Dec 12, 2013

Julita W Hornsby
New York, NY 10025
Dec 12, 2013

Elizabeth Stange
La Grange, IL 60525
Dec 12, 2013

Rules for frac

Roger Rynke
Peru, IL 61354
Dec 12, 2013

015261

Suzanne Imaz
Chicago, IL 60613
Dec 12, 2013

Jim Forbes
Evanston, IL 60202
Dec 12, 2013

Marianne née
Merchandise Mart, IL 60654
Dec 12, 2013

Gregory Petrolati
Lafayette, OR 97127
Dec 12, 2013

Polly Deardorff
Wheaton, IL 60187
Dec 12, 2013

Burton Steck
Chicago, IL 60618-6016
Dec 12, 2013

Please take very seriously this petition and the details provided in it: the citizens of Illinois require that you do so for their health and the health of the geology of the state of Illinois itself. Thank you.

JJ Frankel
Chicago, IL 60605
Dec 12, 2013

Sean Moran
Tinley park, IL 60477
Dec 12, 2013

Catherine Whitney
Oak Lawn, IL 60453
Dec 12, 2013

Richard Rioux
Barrington, IL 60010
Dec 12, 2013

Marji Gibbs
Salem, IL 62881
Dec 12, 2013

Kathleen Garness
Forest Park, IL 60130
Dec 12, 2013

Mair
Barrington, IL 60010
Dec 12, 2013

James C. Hightower
Evanston, IL 60201
Dec 12, 2013

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more study is imperative!

Stephen H Cross
Mount Prospect, IL 60056-2120
Dec 12, 2013

Sherry Lawson-Weaver
Galesburg, IL 61401
Dec 12, 2013

Barbara Blough
Chicago, IL 60645
Dec 12, 2013

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cheryl Engram Francis
cobden, IL 62920
Dec 12, 2013

Edwin M Witkowski
Northbrook, IL 60062
Dec 12, 2013

Annette Hagerty
Harvard, IL 60033-9482
Dec 12, 2013

Alan Shannon
Chicago, IL 60622
Dec 12, 2013

Raymond Gibson
Hollywood, FL 33020
Dec 12, 2013

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barbara burkhardt
naperville, IL 60540

Dec 12, 2013

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stephen komistra
Sleepy Hollow, IL 60118-2654
Dec 12, 2013

Kathleen Hogan
Chicago, IL 60626
Dec 12, 2013

If this list of a dirty dozen reasons to be concerned isn't enough, I believe there are other additional concerns, especially in the area of just and equitable usage of our water, that should be explored as well. This is an extremely important topic to me. I think more time and thought needs to go into this process that includes looking at the long term ramifications of how this issue is handled.

Deborah Cheek
Mt. Morris, IL 61054
Dec 12, 2013

Dear Mr. Quinn, I hope it will be possible to save SOME of the natural beauty and wildlife that fracking threatens to take from us. In a very short time we will have reached a point of no return. Please don't let that happen.

Linda Kennedy
OAK PARK, IL 60304
Dec 12, 2013

Which scientists and experts on public health were consulted in the rule-writing process? The rule writers are on record with their answer: "None." Protecting the quality of our air and water and the health of our fellow citizens is so important. We should not proceed without knowing the risks and how to minimized them. Please intervene and convene this Council ASAP.

Barbara Heyl
Bloomington, IL 61701
Dec 12, 2013

MKuhl
Evanston, IL 60201
Dec 12, 2013

Dona Mullen
palatine, IL 60067
Dec 12, 2013

Shelley Brown
Decatur, IL 62522
Dec 12, 2013

Maureen allen

St. Charles, IL 60174
Dec 12, 2013

Margaret Mark
Downers Grove, IL 60516-3525
Dec 12, 2013

RJ
Prospect Hts, IL 60070
Dec 12, 2013

We need a moratorium on fracking in IL

Diane Niesman
IL, United States 60187-3915
Dec 12, 2013

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sandra sokol
Oak Park, IL 60302
Dec 12, 2013

Susan Lee
Northbrook, IL 60062
Dec 12, 2013

Heather Link
Woodland Addition, IL 61350
Dec 12, 2013

Carolyn & Edward Phillips
Naperville, IL 60565
Dec 12, 2013

I can' believe that fracking is even being considered. Educate yourself!

Penny Johnson
Romeoville, IL 60446
Dec 12, 2013

Hale Towns
Chicago, IL 60618
Dec 12, 2013

Tish Corbine
Chicago, IL 60616
Dec 12, 2013

we do not need this dangerous procedure...

Barbara Halter
wenona, IL 61377
Dec 12, 2013

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marin Quezada
chicago, IL 60640
Dec 12, 2013

Judy Davy
Oak Park, IL 60304
Dec 12, 2013

Kevin McKelvie
Chicago, IL 60618
Dec 12, 2013

Deborah Bacigalupo
Pontiac, IL 61864
Dec 12, 2013

TJ
Chicago, IL 60601
Dec 12, 2013

Janice Ehrenhaft
Summersville, IL 62864
Dec 12, 2013

Lisa Langbein
Plainfield, IL 60544
Dec 12, 2013

Thank you Gov. Quinn for helping to keep our state safe from the many dangers of fracking

Deborah Lee
Quincy, IL 62305
Dec 12, 2013

Matthew Genaze
Western Springs, IL 60558
Dec 12, 2013

Kent McGill
Lakeview, NC 28350-0102
Dec 12, 2013

Carol Nightingale
Plato Center, IL 60124
Dec 12, 2013

I am particularly concerned about the amount of water required for fracking. The entire world needs water, and to create so much waste water, and use of precious fresh water, when there are people all over the world who lack clean, healthy water seems gross and abusive. Water will be a commodity in the near future. We already pay more for water in a bottle than we do for a gallon of gas.

Peter Ayres
Naperville, IL 60563
Dec 12, 2013

Joseph M. Pasteris
DeKalb, IL, IL 60115
Dec 12, 2013

I
Valpo, IN 46383
Dec 12, 2013

Marty Mitchell
Downers Grove, IL 60516
Dec 12, 2013

I quote Sandra Steingraber, public health advocate compared to Rachel Carson: "This bill is a model for unethical behavior, it is a model for un-scientific decision-making and it is a model for how to completely disrespect democracy. Regulated fracking in the absence of environmental and human health assessments is unethical because it compels the citizens of Illinois to serve as unconsenting subjects in a vast human experiment. It is unscientific because it's illogical to claim that any set of regulations could sufficiently protect public health when you haven't identified the health threats yet. It is undemocratic because the very people who are being asked to assume the unknown risks to their health have had no seat at this table and no voice in crafting the rules they will be forced to live under."

Rachel Herbener
Evanston, IL 60202
Dec 12, 2013

mark zablocki
Normal, IL 61761
Dec 12, 2013

Barbara Steigman
East Moline, IL 61244
Dec 12, 2013

Anne Phillips
Carbondale, IL 62902

Dec 12, 2013

Marilyn Sanders
Lamard, IL 62842
Dec 12, 2013

Derek Bedard
Chicago, IL 60659
Dec 12, 2013

Stella Wilson
Oak Park, IL 60304
Dec 12, 2013

Valerie Morrison
North Aurora, IL 60542
Dec 12, 2013

Marc whitehead
Chicago, IL 60615
Dec 12, 2013

Carolyn Brown
Champaign, IL 61820
Dec 12, 2013

Anne Bedard
Elgin, IL 60120
Dec 12, 2013

Mary Derbick-Johnson
Elmwood Park, IL 60707
Dec 12, 2013

Dear Governor Quinn: The so-called "toughest fracking regulations in the nation" have been eviscerated by your agency (IDNR). Please halt this charade and bring in some adults and independent scientists to review--if these rules go forward--what could easily become a disaster that occurs on your watch. Sincerely yours, William Rau

William Rau
Bloomignton, IL 61701
Dec 12, 2013

Jim Krancic
Utica, IL 61373
Dec 12, 2013

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adam
maple pk, IL 60151

Dec 12, 2013

Genarose Buechler
Red Bud, IL 62278
Dec 12, 2013

Laura Pearlman
Mundelein, IL 60060
Dec 12, 2013

Kevin
Long Grove, IL 60047
Dec 12, 2013

Lynn Pajon
Orland Park, IL 60467
Dec 12, 2013

Ginny Wehrli-Hemmeter
Naperville, IL 60563
Dec 12, 2013

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j
Manteno, IL 60950
Dec 12, 2013

Can we get our priorities straight and our responsibilities to future generations taken seriously?

Nancy Luiz
LaGrange Park, IL 60526
Dec 12, 2013

Steven Andrews
Chicago, IL 60645
Dec 12, 2013

Lee Sierecki
Minooka, IL 60447
Dec 12, 2013

Cliff Lewis
Roselle, IL 60172
Dec 12, 2013

Danielle Henson
Elgin, IL 60123
Dec 12, 2013

Judi Halford
IL, United States 60613-1915
Dec 12, 2013

Historical earthquakes in the region demonstrate likely destruction of ground water.

David J Oshana
Chicago, IL 60625
Dec 12, 2013

Phil Smith
Normal, IL 61761
Dec 12, 2013

Must protect our air and water and where we mine. Not on our finest farm land in the world! Please.....

Norb Dudek
Utica, IL 61373
Dec 12, 2013

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mike busse
hoffman estates, IL 60192
Dec 12, 2013

Jim Lonergan
Mt Prospect, IL 60056
Dec 12, 2013

Eileen Jones
Woodridge, IL 60517
Dec 12, 2013

Stop fracking before its to late!!!

Michael Longfield
Mundelein, IL 60060
Dec 12, 2013

We cannot afford to make a mistake. You must know that any cleanup from the inevitable accidents would not undo the ecological disaster, while the bankrupt offenders walk away, leaving suffering taxpayers to pay and pay, as always.

Daniel Hendricksen
Chicago, IL 60647
Dec 12, 2013

Leland
Kankakee, IL 60901

Dec 12, 2013

Lubna Jaber
Orland Park, IL 60462
Dec 12, 2013

Bettina Wolfgang
Hinsdale, IL 60521
Dec 12, 2013

Ako Malen
Wilmette, IL 60091
Dec 12, 2013

Michael Sobczak
Chicago, IL 60640
Dec 12, 2013

Tanya Renelt
Chicago, IL 60613
Dec 12, 2013

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k v
Valpo, IN 46383
Dec 12, 2013

Sandra Franz
Graceland, IL 60657
Dec 12, 2013

Amy Dicker
Waukegan, IL 60085
Dec 12, 2013

Robert Threatte
Chicago, IL 60649
Dec 12, 2013

Aileen Eilert
Lisle, IL 60532
Dec 12, 2013

John Meeks
Chicago, IL 60640
Dec 12, 2013

Andrew Heiserman
Chicago, IL 60618
Dec 12, 2013

015266

Mary Massie
Elmhurst, IL 60126
Dec 12, 2013

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k
Byron Township, MI 49315
Dec 12, 2013

Please Gov. Quinn don't ruin southern Illinois and the Starved Rock area for short term profits. Consider your legacy.

Patrick McArthur
Frankfort, IL 60423
Dec 12, 2013

Joshua Herman
Wilmette, IL 60091
Dec 12, 2013

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bob lichtenbert
Chicago, IL 60641-4954
Dec 12, 2013

Todd Wilson
Bloomington, IL 61701
Dec 12, 2013

Fracking profits the very few. Not our citizens. And not our environment. Wind, solar and hydro are all clean and sustainable. Don't make Illinois a stinkin' ashtray.

Greg Reynolds
Chicago, IL 60646
Dec 12, 2013

John Hachtel
Roberto Clemente, IL 60647
Dec 12, 2013

Devon
Flora, IL 62839
Dec 12, 2013

Elaine Hopkins
Peoria, IL 61614-7915
Dec 12, 2013

Joe Hoffman
Elmhurst, IL 60126

Dec 12, 2013

Matthew J. Wdowiarz
West Chicago, IL 60185
Dec 12, 2013

Margaret Schneider
Naperville, IL 60565
Dec 12, 2013

Russell Buckardtr
SOUTH ELGIN, IL 60177
Dec 12, 2013

Patrick Maloney
Chicago, IL 60657-6778
Dec 12, 2013

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mirl w whitaker
Springfield, IL 62704
Dec 12, 2013

Annette McMichael
Monticello, IL 61856
Dec 12, 2013

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s
Lincoln Park, IL 60614
Dec 12, 2013

We need to regulate the toxic chemicals involved in fracking, the same chemicals are on the list of priority pollutants that were listed because they are toxic, carcinogenic, and mutagenic. these must be contained and not allowed to contaminate wells or the land. Thank you.

Sandra Kaptain
Elgin, IL 60123
Dec 12, 2013

Nova Randolph
West End, IL 62890
Dec 12, 2013

Gregory
Lincoln Park, IL 60614
Dec 12, 2013

Sean Des Roches
Campton hills, IL 60175
Dec 12, 2013

013467

Barbara Hoffmann
Urbana, IL 61802
Dec 12, 2013

Laurie Manis
Rock Island, IL 61201
Dec 12, 2013

Please stop making God perfect food into chemicals that hurt our bodies.

Sharon Kay Summerford
Willowbrook, IL 60527
Dec 12, 2013

Lenore Reeves
Mokena, IL 60448
Dec 12, 2013

Lori Wolff
East Peoria, IL 61611
Dec 12, 2013

Neil Kijek
Gardner, IL 60424
Dec 12, 2013

Andrew Paul Nagel
Mundelein, IL 60060
Dec 12, 2013

Christina Sciarrotta
Graceland, IL 60657
Dec 12, 2013

Jeanne Mcardle
Forest Park, IL 60130
Dec 12, 2013

Jim Ekeberg
Palatine, IL 60074
Dec 12, 2013

Melisa Urda
Naperville, IL 60540
Dec 12, 2013

Donald Rosentreter
Princeton, IL 61356

Dec 12, 2013

James Watkins
Charleston, IL 61920
Dec 12, 2013

Hillary Colby
Aurora, IL 60504
Dec 12, 2013

Dick Detzner
Urbana, IL 61801
Dec 12, 2013

Marianne Gartner
Wadsworth, IL 60083
Dec 12, 2013

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thad konar
Hoffman Estates, IL 60169
Dec 12, 2013

Yvonne White
Kinmundy, IL 62854
Dec 12, 2013

James A Lohmeier
CHICAGO, IL 60655
Dec 12, 2013

Ed Gould
Chicago, IL 60657
Dec 12, 2013

Gloria Fallon
Chicago, IL 60649
Dec 12, 2013

Pete Thelen
Chicago, IL 60707
Dec 12, 2013

Doug Hennessy
Bloomington, IL 61705-6556
Dec 12, 2013

Douglas Morrissey
Tunker, IN 46787
Dec 12, 2013

The regulations for fracking should protect the provisions of the act, not subvert them. Please involve more stakeholders in the process. There must be time taken to protect public health and the environment.

Laura Haule
Warrenville, IL 60555
Dec 12, 2013

Jenifer Garlitz
Joliet, IL 60435
Dec 12, 2013

Revisit the rules!

Janice Wolff
Earlville, IL 60518
Dec 12, 2013

Ann Siegel
Highland Park, IL 60035-2629
Dec 12, 2013

Nadine warner
Tower Lakes, IL 60010
Dec 12, 2013

Mehdie Vakili
Waukegan, IL 60085
Dec 12, 2013

I emphatically support the recommendations of this petition

Robert Reynolds
Austin, TX 78703
Dec 12, 2013

Stephen Limperis
Grayslake, IL 60030
Dec 12, 2013

John Ford
Steward, IL 60553
Dec 12, 2013

This topic is very important to me and the the climate.

Liz Costello-Kruzich
Evanston, IL 60201
Dec 12, 2013

w
Lincoln Park, IL 60614
Dec 12, 2013

Delores Stachura
Herrin, IL 62948
Dec 12, 2013

Michael Longfield
Mundelein, IL 60060
Dec 12, 2013

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karen s clausen
chicago, IL 60640
Dec 12, 2013

Judy Hayner
Elgin, IN 60123
Dec 12, 2013

May Jadallah
Bloomington, IL 61701
Dec 12, 2013

If you really believe that Illinois has the best regulations on fracking, then don't be afraid to give this sufficient examination to prove you and the legislature are right, there are too many health and environmental issues to be wrong.

Paul E. Sjordal
Naperville, IL 60565
Dec 12, 2013

This issue is too important to allow hasty guidance. Please use your position to require that all risks are assessed to the full satisfaction of the public upon which the risks are posed!

Tracy Noel
Marseilles, IL 61341
Dec 12, 2013

Stop fracking in Illinois!!!

Robin Pinsof
Highland Park, IL 60035
Dec 12, 2013

Mystica
Chicago, IL 60621
Dec 12, 2013

Lindsey Walters
West Peoria, IL 61604-5023
Dec 12, 2013

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ann moncelle
Bloomington, IL 61704-2342
Dec 12, 2013

Lea Compton
Collinsville, IL 62234
Dec 12, 2013

Lillian Chang
Schaumburg, IL 60193
Dec 12, 2013

Ken Schmidt
Lombard, IL 60148
Dec 12, 2013

Michael Feisthammel
Chiacago, IL 60640
Dec 12, 2013

Tamara Gregor
Ottawa, IL 61350
Dec 12, 2013

Ron Lichterman
Highland Park, IL 60035
Dec 12, 2013

Kim Ellis
North Aurora, IL 60542
Dec 12, 2013

Don't frack Illinois.

Penny Blubaugh
Chicago, IL 60646
Dec 12, 2013

Richard W. Rowe Jr.
Rock Island, IL 61201
Dec 12, 2013

James Rodgers
Winnebago, IL 61088

Dec 12, 2013

Betty Morefield
Carbondale, IL 62901
Dec 12, 2013

Laura Mueller
Burbank, IL 60459
Dec 12, 2013

THIS IS A VERY DANGEROUS DECISION. YOU WILL BE BLAMED FOR ANY MISHAPS TO OUR ENVIRONMENT OR TO ANY CITIZENS WHO ARE AFFECTED NEGATIVELY SHOULD YOU CHOOSE TO APPROVE.

Lynn Morris
Chicago, IL 60601
Dec 12, 2013

Having seen the terrible problems experienced in other states where fracking has occurred, I am very concerned that the rules adopted by the State of Illinois will be weakened and watered down, and that we will have major problems here as well. Please see that our established rules are adhered to. Personally, with climate change accelerating, causing higher temperatures ,which in turn is causing droughts in some areas, I feel that fracking should be banned, because it requires millions of gallons of water for this process, which is laced with cancer causing chemicals, and once used for this purpose, is unfit for anything else. As climate change advances, water is going to become an ever increasingly scarce resource, and we cannot afford to waste it on fracking! Humans can survive without a lot of things, but WATER IS NOT ONE OF THEM!

Kyra E.hair
Champaign, IL 61821
Dec 12, 2013

Dee Ann Deaton
Menominee, IL 61025
Dec 12, 2013

David Ewing
Chicago, IL 60657
Dec 12, 2013

David Schwebke
Crystal Lake, IL 60014
Dec 12, 2013

This is about our drinking water in Illinois, you need to convene a smart state-sponsored Council to rewrite the rules, as the rules stand they DO NOT go far enough to protect us and our drinking water.

Kristi S. Lindfors
Sandwich, IL 60548
Dec 12, 2013

Brad Walker
Swansea, IL 62223
Dec 12, 2013

Leslie Osborne
Chicago, IL 60608
Dec 12, 2013

I grew up in Illinois and still have many many relatives there. The citizens of Illinois and the U.S. have a right to full and open consideration of the negative science of hydrofracking. The evidence is growing that hydrofracking has a substantially negative impact on environment, health, community, and, yes, even the long term economy (e.g., ruined property values, creation of an industrial wasteland that can never be fully recovered, etc.). Fracking is incredibly short-sighted and will primarily bring short term benefits to the companies that will sell the gas overseas.

Jeff Claus, Ph.D.
Ithaca College, NY 14850
Dec 12, 2013

Merle wolen
chicago, IL 60657
Dec 12, 2013

K Hurd
Winfield, IL 60190
Dec 12, 2013

Gail Reed
Herrin, IL 62948
Dec 12, 2013

Mary Murphy
White Heath, IL 61884
Dec 12, 2013

Debbe Mamola
Elk Grove Village, IL 60007
Dec 12, 2013

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merry Bolt
chicago, IL 60615
Dec 12, 2013

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peter solt
chicago, IL 60618
Dec 12, 2013

Barbara Zechlin
Villa Park, IL 60181
Dec 12, 2013

Steven Nelson
Crystal Lake, IL 60014
Dec 12, 2013

FranBraun
Woodridge, IL 60517
Dec 12, 2013

Catherine Quigg
Arlington Hts, IL 60005
Dec 12, 2013

Jan Szostek
Evanston, IL 60202
Dec 12, 2013

Linda Trujillo
Woodridge, IL 60517
Dec 12, 2013

Bob Watkins
Niles, IL 60714
Dec 12, 2013

Rachel Burke
Inverness, IL 60067
Dec 12, 2013

Mary Cozad
DeKalb, IL 60115
Dec 12, 2013

Lina Hammadeh
Westmont, IL 60559
Dec 12, 2013

daniel polley
Chicago, IL 60660
Dec 12, 2013

Robert Ropars
Oswego, IL 60543
Dec 12, 2013

Ed Willis
Murphysboro, IL 62966
Dec 12, 2013

Chuck Wasserburg
Evanston, IL 60201
Dec 12, 2013

K boyd
Chicago, IL 60614
Dec 12, 2013

Barbara Bostian
Huntley, IL 60142
Dec 12, 2013

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matt churney
chgo., IL 60647
Dec 12, 2013

I live in a small town along the IL River. Open Pit mining is very prevelent all along the River. This Fracking concerns me very much. I live very close to one of this Worlds largest aquifers. I maintain my own well for water. Yes I am very Concerned about this matter very concerned indeed.

Chad W. Vale
Spring Bay, IL 61611-9044
Dec 12, 2013

Fr. Jim Hoffman OFM
Chicago, IL 60602-4102
Dec 12, 2013

John Massman
Wadsworth, IL 60002
Dec 12, 2013

Sarah Faulkner
Geneva, IL 60134
Dec 12, 2013

Timothy C.Stapleton
Pekin, IL 61554
Dec 12, 2013

Robert Linzmeier
Palatine, IL 60074
Dec 12, 2013

JOHN GISH
KEY WEST, FL 33040
Dec 12, 2013

Gloria Picchetti
Chicago, IL 60657-5753
Dec 12, 2013

Greg Lucas
Elgin, IL 60123
Dec 12, 2013

Jeff Weiner
Jefferson Pk, IL 60630
Dec 12, 2013

Tom Stukel
Oak Park, IL 60302
Dec 12, 2013

Paul Klatt
Park Ridge, IL 60068-5520
Dec 12, 2013

Please allow time to study and consider all the ramifications of "fracking" for natural gas.

Donna Libbey
Metamora, IL 61548
Dec 12, 2013

Jerome Hossli
CHICAGO, IL 60607
Dec 12, 2013

Jessika Ojea
Wonder Lake, IL 60097
Dec 12, 2013

walter burdick
Hampshire, IL 60140
Dec 12, 2013

Annette
Evanston, IL 60203
Dec 12, 2013

Trisha A Connolly
Evanston, IL 60202

Dec 12, 2013

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carol schimel
elmhurst, IL 60126
Dec 12, 2013

Jennifer Bianchini
Orland Park, IL 60462
Dec 12, 2013

Maggie McGuire
Chicago, IL 60657-0496
Dec 12, 2013

Ellen Domke
Chicago, IL 60660
Dec 12, 2013

Glen Moss
Libertyville, IL 60048-3400
Dec 12, 2013

Shawn Abrahamson
Chicago, IL 60626
Dec 12, 2013

C Baldwin
United States 60659-2302
Dec 12, 2013

Brian Stewart
Algonquin, IL 60102
Dec 12, 2013

Timothy Miller
Chicago, IL 60661
Dec 12, 2013

Melanie Heifetz
Chicago, IL 60640
Dec 12, 2013

Laura Hostetler
Oak Park, IL 60304
Dec 12, 2013

Gary Conway
Batavia, IL 69510
Dec 12, 2013

Karen Ide
Naperville, IL 60563
Dec 12, 2013

Frank Straka
Riverside, IL 60546
Dec 12, 2013

We're counting on you to protect us. Please make sure the State Council's members are fair-minded & have the best interests of the public as their priority. Thank you.

Jane Drews
McHenry, IL 60051
Dec 12, 2013

Randi Holt
Palatine, IL 60067
Dec 12, 2013

Please Governor, give us more time so that we may avoid the mistakes that other states have made!

Shirley Weese Young
Chicago, IL 60610
Dec 12, 2013

Dawn Silver
Chicago, IL 60625
Dec 12, 2013

Vernée peters
Springfield, IL 62712
Dec 12, 2013

Robert Peplin
Chicago, IL 60626
Dec 12, 2013

Garrick Balk
South Elgin, IL 60177-1528
Dec 12, 2013

Todd Hartman
Glenview, IL 60026
Dec 12, 2013

Nitin Futane
Schaumburg, IL 60173
Dec 12, 2013

Steve Halm
Arlington Heights, IL 60004
Dec 12, 2013

Landon Petrie
Woodstock, IL 60098
Dec 12, 2013

kris
Summersville, IL 62864
Dec 12, 2013

joy kaye
bloomington, IL 61704-2342
Dec 12, 2013

Sarah Trulley
Evanston, IL 60202
Dec 12, 2013

John Denk
Tinley Park, IL 60477
Dec 12, 2013

Matthew Shapiro
Wilmette, IL 60091
Dec 12, 2013

Laura Smart
DeKalb, IL 60115
Dec 12, 2013

Gerlof D. Homan
Normal, IL 61761
Dec 12, 2013

Richard Gray
United States 60657-5926
Dec 12, 2013

Terri
Mettawa, IL 60048
Dec 12, 2013

Sheila Macmanus
Champaign, IL 61820
Dec 12, 2013

NO Fracking. BAD technology. Dangerous. NO NO NO NO NO.

Bert watts
Belleville, IL 62220
Dec 12, 2013

Martin Furlan
Chicago, IL 60630
Dec 12, 2013

Patty Traverso
Orland Park, IL 60462
Dec 12, 2013

Steve Schueth
Chicago, IL 60657
Dec 12, 2013

Rocky Jette
Downers Grove, IL 60516
Dec 12, 2013

Lucia Canas
Chicago, IL 60632
Dec 12, 2013

Fracking is a very poor trade off: some energy (of which we still have an abundance) for quite a a large measure of danger - both to our health an to the environment .

Steve Cohn
Evanston, IL 60202
Dec 12, 2013

John L Burke
Homewood, IL 60430
Dec 12, 2013

IDNR will not protect the environment in the making of rules for fracking. IDNR/OMM has done that with coal rules and will repeat the corporate catering with fracking.

Mary Ellen DeClue
Litchfield, IL 62056
Dec 12, 2013

Karen M Schneider
Chicago, IL 60657
Dec 12, 2013

013674

annette burman
willowbrook, IL 60527-2479
Dec 12, 2013

Fracking just needs to be banned in this and every other state. It is an environmental disaster and there are many other forms of renewable energy that could provide every bit of energy we need.

Linda Davis
Alton, IL 62002
Dec 12, 2013

Ruth Costello
Crystal Lake, IL 60014
Dec 12, 2013

Kimberly Mullarkey
Aurora, IL 60506
Dec 12, 2013

These Rules violate the State Constitution, and will be challenged in Court. Save time and money and do the job right from the start.

Dave Kraft, Director NEIS
Chicago, IL 60647
Dec 12, 2013

Richard BRAIDA
Naperville, IL 60563
Dec 12, 2013

Cheryl Mix
Glen Ellyn, IL 60137
Dec 12, 2013

William Ahlgren
Batavia, IL 60510
Dec 12, 2013

Please be concerned about protecting our environment as you did in Northwest IL with the mega dairy issue. Thank you!

Cynthia Bonnet
Waddams Grove, IL 61048
Dec 12, 2013

This is simple common sense.

Jim McCall
Urbana, IL 61802
Dec 12, 2013

I am against fracking entirely. These rules and concerns are of utmost importance to the citizens of this state.

Linda H Kelly
Fos River Grove, IL 60021
Dec 12, 2013

Chris
Chicago, IL 60640
Dec 12, 2013

Xavier
Aurora, IL 60504
Dec 12, 2013

Brian Rich
Chicago, IL 60680
Dec 12, 2013

John summers
Western Springs, IL 60558
Dec 12, 2013

Harold Masengarb
Rock Island, IL 61201
Dec 12, 2013

Tina Reyes
Justice, IL 60458
Dec 12, 2013

Robert Krueger
Chicago, IL 60626
Dec 12, 2013

Kelly Parfitt
Chicago, IL 60657
Dec 12, 2013

Alexander Cox
Chicago, IL 60640
Dec 12, 2013

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jerry moran
Carol Stream, IL 60188
Dec 12, 2013

carolyn massey
quincy, IL 62301
Dec 12, 2013

Irena Walas
Irene, IL 61016
Dec 12, 2013

Bruce Rhoades
Downers Grove, IL 60515
Dec 12, 2013

Greg Stawinoga
South Holland, IL 60473
Dec 12, 2013

Sue Vasilic
Chicago, IL 60631
Dec 12, 2013

Joan Colby
Elgin, IL 60124
Dec 12, 2013

Jane McConville
CHICAGO, IL 60640
Dec 12, 2013

Rabbi Robin Damsky
Melrose Park, IL 60160
Dec 12, 2013

Our health is more important than corporate profits! Gov. Quinn please protect the People of Illinois.

Hale Landes
Naperville, IL 60565
Dec 12, 2013

Laura Edwards
Yuton, IL 61701
Dec 12, 2013

Pam Davies
Buffalo grove, IL 60089
Dec 12, 2013

Alice C. Roberts
Palatine, IL 60067

Dec 12, 2013

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anne thorson
Columbia, TN 38401
Dec 12, 2013

Al Bradley
Chicago, IL 60608
Dec 12, 2013

John Teschky
Wheaton, IL 60187
Dec 12, 2013

Paul Scheufler
Lemont, IL 60439
Dec 12, 2013

Zygmunt Czykieta
Chicago, IL 60639
Dec 12, 2013

Pearl Berman
Grayslake, IL 60030
Dec 12, 2013

Megan
Rockford, IL 61103
Dec 12, 2013

Ron Gary
Chicago, IL 60626
Dec 12, 2013

Lawrence O'Brien
Glenview, IL 60026
Dec 12, 2013

THOMAS BLOOD
Saint Charles, IL 60174
Dec 12, 2013

Scott McCawley
Elmhurst, IL 60126-3325
Dec 12, 2013

Margaret Parker
Oak Forest, IL 60644
Dec 12, 2013

Jenny Schwartzberg
Lincoln Park, IL 60614
Dec 12, 2013

Michael Edwin Nolan
Elk Grove Vlg, IL 60007
Dec 12, 2013

Kathy Stokvis
Peru, IL 61354
Dec 12, 2013

Caryn Kubica
Hoffman estates, IL 60169
Dec 12, 2013

Sandy
Orland Park, IL 60462
Dec 12, 2013

We must think of our children and grandchildren. it is only fair.

Mark Johnson
Chicago, IL 60605
Dec 12, 2013

Stephanie Walquist
Oak Park, IL 60302
Dec 12, 2013

Daniel Robert Gleisner
Chicago, IL 60645
Dec 12, 2013

Melodie Huffman
Danville, IL 61832
Dec 12, 2013

Tracy Warning
Grant Park, IL 60940
Dec 12, 2013

S. McHugh
Dekalb, IL 60115
Dec 12, 2013

Jocelyn
chicago, IL 60608

Dec 12, 2013

Janice Rorhbaum
Urbana, IL 61801
Dec 12, 2013

Arlene Cyrnek
Naperville, IL 60563
Dec 12, 2013

Do the right thing for the people of Illinois.

Billita
Las Vegas, NV 89147
Dec 12, 2013

Sharon DeCelle
Urbana, IL 61801
Dec 12, 2013

Georgia Shankel
Chicago, IL 60624
Dec 12, 2013

Nancy Hansen
Burley, WA 98322
Dec 12, 2013

Christopher Lee
Chicago, IL 60626-2676
Dec 12, 2013

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jodi wartenberg
joliet, IL 60435
Dec 12, 2013

Maggie Shipton
Hamel, IL 62046
Dec 12, 2013

Gary rejsek
Bolingbrook, IL 60440
Dec 12, 2013

Dan Hartman
Oak Park, IL 60302
Dec 12, 2013

My biggest concern is how these draft rules would ever be enforced.

Candace Davis
Carbondale, IL 62901
Dec 12, 2013

Christian Petriak
Crystal Lake, IL 60012
Dec 12, 2013

Robert Acker
Elgin, IL 60123
Dec 12, 2013

Stephanie Moore
Creve Coeur, IL 61610
Dec 12, 2013

Bret Sher
Vernon Hills, IL 60061
Dec 12, 2013

Lisa Klepek
Glen Ellyn, IL 60137
Dec 12, 2013

A.M.Volz
Twenty Second Street, IL 60616
Dec 12, 2013

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melissa cascone
Huntley, IL 60142
Dec 12, 2013

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young cheon klessig
Chicago, IL 60618
Dec 12, 2013

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wayne smith
Champaign, IL 61822
Dec 12, 2013

Laura Albert
Algonquin, IL 60102
Dec 12, 2013

Kenneth Zahnle
Macomb, IL 61455

Dec 12, 2013

Donna Stone
Streator, IL 61364
Dec 12, 2013

Erica Baffa
Melrose Park, IL 60160
Dec 12, 2013

Patricia VanBuskirk
Oak Park, IL 60302
Dec 12, 2013

Richard Peterson
Northbrook, IL 60062
Dec 12, 2013

Patty Ramos
Berwyn, IL 60402
Dec 12, 2013

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sue shulman
prospect hts, IL 60070-2460
Dec 12, 2013

Jean McCollum
Naperville, IL 60563
Dec 12, 2013

Larry Connell
Chicago, IL 60626
Dec 12, 2013

Francina Parrett
Chicago, IL 60628-4805
Dec 12, 2013

Tracy Olivas
Aurora, IL 60503
Dec 12, 2013

John Dwyer
Berwyn, IL 60402-2020
Dec 12, 2013

Diane Schrum
Peoria Heights, IL 61616
Dec 12, 2013

David Schmalshof
Greenbush, IL 61415
Dec 12, 2013

R Dalka
Des Plaines, IL 60018
Dec 12, 2013

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karen frank scotese
evanston, IL 60202
Dec 12, 2013

Don Dieckmann, Better Building Institute
Alton, IL 62002-7158
Dec 12, 2013

We aren't in any rush; It's not as if the gas will spoil if we take more time to make the best decisions we can make. What is the big rush???

Lisa barnes
Cobden, IL 62920
Dec 12, 2013

Lana Hampton
Chicago, IL 60659
Dec 12, 2013

Karen Keenan
Arlington Heights, IL 60004
Dec 12, 2013

Patricia Moffett-Ward
Quincy, IL 62301
Dec 12, 2013

Linda Knight
Elgin, IL 60123
Dec 12, 2013

David Ulibarri
Chicago, IL 60631-3829
Dec 12, 2013

Arlene Rakoncay
Skokie, IL 60076
Dec 12, 2013

Ralph A. Bellas, Sr.
Bloomington, IL 61701
Dec 12, 2013

Marnelle Curtis
United States 60302-3049
Dec 12, 2013

Marcia Kozel
Villa Park, IL 60181
Dec 12, 2013

Christina King
Elgin, IL 60120
Dec 12, 2013

Dan Zeller
Normal, IL 61761
Dec 12, 2013

Ron Weiner
Elgin, IL 60120
Dec 12, 2013

Phyllis Banducci
Glen Ellyn, IL 60137
Dec 12, 2013

Michael Reich
Glendale Heights, IL 60139
Dec 12, 2013

Elvira Ramirez
Elgin, IL 60123
Dec 12, 2013

Jean Cattron
Elgin, IL 60120
Dec 12, 2013

I trust you, and believe you want to do the right thing. Fracking is dangerous to the environment, and therefore to all of us.

Catherine A. Leamy
Countryside, IL 60525
Dec 12, 2013

Hilary Mac Austin
Chicago, IL 60626
Dec 12, 2013

William Thomas
Peoria, IL 61604
Dec 12, 2013

Karen P La Fleur
Downers Grove, IL 60516
Dec 12, 2013

Rex
Crete, IL 60417
Dec 12, 2013

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sigi psimenos
Elgin, IL 60123
Dec 12, 2013

Stop fracking now! There are other, better, ways to get energy and profit the greedy corporations.

sonja chan
Kankakee, IL 60901
Dec 12, 2013

Katherine Hughes
Glenview, IL 60025
Dec 12, 2013

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patricia withers
Lyons, IL 60534
Dec 12, 2013

Doug Kemp & Cheryl Owen
Ava, IL 62907
Dec 12, 2013

Joel Valek
Schaumburg, IL 60193
Dec 12, 2013

Peter Schultz
Downers Grove, IL 60516
Dec 12, 2013

Gina Dunning
Metropolis, IL 62960

Dec 12, 2013

Anita McGuinn
Chicago, IL 60642
Dec 12, 2013

Jim Parks
Elmhurst, IL 60126-2925
Dec 12, 2013

Ann Davidson
Lakeview, IL 60613
Dec 12, 2013

Bruce Hodo
Chicago, IL 60637
Dec 12, 2013

Vincent Porvaznik
Carbondale, IL 62901
Dec 12, 2013

J Beverly
Urbana, IL 61801
Dec 12, 2013

Michelle Hodalj
Ravenswood, IL 60625
Dec 12, 2013

M. Ross Adams
Glenview, IL 60025
Dec 12, 2013

John Bagley
Naperville, IL 60540-5910
Dec 12, 2013

Thomas Tolick
Elmhurst, Illinois, IL 60126
Dec 12, 2013

Alan Kastil
Goreville, IL 62939-3214
Dec 12, 2013

Pat Fitzgerald
Normal, IL 61761
Dec 12, 2013

0135289

Sybil Hoffman
Evanston, IL 60203
Dec 12, 2013

Dennis Roland Becker
United States 60067-6245
Dec 12, 2013

Richard Johnson
Carpentersvle, IL 60110
Dec 12, 2013

Joshua Sirt
Chicago, IL 60614
Dec 12, 2013

Timothea Papas
Evanston, IL 60201
Dec 12, 2013

Pam hill
Genoa, IL 60135
Dec 12, 2013

Let's go slow on writing the rules and be sure that we do not rush in to adopting them. Use caution in this.

Clara McClure
Carbondale, IL 62901
Dec 12, 2013

Ronald Marks
Matteson, IL 60443
Dec 12, 2013

Lee Knohl
Evanston, IL 60203
Dec 12, 2013

Nancy groch
Palatine, IL 60067
Dec 12, 2013

Karen Ard
Oak Park, IL 60302
Dec 12, 2013

Judith Kasper
Rock Island, IL 61201

Dec 12, 2013

Glenn Sogge
Elgin, IL 60123
Dec 12, 2013

Jim Curry
Downers Grove, IL 60516
Dec 12, 2013

Promote wind and solar power which Illinois has and abundance, not fossil fuels.

Peter Sluka
Riverside, IL 60546
Dec 12, 2013

Barrett Winston
Rogers Park, IL 60626
Dec 12, 2013

Mr Glenn A Altman
O Fallon, IL 62269
Dec 12, 2013

Please listen to the environmental leaders in Illinois who are sorely disappointed by the IDNR regulations, which do not comply with the legislative safeguards. The regulations do not follow the spirit or the letter of the law. And there are no safeguards on the use of billions of gallons of water. What were you and the legislators thinking? How can this process be allowed when fresh water is our most important and precious resource? Please extend the notice period and address these concerns. Thank you.

Hilary Denk
Downers Grove, IL 60515
Dec 12, 2013

Please don't sell out Illinois to the energy industry!

Miranda Yancey-Bailey
Alton, IL 62002
Dec 12, 2013

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ronald adami
flossmoor, IL 60422
Dec 12, 2013

Loryn Ankeny
Arlington Heights, IL 60005
Dec 12, 2013

ui3481

Wendy Cloutier
Sheridan, IL 60551
Dec 12, 2013

Richard Chamberlin
Rockford, IL 61107
Dec 12, 2013

Wendy Burgess
Park Ridge, IL 60068
Dec 12, 2013

Our water is worth protecting!

garry low
chcago, IL 60618
Dec 12, 2013

John Thompson
Springfield, IL 62703
Dec 12, 2013

Barb Mikulicz
Crystal Lake, IL 60014-4744
Dec 12, 2013

Joseph
Macomb, IL 61455
Dec 12, 2013

Penni Livingston
Fairview Heights, IL 62208
Dec 12, 2013

Charles Dahlgreen
Oak Park IL, IL 60304-2010
Dec 12, 2013

Fracking has caused serious problems around the country, and it is high time we addressed the long-term issues regarding the purity of our water rather than the short-term issues of unsustainable energy and profits.

Herbert M Metzler
Chicago, IL 60625-5613
Dec 12, 2013

Stephen Gliva
Evanston, IL 60202
Dec 12, 2013

Carol Thomas
mt. vernon, IL 62864
Dec 12, 2013

John Courts
La Grange, IL 60525
Dec 12, 2013

Robert Iltis
Cobden, IL 62920
Dec 12, 2013

Mary B. Zeller
Normal, IL 61761
Dec 12, 2013

Melissa D Miller
Evanston, IL 60202
Dec 12, 2013

Diane Thodos
Evanston, IL 60201-1770
Dec 12, 2013

Do not rush into allowing fracking with the currently proposed IDNR rules - these proposed rules are full of holes. I urge you to extend the public comment period. A comment period extending only over the holidays is not fair. Also, please appoint a commission to study how to close the loopholes in the proposed rules, and in the legislation.

Barbara McKasson
Triple Lake Heights, IL 62901
Dec 12, 2013

No fracking in Illinois! We are a beautiful state and want to keep what we have left of the natural environment.

Marcia L. Matthews
Oak Park, IL 60302
Dec 12, 2013

Michael Kenney
Orland Park, IL 60462
Dec 12, 2013

Alice McBride
Park Forest, IL 60466
Dec 12, 2013

Dear Governor Quinn, in 2010, the Sierra Club called you the "Green Governor". You helped to develop green building conferences as Lt. Governor. Everyone remembers you as the face of CUB. You promoted the passage of solar and wind energy legislation. What happened to your desire to protect the environment and the citizens of this state? Fracking destroys the environment by wasting millions of gallons of water (which is such a precious resource), using carcinogenic chemicals which can travel to aquifers, destroys land, and causes health problems to the people near it. None of this is paid for by the greedy (often out of state) companies doing the fracking. Please work to ensure stronger rules are in place and those affected have a chance to review them and take their comments into account to protect the land and people of this great state. Thank you.

Mandi Woronowicz
Brookfield, IL 60513
Dec 12, 2013

Please don't let our state be destroyed!

Margaret Rowe
Elgin, IL 60123
Dec 12, 2013

Please help keep fracking out of Illinois.

Curt D West
Bourbonnais, IL 60914
Dec 12, 2013

Please sign on.

Professor Peter Bagnolo
Wheaton, IL 60187
Dec 12, 2013

Ban Fracking, Save our water and the beauty of Southern Illinois!

Natalie Sutton
Marion, IL 62959
Dec 12, 2013

Ken Schulman
Mundelein, IL 60060
Dec 12, 2013

Ronald Carns
Clearfield, PA 16830-3029
Dec 12, 2013

David Auerbach
San Juan, PR 00911

Dec 12, 2013

After the fact will be far to late. Fracking will put out environment over the tipping point. By saying no you can wake people up to the need to look at less damaging ways to get our power.

PJ Burns
Glenview, IL 60025
Dec 12, 2013

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david kellogg
rockord, IL 61103
Dec 12, 2013

Please, protect the local citizens, not the fracking companies.

Jean Hoegler
Villa Park, IL 60181
Dec 12, 2013

R Woodson
Oak Park, IL 60302
Dec 12, 2013

Due your due diligence to the people of Illinois and organize a state-sponsored Council immediately!

Ashley Williams
Ottawa, IL 61350
Dec 12, 2013

Marcy Gustafson
Lincolnwood, IL 60646
Dec 12, 2013

Rhonda Rothrock
Pomona, IL 62975
Dec 12, 2013

Renee Davidson
Glen carbon, IL 62034
Dec 12, 2013

Briana
Dixmoor, IL 60426
Dec 12, 2013

Padraig O'Hara
Chicago, IL 60608
Dec 12, 2013

Colleen Cleary
Ottawa, IL 61350
Dec 12, 2013

Meredith Tucker
Palatine, IL 60067
Dec 12, 2013

Bill Poorman
Morton, IL 61550
Dec 12, 2013

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tony rio
Normal, IL 61761
Dec 12, 2013

Gov. Quinn, I am really concerned about the future of our air, water, environment, roads, etc. if something isn't done to more thoroughly re-assess the whole issue of fracking. I, for one, will not vote for anyone pursuing the issue of fracking as it is spelled out now.

Rose Mathews
Vienna, IA 62995-1585
Dec 12, 2013

Christina Campagnolo
Bensenville, IL 60106
Dec 12, 2013

Raminder Kumar
Chicago, IL 60611
Dec 12, 2013

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phyllis oliver
Cypress, IL 62923
Dec 12, 2013

Haleigh S. Bush
Whiting, WI 54481
Dec 12, 2013

Please!

Kathleen Thompson
Chicago, IL 60647
Dec 12, 2013

I was appalled to learn of the IDNR's laxity in its treatment of the draft Rules it prepared in connection with the Hydraulic Fracturing Regulatory Act, passed last June, 2013. It is obvious and imperative that there needs to be overseering in the rewriting of these Rules, as well as an extension of the First Notice Period.

B. E. Murphy
Park Forest, IL 60466
Dec 12, 2013

Linda Shefler
United States 94568-4578
Dec 12, 2013

Mike Nowak
Chicago, IL 60647
Dec 12, 2013

Please support constituents that care about the environment! Our natural resources have become endangered.

Nancy Dunlop
Downers Grove, IL 60515
Dec 12, 2013

We ask that you give attention to what is posted on this petition

Marina D H.Santaella
Villa Park, IL 60181
Dec 12, 2013

Allison Stamp
Mount Prospect, IL 60056
Dec 12, 2013

Charles Paidock
Chicago, IL 60616-5251
Dec 12, 2013

Charles W.Lynch
Shorewood, IL 60404-9682
Dec 12, 2013

Larry OBrien
Marion, IA 52302
Dec 12, 2013

Patricia Haynes
Springfield, IL 62703
Dec 12, 2013

Diane Kar
Skokie, IL 60077
Dec 12, 2013

Shari Katz
Westmont, IL 60559
Dec 12, 2013

I worked on your campaign because of your progressive background.

Mark Lickerman
Chicago, IL 60614-1571
Dec 12, 2013

Mary Jo Schnabel
Skokie, IL 60076
Dec 12, 2013

I vote.

mary swanson
Hafer, IL 62918
Dec 12, 2013

What the fracking industry is doing in LaSalle County around Utica is terrible!

Rita Kain
Earlville, IL 60518-8133
Dec 12, 2013

Terry Travis
Ewa Beach, HI 96706
Dec 12, 2013

Barb Travis
Ewa Beach, HI 96706
Dec 12, 2013

Fred Reklau
Winfield, IL 60190
Dec 12, 2013

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francine cella
Elgin, IL 60120-4400
Dec 12, 2013

Arlene Gloria Hirsch
Chicago, IL 60660

Dec 12, 2013

We must stop raping the earth if we expect to continue to call it home.

Audrey Y Bernstein
Mulkeytown, IL 62865
Dec 12, 2013

Linda Morris
Maywood, IL 60153
Dec 12, 2013

Cathleen Wolff
Monee, IL 60449
Dec 12, 2013

Bryce Henson
Urbana, IL 61801
Dec 12, 2013

Elizabeth Kinsman
Jefferson Pk, IL 60630
Dec 12, 2013

John
Darien, IL 60561
Dec 12, 2013

Ashley
Midland Hills, IL 62958
Dec 12, 2013

T C
C H, IL 60403-1523
Dec 12, 2013

Please don't make us another Pennsylvania. Be smarter than to solve a long term problem with a toxic, hazardous short-term solution.

Dr. Shameem Rakha
Champaign, IL 61821
Dec 12, 2013

Fracking is dangerous and should be banned.

Nancy Churchill
Oregon, IL 61061-1821
Dec 12, 2013

013285

Brian
Park Ridge, IL 60068
Dec 12, 2013

Pam Buyck
Woodridge, IL 60517
Dec 12, 2013

Jan
Chicago, IL 60605
Dec 12, 2013

A
Daniel J Doffyn, IL 60618
Dec 12, 2013

David A. Jones
Chicago, IL 60641
Dec 12, 2013

Jennifer Morski
Oak Forest, IL 60452
Dec 12, 2013

L. P. Rees
Somerset, IL 62966
Dec 12, 2013

Evan Kroeker
Carbondale, IL 62901
Dec 12, 2013

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carol hanson
Wetaug, IL 62926
Dec 12, 2013

Rose & John Martin
Hazel Crest,, IL 60429
Dec 12, 2013

Chloe Carr
Harrisburg Illinois, IL 62946
Dec 12, 2013

The jury is still out on fracking. Why the need for secret chemicals and exemptions from environmental laws if the process is safe? If the precautionary principle is good enough for the EU, it's good enough for Illinois. Especially when it comes to protecting our drinking water.

Mike Hansen
Riverwoods, IL 60015
Dec 12, 2013

Meera Godbole
Streamwood, IL 60107
Dec 12, 2013

Lorri L Francis
Chicago, IL 60622
Dec 12, 2013

Barbara Button
Chicago, IL 60660
Dec 12, 2013

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christian Moe
carbondale, IL 62901
Dec 12, 2013

We shouldn't be fracking to begin with. When will we learn that money/job and revenue for the tax coffers of our state/country simply isn't as important as our environment?

Warren Fremling
Winthrop Harbor, IL 60096
Dec 12, 2013

Nicolle Nadreau
Wildwood, IL 60030
Dec 12, 2013

Please do not permit our beautiful state of Illinois to be contaminated. My father told me how Illinois permitted strip mining in Illinois years ago. I thought we were past that horrible disregard of our environment

Janet Nolan
Chicago, IL 60625
Dec 12, 2013

Juan Herrera
Chicago, IL 60608
Dec 12, 2013

David Schaafsma
Oak Park, IL 60304

Dec 12, 2013

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c. grushas
lagrange, IL 60525
Dec 12, 2013

Pamela Eaton
De Soto, IL 62924-3025
Dec 12, 2013

Nickolas Dallas
Skokie, IL 60076-2102
Dec 12, 2013

Barney Bush
Herod, IL 62947
Dec 12, 2013

Carole Kuehl
Alto Pass, IL 62905
Dec 12, 2013

Beverley Birks
New York, NY 10029
Dec 12, 2013

No fracking!!!!

Robert Handelsman
Evanston, IL 60201
Dec 12, 2013

Karen Sewick
Downers Grove, IL 60515
Dec 12, 2013

Donald
Harrisburg, IL 62946
Dec 12, 2013

Victoria F. Harris
Bloomington, IL 61704
Dec 12, 2013

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kelly taylor
mount vernon, IL 62864
Dec 12, 2013

Meredith West
Chicago, IL 60622
Dec 12, 2013

Debra Serby
Sandwich, IL 60548
Dec 12, 2013

Jennifer Pellow
Carbondale, IL 62901
Dec 12, 2013

Loretta Doyle-Stockdale
Crestwood, IL 60445
Dec 12, 2013

Keren Genet
Elizabethtown, IL 62931
Dec 12, 2013

These rules are so inept, they need a lot more review!

Dnald Necessary
Bloomington, IL 61701
Dec 12, 2013

Fracking is already causing a lot of problems in W.Va. where I come from. Please don't bring this stuff to Illinois. Water is more important for life than petroleum.

Bonni McKeown
Chicago, IL 60655
Dec 12, 2013

William Luzzi
Crete, IL 60417
Dec 12, 2013

Tim Hoyt
Chicago, IL 60614
Dec 12, 2013

Jennifer Boyd
Makanda, IL 62958
Dec 12, 2013

Serge Lubomudrov
Chicago, IL 60613
Dec 12, 2013

013287

Gail Stevenson
Chicago, IL 60707-2850
Dec 12, 2013

Eileen R. Meehan
Triple Lake Heights, IL 62901
Dec 12, 2013

Barbara Harrison
Chicago, IL 60637-5061
Dec 12, 2013

Mark Schafer
Chicago, IL 60647
Dec 12, 2013

First fracking needs to be safe then become non exportable and given to Americans for being gouged for so long.

James Eichman
chicago, IL 60657-4377
Dec 12, 2013

We are serious about that last paragraph. If the health and well-being of ALL citizens of Illinois are your first priority, you will extend the First Notice Period and make sure these rules are properly overseen.

Sarah Kukla
Lombard, IL 60148
Dec 12, 2013

David Lather
Wheaton, IL 60189-5951
Dec 12, 2013

Frederick Zerhoot
Stickney, IL 60402
Dec 12, 2013

Thought we were getting away from oil/coal energy. Put up some wind power instead. Nobody wants a Frack well in their backyard. But I assure you windmill are much more pleasant.

Chris Caron
Franklin Park, IL 60131
Dec 12, 2013

Mario Zdybel
Chicago, IL 60707
Dec 12, 2013

michael lahey
Rogers Park, IL 60626
Dec 12, 2013

Benjamin Wimmer
Chicago, IL 60615
Dec 12, 2013

Karen Tlusty
Lombard, IL 60148
Dec 12, 2013

Jeremy Overstreet
Batavia, IL 60510
Dec 12, 2013

Anita Alcantara
Chicago, IL 60626
Dec 12, 2013

Andrea
Chicago, IL 60615-3123
Dec 12, 2013

ui3288

Please support a precautionary approach in the State of Illinois as we create regulations that will govern horizontal hydraulic fracturing. The gas will be there whether we drill today, tomorrow, next year or in five years. Drilling should only be done with full and complete knowledge of the risks involved, which will forever be disproportionately borne by local residents, whether they've signed a lease or not. For that reason we need to ensure that the protections afforded by the regulations prepared by the IDNR are as protective of local communities and the environment as possible. Additionally, House Republicans have suggested, through their passage of HR 2728, that federal regulation of fracking on public lands should be left to the states that are already regulating fracking. If that is the case, the State of Illinois will be responsible for protecting the Shawnee National Forest from the impacts of fracking as well. The rules as currently written grant privilege to the oil and gas industry and ignore the reality of fracking risks that have been documented in other states. Please take heed of those examples. Illinois regulations should protect its residents, not the oil and gas industry for whom it is a privilege to access Illinois energy resources. Illinois communities impacted by this industrial process need to be adequately protected and as the rules are currently written, they are not.

Lynette Bowden
Western Springs, IL 60558
Dec 12, 2013

Anthony Vaiarella
Rockford, IL 61104
Dec 12, 2013

Doesn't your family live in Illinois?

Ruth Roll
Monmouth, IL 61462-9403
Dec 12, 2013

Jan Pietrzak
Palos Heights, IL 60463
Dec 12, 2013

Holly Lewandowski
Berwyn, IL 60402
Dec 12, 2013

The state cuts corporations a major break on taxes, and offers them massive incentives to keep business here. However, the unemployment rate is terrible, and all working class people are being pressured to shoulder more and more of the burden for the mistakes and behavior of our politicians and business "leaders." The banks were bailed-out, yet more and more of us are getting thrown out of our homes. The state didn't pay in what it was supposed to related to pensions. The workers paid their share, yet they are now forced to take the hit. Now you want to sell our drinking water to an in-efficient and toxic industry to prop up the dinosaur that is our current energy model. This is disgusting.

Brian Murray
Chicago, IL 60625
Dec 12, 2013

Glenn Reitsma
Downers Grove, IL 60516
Dec 12, 2013

Aaron Dellutri
Chicago, IL 60618
Dec 12, 2013

Mary Studebaker
Stickney, IL 60402
Dec 12, 2013

Justin Matthews
Centralia, IL 62801
Dec 12, 2013

Frank Shields
Crystal Lake,, IL 60014
Dec 12, 2013

Andrea Breath
Joliet, IL 60431
Dec 12, 2013

Kate Cummings
Chicago, IL 60625
Dec 12, 2013

Protect humanity and our environment, and not corporate interests.

Cathie Christ
Oak Forest, IL 60452
Dec 12, 2013

Sam Stearns
Stonefort, IL 62987

Dec 12, 2013

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twparkhurst
Springfield, IL 62704
Dec 12, 2013

Randy Sigitd
Pontoon Beach, IL 62040
Dec 12, 2013

Rick Anderson
Rogers Park, IL 60660
Dec 12, 2013

Mickie Flanigan
Charlottesville, VA 22902
Dec 12, 2013

R. Terry Lyon
Taylor Ridge, IL 61284
Dec 12, 2013

Protecting our ground water is crucial, the potential contamination of our groundwater supply with fracking chemicals is too big of a risk, not too mention the increased 'earthquakes' fracking with the drilling and destruction of shale rock beds. The risk is too high

Terry Nolan
Rockford, IL 61102
Dec 12, 2013

Jean Hincks
Midlothian, IL 60445
Dec 12, 2013

Rich Adamczewski
Oak Park, IL 60304
Dec 12, 2013

Fracking can cause serious problems for our environment, for all we know. The process and the fracking solutions is still a tightly held secret by the energy companies.

Cheryl Bailey
Chicago, IL 60639
Dec 12, 2013

Jason
Rogers Park, IL 60660
Dec 12, 2013

Barry Batia
Oak Park, IL 60302
Dec 12, 2013

Liane Casten
Evanston, IL 60202
Dec 12, 2013

colleen glass
Lyons, IL 60534
Dec 12, 2013

Janice Glogowski
River Grove, IL 60171
Dec 12, 2013

Karen Waxer-Hytrek
Chicago, IL 60659
Dec 12, 2013

K. Brinkmann
Urbana, IL 61801
Dec 12, 2013

Ann Thryft
Boulder Creek, CA 95006
Dec 12, 2013

Terry Moore
Mhomet, IL 61853
Dec 12, 2013

E. Hinds
Mettawa, IL 60045
Dec 12, 2013

Anne Hendrickson
Rockford, IL 61107
Dec 12, 2013

Ohio and other states banned it because they care more about the health of their citizens than corporate greed. Illinois is no longer the progressive state it once was. I would have thought the old pat quinn would not support fracking. too bad.

Pat Langley
Athens, IL 62613
Dec 12, 2013

Norma Claire Moruzzi
Chicago, IL 60640
Dec 12, 2013

David Bender
Chicago, IL 60640
Dec 12, 2013

David Kunstman
Chicago, IL 60618
Dec 12, 2013

Jacqueline M Runice
Crystal Lake, IL 60012
Dec 12, 2013

Paul J Ryan
Huntley, IL 60142
Dec 12, 2013

Richard Stark
LEBANON, IL 62254-1623
Dec 12, 2013

Robert Michaelson
Evanston, IL 60201
Dec 12, 2013

Diane White
Bloomington, IL, IL 61705
Dec 12, 2013

Margaret Vogelsang
Morton, IL 61550
Dec 12, 2013

Roberta Nelson
Morton Grove, IL 60053
Dec 12, 2013

Joselyn
Colp, IL 62921
Dec 12, 2013

Jeff Cody
Rogers Park, IL 60626
Dec 12, 2013

The rules as currently proposed will not protect the health and well being of Illinois residents. A more comprehensive and scientifically rigorous approach is highly warranted, given what is at stake . We would expect nothing less from responsible state leaders.

Lan Richart
Chicago, IL 60626
Dec 12, 2013

Janet Chandler
Covell, IL 61704
Dec 12, 2013

Susan Balmer
Chicago, IL 60626
Dec 12, 2013

Daniel Barnett
Worden, IL 62097
Dec 12, 2013

Any contamination due to insufficient protection of Illinois water will wind up a cost to IL tax-payers, through diminished health in residents, job loss in the area effected when firms won't locate there, and clean-up costs. Caution is the best fiscal policy; delay implementation of IDNR rules and re-write these rules.

AE James
Chicago, IL 60659
Dec 12, 2013

Please be strict to protect Our grand children.

Bonnie Bernardi
Normal, IL 61761
Dec 12, 2013

Kathleen McTighe
Naperville, IL 60563-1401
Dec 12, 2013

After climate change was wrought extreme storms over and over again in our State, this is NO TIME to go easy on Fracking. Please support strong regulations to protect Starved Rock and all IL communities from the environmental dangers of fracking!

Jacqueline Leavy
Oak Park, IL 60304-1529
Dec 12, 2013

I want a state council of quality.

John Surdyk
Lyons, IL 60534
Dec 12, 2013

You were once a big supporter of citizen action. Now is you're big chance to prove it!

Midge O'Brien
Savoy, IL 61874
Dec 12, 2013

This will not be hidden. Attention is being paid.

Nancy Eichelberger
Plainfield, IL 60544
Dec 12, 2013

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susan wright
Gurnee, IL 60031
Dec 12, 2013

Myrrha Southwell
Elmhurst, IL 60126
Dec 12, 2013

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protect the land! protect the public!

Marj Woodruff
Chicago, IL 60622-2858
Dec 12, 2013

Sara Foszcz
Richmond, IL 60071
Dec 12, 2013

Esther Allman
Frankfort, IL 60423-2106
Dec 12, 2013

Bonita Staas
Orangeville, IL 61060
Dec 12, 2013

H Ronald Hartman
Tinley Park, IL 60487
Dec 12, 2013

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don farnham
riverside, IL 60546
Dec 12, 2013

john
Morris, IL 60450
Dec 12, 2013

Adam Smith
CHICAGO, IL 60618
Dec 12, 2013

Paul Davis
Rockton, IL 61072
Dec 12, 2013

Getting this as right as can be done - as NOT fracking at all seems to be off the table as an option - is critical. the health of our water and soil, the health of every one of us hangs in the balance. Corporations that stand to hugely benefit must be accountable to the people and the environment they put at risk.

Susan C Heiser
Bloomington, IL 61701-3833
Dec 12, 2013

Sarah Winblad
CHICAGO, IL 60607
Dec 12, 2013

Please, Gov. Quinn, continue on the positive path of the health and welfare of all of Illinois--not enriching the pockets of frackers. We're counting on you, Sir.

peggy Hutchison
prophetstown, IL 61277
Dec 12, 2013

Nancy Wilkinson
Mount Carroll, IL 61053
Dec 12, 2013

Janie Pearce
Hendersonville, TN 37075
Dec 12, 2013

The public is unaware of the dangers of fracking that involve not only the process of contaminating water, land and air, but carrying cancer causing toxins, releasing methane - therefore increasing climate change many times; causing earthquakes and spreading dangerous radiation brought from the bowels of the earth to the very doors of an unsuspecting public. This information must be part of the public discussion as our core centers of life- our homes and our families - will be affected.

Joyce Good
Chicago, IL 60625
Dec 12, 2013

E. Cafasso
Elmhurst, IL 60126
Dec 12, 2013

Regina Grant
Chicago, IL 60620
Dec 12, 2013

We need our greens & our clean air so much more than the last drop of dirty oil - that's why we voted for you!

Eileen & Paul
Glen ellyn, IL 60137
Dec 12, 2013

Dawn M. Nothwehr
Chicago, IL 60608
Dec 12, 2013

Please protect us and our earth.

Pat Mitchell
Joliet, IL 60435-3718
Dec 12, 2013

I was born and raised near starved rock , we need to preserve the beauty of nature for generations to come not destroy it with fracking

James Ryan
Chicago, IL 60631
Dec 12, 2013

Bob Simpson
Oak Park, IL 60302
Dec 12, 2013

I would rather see government help for renewable energy. No fracking in the Shawnee!

Carole Brown
Golconda, IL 62938
Dec 12, 2013

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frack NO

Marty D. Monroe
Fayetteville, IL 62258
Dec 12, 2013

David Atwood
Chicago, IL 60643
Dec 12, 2013

James Ros
Paw Paw, IL 61353
Dec 12, 2013

Gene
Wood Dale, IL 60191
Dec 12, 2013

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sbilenko@sbcglobal.net
LaGrange Park, IL 60526-5703
Dec 12, 2013

Rachel Skinner
Thalman, GA 31525
Dec 12, 2013

Carol Devoss
Valley View, IL 60174
Dec 12, 2013

Jill Versace
Naperville, IL 60563-2480
Dec 12, 2013

Larry Zim
Des Plaines, IL 60016
Dec 12, 2013

There are at least 12 identified problems that must be addressed. We need to leave a healthy planet for our grandkids!!

William H Decker
ELGIN, IL 60120
Dec 12, 2013

Len Olszewski
Berwyn, IL 60402-3746
Dec 12, 2013

Eileen Breslin
Indian Head Park, IL 60525
Dec 12, 2013

Justin Via
Spillertown, IL 62959
Dec 12, 2013

Yvonne McCall
Edwardsville, IL 62025
Dec 12, 2013

Ruth Peterson
Dekalb, IL 60115
Dec 12, 2013

Patrick Schneider
Bolingbrook, IL 60440
Dec 12, 2013

Nina Gegenheimer
Oak Park, IL 60304
Dec 12, 2013

Laurelle Swanberg
Shorewood, IL 60404
Dec 12, 2013

John McGarry
Evergreen Park, IL 60805
Dec 12, 2013

Peter Gunther
United States 60625-2114
Dec 12, 2013

William
Aurora, IL 60506
Dec 12, 2013

Pamela J. Richart
Chicago, IL 60626
Dec 12, 2013

Christine Stefano
Chicago, IL 60626
Dec 12, 2013

Nancy Wedow
Palatine, IL 60067
Dec 12, 2013

Kim Kinsella
Champaign, IL 61821
Dec 12, 2013

Mary Faron
Lombard, IL 60148
Dec 12, 2013

Chuck Paprocki
Triple Lake Heights, IL 62901
Dec 12, 2013

Joe Oliver
Chicago, IL 60626
Dec 12, 2013

Mary Maginel
Tamms, IL 62988
Dec 12, 2013

Gloria Nelson
East Moline, IL 61244
Dec 12, 2013

Bertha Fischer
Ruma, IL 62278
Dec 12, 2013

Matt Carey
Jonesboro, IL 62952
Dec 12, 2013

Kevin Sheridan
Chicago, IL 60657
Dec 12, 2013

013284

Karin baumgaertel
Elburn, IL 60119
Dec 12, 2013

REX BARRETT
ROSELLE, IL 60172
Dec 12, 2013

Robert Self
Sycamore, IL 60178-2144
Dec 12, 2013

This is vital to the health and well being of both the people and the land of IL. Please hear our words and act in the best interest of the people.

Mary Pat Payne
Elk Grove Village, IL 60007
Dec 12, 2013

Merrill Cole
Macomb, IL 61455
Dec 12, 2013

Michelle Via
Marion, IL 62959
Dec 12, 2013

Greg Cascio
Chicago, IL 60618
Dec 12, 2013

Susan Elliott
Gurnee, IL 60031
Dec 12, 2013

I am in favor of prohibiting fracking.

Roxana Kaferly
Morton Grove, IL 60053
Dec 12, 2013

James Solon
Evanston, IL 60201
Dec 12, 2013

I am concerned about fracking causing earthquakes. We in Southern Illinois are sitting on the New Madras fault which is predicted to produce an earthquake sooner or later. Other states have halted fracking because it is believed to have caused quakes there.

Joyce Jolliff
Carbondale, IL 62902
Dec 12, 2013

Illinois has both the presence and the potential as an epicenter of the water economy. This is our strength and source of economic growth. Let's not jeopardize this by hastily permitting Fracking without adequate safeguards.

Rachel Havrelock
Chicago, IL 60622
Dec 12, 2013

Diana A. Stokes
Chicago, IL 60637
Dec 12, 2013

Fracking should be banned outright.

Jeff Tangel
Chicago, IL 60643
Dec 12, 2013

Holly Vero
Golconda, IL 62938
Dec 12, 2013

Lisa Albrecht
Chicago, IL 60618
Dec 12, 2013

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claudio
Daniel J Doffyn, IL 60618
Dec 12, 2013

BILL KRAMER
New Lenox, IL 60451-2496
Dec 12, 2013

YOU ARE UP FOR RE-ELECTION THIS YEAR. YOU WILL HAVE A LOT BETTER CHANCE OF ACHIEVING THAT IF YOU PROTECT THE CITIZENS OF ILLINOIS FROM THESE TERRIBLE DANGERS OF FRACKING.

Jan Thomas
Murphysboro, IL 62966

Dec 12, 2013

I grew up in Southern Illinois. I still have family there and I own property there. I believe with the current insufficient fracking rules, there will be insurmountable damage to the natural wonders of Southern Illinois, to the land, and to its' people.

Kathy Gore
Springfield, IL 62702
Dec 12, 2013

Kathy Sanders
Naperville, IL 60540
Dec 12, 2013

Al Rago
Elmhurst, IL 60126
Dec 12, 2013

Daniel Reschke
Peoria, IL 61604
Dec 12, 2013

Karen Gray
Belleville, IL 62223
Dec 12, 2013

Tom Cordaro
Naperville, IL 60540
Dec 12, 2013

Jenny Hartman
Glenview, IL 60026
Dec 12, 2013

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noreen lassandrello
hinsdale, IL 60521
Dec 12, 2013

Citizens of many other states wish fracking had never happened to them. Let's learn from their mistakes and not repeat them.

Cindy Parrone
Murphysboro, IL 62966
Dec 12, 2013

Bettina Bronski
Chicago, IL 60634
Dec 12, 2013

Ryan Hamm
Rolling Meadows, IL 60008
Dec 12, 2013

It is important to hear and observe all sides of this issue, not only industry sponsored rhetoric. Let us calmly, carefully, and intelligently review all information. View the long-game, not short-term profit motives.

Franklin Marshall
Plainfield, IL 60586-7141
Dec 12, 2013

We the people have the most at stake when it comes to threats to our resources and our health. Please help protect your citizens of Illinois.

Kathy Houda
Barrington, IL 60010-1308
Dec 12, 2013

John Freese
Normal, IL 61761
Dec 12, 2013

Alison Bailey
Bloomington, IL 61701
Dec 12, 2013

Tina Bartholomew
Evanston, IL 60201
Dec 12, 2013

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larry goldberg
chicago, IL 60660
Dec 12, 2013

Deborah Schechter
Chicago, IL 60645
Dec 12, 2013

Mary Hawley
Evanston, IL 60202
Dec 12, 2013

Richard Clough
Chicago, IL 60660
Dec 12, 2013

Kathryn Kerr
BLOOMINGTON, IL 61701

015296

Dec 12, 2013

Dr Thomas Wilda
Chicago, IL 60625
Dec 12, 2013

Maria De La Torre
Oak Park, IL 60304
Dec 12, 2013

Matthew Pava
Champaign, IL 61822
Dec 12, 2013

Gov. Quinn, this is an extremely serious matter. I have a brother in Texas who has been affected by fracking there. His water is ruined and now earthquakes are happening near his home. As a resident of Illinois I am asking for your protection from this dangerous situation.

Margaret Babcock
Galena, IL 61036
Dec 12, 2013

Michelle Skrip
Romeoville, IL 60446
Dec 12, 2013

Paula Aschim
Bloomington, IL 61701
Dec 12, 2013

Terri Latsch
Crystal Lake, IL 60014
Dec 12, 2013

Debra Gleason
Chicago, IL 60634
Dec 12, 2013

Janice Turner
Normal, IL 61761
Dec 12, 2013

BJ Ross
Urbana, IL 61801
Dec 12, 2013

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erik moeller
New Lenox, IL 60451
Dec 12, 2013

Judi
La Grng Pk, IL 60526
Dec 12, 2013

Kevin Thomas
Marseilles, IL 61341
Dec 12, 2013

Tarek Hijaz
Chicago, IL 60611
Dec 12, 2013

Joyce Case
Geneva, IL 60134
Dec 12, 2013

Chris Bass
Oak Park, IL 60302
Dec 12, 2013

Just ban franking PERIOD, PLEASE!

Ellen Anderson`
Carbondale, IL 62903-8300
Dec 12, 2013

Dear Gov. Quinn, The possible damage resulting from not getting this right is too serious to ignore. Do NOT be a patsy to Big Oil & Gas. The people are watching and aware.

Don Cronin
Hinsdale, IL 60521
Dec 12, 2013

Sherry Sullivan
Goreville, IL 62939
Dec 12, 2013

Mary
Saint Paul, MN 55123
Dec 12, 2013

E Lauri Feldshriber
skokie, IL 60076
Dec 12, 2013

Rhonda Konrath
Plainfield, IL 60586
Dec 12, 2013

ui3297

Thomas V Lohmeier
Lombard, IL 60148
Dec 12, 2013

Janice Wojciechowski
Evanston, IL 60202
Dec 12, 2013

Brynnen Owen
Champaign, IL 61822
Dec 12, 2013

Marilyn Freese
Normal, IL 61761
Dec 12, 2013

Our state is in enough trouble, don't make it worse by allowing fracking to run wild.

Wayne Sirek
Ottawa, IL 61350
Dec 12, 2013

Alan Dillard
Carbondale, IL 62902
Dec 12, 2013

Karen Koritko
Fox River Grove, IL 60021
Dec 12, 2013

If the state will not respect our local health and welfare and democratic tradition, then it has lost all legitimacy and right to govern.

Robert Jacobini
Cobden, IL 62920
Dec 12, 2013

Water is life. As our elected official you have a duty to protect our water. Keep it pure and clean.

Kathryn Smith-Connell
Chicago, IL 60626
Dec 12, 2013

In order to be responsible to your constituents, please follow the actions outlined in this petition.

Sienna Cittadino
Carbondale, IL 62902
Dec 12, 2013

I was born and raised in Illinois. It is where I go back to for all of my vacations. My family lives there. Do not destroy this state with fracking. I worked hard with people effected by strip mines. The farm families suffered terrible loss due to this disastrous practice. Don't continue to frack the people.

Naseem
Silverton, OR 97381
Dec 12, 2013

Steve Livingston
Chicago, IL 60625
Dec 12, 2013

Lorena FitzMaurice
Streamwood, IL 60107
Dec 12, 2013

Robert Schilling
Rosemont, IL 60018
Dec 12, 2013

Mary Hedblom
Mundelein, IL 60060
Dec 12, 2013

We need to be careful and cautious. This issue could profoundly impact the future of our state. We lose more in rushing to frack than in taking our time to do what is best.

Catherine Feit
Chicago, IL 60629
Dec 12, 2013

Elisabeth Stewart
Evanston, IL 60202
Dec 12, 2013

Suzanne Dallas
Skokie, IL 60076
Dec 12, 2013

Do not let Illinois be rushed into "fracking".

M Alan Wurth
Red Bud, IL 62278
Dec 12, 2013

Matthew Moresi
Chicago, IL 60616
Dec 12, 2013

kate swem
chicago, IL 60647
Dec 12, 2013

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nicholas pqsqual
chicago, IL 60643
Dec 12, 2013

Daniel Baker
Rolling Meadows, IL 60008
Dec 12, 2013

I see no need to proceed with this dangerous , environmentally UNfriendly practice , especially when it endangers our water & valuable farmland. We need clean energy jobs.

melissa berkshire
chicago, IL 60659
Dec 12, 2013

Gregory Penderghest
Decatur, IL 62526-1261
Dec 12, 2013

Richard A. Holloman
Hoffman Estates, IL 60169
Dec 12, 2013

Timothy Marcum
Weldon, IL 61882
Dec 12, 2013

PaulOtt
chicago, IL 60626
Dec 12, 2013

Gary Swick
elgin, IL 60120
Dec 12, 2013

We need more time to make sure that the rules are effective.

James Hoover
Nancy B Jefferson, IL 60612
Dec 12, 2013

Clean water is more important than corporate profits! We can't let short term energy extraction destroy our future water supply!

Nicholas Wilson
Chicago, IL 60644
Dec 12, 2013

Kerry Kuhn
Schaumburg, IL 60193
Dec 12, 2013

Patty Pieczka
Carbondale, IL 62901
Dec 12, 2013

Candace
Lisle, IL 60532
Dec 12, 2013

Walter Hollender
Elgin, IL 60123
Dec 12, 2013

Brenda Briney
Geneseo, IL 61254
Dec 12, 2013

You know, we love our children too.

scott hedrick
noble, IL 62868
Dec 12, 2013

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patricia
chicago, IL 60629
Dec 12, 2013

Robert Kastigar
Chicago, IL 60625-5500
Dec 12, 2013

The problems with fracking continue to pile up in many different categories. These include pollution of ground water and surface waters, the release of greenhouse gas methane in the extraction process, the secret toxic chemical brew used, and destructive sand mining. Protect the People of Illinois, not the profits of fossil fuel companies.

Kieren Ladner
Chicago, IL 60657
Dec 12, 2013

Julie
Aurora, IL 60502
Dec 12, 2013

Carol D. Johnson
Winfield, IL 60190-1955
Dec 12, 2013

Mary Ellen Barbezat
Elgin, IL 60120
Dec 12, 2013

Barbara Nelson
Carbondale IL., IL 62901
Dec 12, 2013

Southeast Environmental Task Force
Chicago, IL 60628-5125
Dec 12, 2013

Rafal Kinor
Algonquin, IL 60102
Dec 12, 2013

Gary Ritchie
Roanoke, IL 61561
Dec 12, 2013

Judith J. Gleitsman
Olympia Fields, IL 60461
Dec 12, 2013

Matthew Seniff
Normal, IL 61761
Dec 12, 2013

Ira Abrams
Chicago, IL 60615
Dec 12, 2013

Rachel Krucoff
Chicago, IL 60615
Dec 12, 2013

Michelle Garthe
Murphysboro, IL 62966
Dec 12, 2013

Dolores Parra
Land O Lakes, FL 34639
Dec 12, 2013

Dagmar Wolf
Chicago, IL 60659
Dec 12, 2013

Barbara Takata
Arlington Heights, IL 60004
Dec 12, 2013

The track record of fracking is terrible. It's being touted as the next best thing for energy self-sufficiency, but in several Eastern states, the results are already in. The surrounding water, soil and air are severely contaminated. Their are no positives benefits for the nearby communities, the state as a whole and all our citizens. Please step in. We need you to firmly represent the citizens of Illinois against the companies that are only thinking of profits over everything and everyone else.

Ellen Moderhack
CHICAGO, IL 60625
Dec 12, 2013

Michael A. Berkowitz
Chicago, IL 60643
Dec 12, 2013

Pam Kruse
Geneva, IL 60134
Dec 12, 2013

Don't let corporate greed threaten public health.

Raymond Magiera
Chicago, IL 60626
Dec 12, 2013

Sandi kelly
Rockford, IL 61109
Dec 12, 2013

Kaye Gamble
Sleepy Hollow, IL 60118
Dec 12, 2013

Tom Bunch
Bloomington, IL 61704
Dec 12, 2013

Mary Bunker
Lincolnwood, IL 60646-1210
Dec 12, 2013

Nanette Thomas
Wheaton, IL 60187
Dec 12, 2013

Eva Balek
Aurora, IL 60506
Dec 12, 2013

Mike Wilimzig
Wamac, IL 62801
Dec 12, 2013

Margaret Waltershausen
Urbana, IL 61801
Dec 12, 2013

Clifford Rot
Elgin, IL 60123
Dec 12, 2013

Anne Alt
Morgan Park, IL 60643
Dec 12, 2013

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please

anne gustafson
bloomington, IL 61701
Dec 12, 2013

Glen Etzkorn
Cobden, IL 62920-3506
Dec 12, 2013

Jo Anne Leo
Palos Heights, IL 60463

Dec 12, 2013

Barbara Lyons
Evanston, IL 60201
Dec 12, 2013

Stephen C. Whitmore
Oak Brook, IL 60523-1082
Dec 12, 2013

Molly Hicks
Urbana, IL 61802
Dec 12, 2013

Carla Womack
Lindenwood, IL 61049
Dec 12, 2013

Dr R J Mike Nielsen
Cambria, IL 62915
Dec 12, 2013

Sharon L Boughner
Fithian, IL 61844
Dec 12, 2013

Please, don't let us down!

Pat Reese
Elgin, IL 60123-7617
Dec 12, 2013

Stephen Reid
Dekalb, IL 60115
Dec 12, 2013

Barney Bryson
Urbana, IL 61802
Dec 12, 2013

Vaughn Torres
Ottawa, IL 61350
Dec 12, 2013

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judy j fenza
ottawa, IL 61350
Dec 12, 2013

BOB HAGELE
CHICAGO, IL 60601
Dec 12, 2013

Mary E. Collier
onarga, IL 60955
Dec 12, 2013

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shane o. conger
princeville, IL 61559
Dec 12, 2013

Judith M. Meek
Oak Lawn, IL 60453-4708
Dec 12, 2013

Fracking is so dangerous. I can't believe you are even considering letting this go forward in our state. It will destroy our environment.

Merrie Thornburg
Rogers Park, IL 60660
Dec 12, 2013

Fracking destroys our land and water supply. The IL Dept. of Natural Resources (IDNR) draft rules for fracking, do not protect public health or the environment. Please immediately convene a genuine, effective state-sponsored Council to oversee the rewriting of these draft rules.

Edlin Brewer
Chicao, IL 60657-5602
Dec 12, 2013

Carol Kurz
Evanston, IL 60201
Dec 12, 2013

Marlo boyle
Valentine, NE 69201
Dec 12, 2013

Gerald savage
Tomahawk Bluff, IL 61301
Dec 12, 2013

We must fight fracking system, all over the world. I fight it also in Romania!

DANIELA LUPU
URBANA, IL 61801
Dec 12, 2013

Rick Coleman
Utica, IL 61373
Dec 12, 2013

jim scheffer
Grayslake, IL 60030
Dec 12, 2013

John Pranke
West Chicago, IL 60185
Dec 12, 2013

John Dagger
Glen Ellyn, IL 60137
Dec 12, 2013

Michael V. Stuart
Wonder Lake, IL 60097-9318
Dec 12, 2013

Nancy Henninger
Chicago, IL 60647-2403
Dec 12, 2013

Mark Weinberg
Evanston, IL 60201-1287
Dec 12, 2013

Steven Packard
Buckley, IL 60918
Dec 12, 2013

Andrew Sertich
Wood River, IL 62095
Dec 12, 2013

Mariah Dawn Shepherd
Evansville, IN 47714
Dec 12, 2013

James Crouch
Sterling, IL 61081
Dec 12, 2013

Maynard Dubow
Evanston, IL 60201
Dec 12, 2013

ui3302

Daniel R. Kieckhefer
Evanston, IL 60202
Dec 11, 2013

Thomas Sarelas
Jefferson Pk, IL 60630
Dec 11, 2013

Lee Fieffer
Park Forest, IL 60466-1716
Dec 11, 2013

jeff hopkins
West Miltmore, IL 60046
Dec 11, 2013

Thomas Frazzetta
Champaign, IL 61821
Dec 11, 2013

brenda batterton clark
Summum, IL 61501
Dec 11, 2013

Marilyn Overton
Edmonds, WA 98020
Dec 11, 2013

Bill Foster
Des Plaines, IL 60016
Dec 11, 2013

jean gawel
Tinley Park, IL 60477
Dec 11, 2013

Jeanne Kreymer
Warrenville, IL 60555
Dec 11, 2013

Jesse Bennett
Waverly, NY 14892
Dec 11, 2013

Letitia Noel
Chicago, IL 60610
Dec 11, 2013

Wayne Heimbach
Evanston, IL 60201
Dec 11, 2013

Chris Devine
Norridge, IL 60656
Dec 11, 2013

Chris ducey
Woodacre, CA 94973
Dec 11, 2013

Michael Lee Dotson
Carterville, IL 62918
Dec 11, 2013

Mary Jaeger-Voss
Henry, IL 61537
Dec 11, 2013

Barbara Sullivan
Arlington Hts, IL 60004
Dec 11, 2013

Cal Clayton
Lakeview, IL 60613
Dec 11, 2013

Amy Allen
Springfield, IL 62704
Dec 11, 2013

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you claim to be concerned about clean water in this state, then you let frackers contaminate millions of gallons of agricultural and drinking and showing water by fracking. SHAME on your hypocrisy. I heard you on that WYCC program lying about how you care about the safety of our water.

Leslie Roberts
Oak Park, IL 60304-1448
Dec 11, 2013

Megan
Chicago, IL 60607
Dec 11, 2013

Denise Byrne
Chicago, IL 60660
Dec 11, 2013

Fidencio Campos
Yeowardville, IL 61071
Dec 11, 2013

Mary Ann Black
Caseyville, IL 62232-1003
Dec 11, 2013

Joseph Naidnur
Warrenville, IL 60555
Dec 11, 2013

Gordon Smith
Annapolis, CA 95412
Dec 11, 2013

Kimberly Potucek
Lombard, IL 60148-1639
Dec 11, 2013

Don Wilson
Lindenhurst, IL 60046-7858
Dec 11, 2013

Ruben
Chicago, IL 60645
Dec 11, 2013

L Gehm
Carbondale, IL 62902
Dec 11, 2013

Rich Becker
Wilmette, IL 60091
Dec 11, 2013

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poison the food,water,air,soil -W T F ? organic and natural without ruining everything else . No Fracking-EVER !

vince
Hanover Park, IL 60133
Dec 11, 2013

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greg wendt
Triple Lake Heights, IL 62901
Dec 11, 2013

Joe Amato
Normal, IL 61761
Dec 11, 2013

Joni LIndgren
Elgin, IL 60124
Dec 11, 2013

John
Riverside, IL 60546
Dec 11, 2013

Mark Fry
Villa Park, IL 60181-2922
Dec 11, 2013

Philisse Barrows
Selma, TX 78154
Dec 11, 2013

Cheryl
Morrison, IL 61270
Dec 11, 2013

Alan Haggard
San Diego, CA 92105-5104
Dec 11, 2013

Tony Jones
Carbondale, IL 62903
Dec 11, 2013

tim gallagher
Chicago, IL 60657
Dec 11, 2013

Fracking is bad. Please extend the public comment period.

Andrew T Fisher
Evanston, IL 60201
Dec 11, 2013

Nancy
Lake Forest, IL 60045
Dec 11, 2013

Thomas Bik
Triple Lake Heights, IL 62901

Dec 11, 2013

Jon Freedlund
Saint Charles, IL 60175
Dec 11, 2013

Jerry Skovie
Naperville, IL 60540
Dec 11, 2013

Linda Shore
Chicago, IL 60630
Dec 11, 2013

Carl
Daniel J Doffyn, IL 60618
Dec 11, 2013

Janet Riehecky
Elgin, IL 60123
Dec 11, 2013

Gov. Quinn, How many times do I need to tell you that you have become a great disappointment?

Lorna Paisley
East Dubuque, IL 61025-0066
Dec 11, 2013

Ankit Vadher
Chicago, IL 60607
Dec 11, 2013

Peter Balchunas
Chicago, IL 60655
Dec 11, 2013

The dangers of getting this wrong create consequences for generations to come. You must exercise ALL due diligence in protecting our most precious natural resource - water. To expose your constituents to health hazards is not worth any amount of jobs or money.

Ken Wottowa
Chicago, IL 60622
Dec 11, 2013

Travis Johansen
Tinley Park, IL 60487
Dec 11, 2013

Fracking has impact on public health. You are toying with the lives of your constituents. Please consider these health outcomes on health: http://thinkprogress.org/climate/2013/09/19/2652731/cows-fracking-safety/

Judy Cummings
Evanston, IL 60201
Dec 11, 2013

Stop all Fracking, if possible.. It bad for the water supply, which we need... As far as the energy companies, they can stick it! Remember, the companies that are drilling into "mother earth" do not respect anything. It's about the bottom line for them, Greed.. Now that's sucks...

Phillip De La Rosa
West Chicago, IL 60185
Dec 11, 2013

Larry A Unruh
Chicago, IL 60643-5825
Dec 11, 2013

Virginia Wisdom
Naperville, IL 60565
Dec 11, 2013

Rachel Goldstein
Chicago, IL 60605
Dec 11, 2013

Eugene Johnson
m, IL 61265
Dec 11, 2013

Jeanne E. Heinen
Rogers Park, IL 60626
Dec 11, 2013

William Kavanagh
Oak Park, IL 60304-1216
Dec 11, 2013

Brad Wilson
Chicago, IL 60647
Dec 11, 2013

Blaine Gorham
Stillman Valley, IL 61084
Dec 11, 2013

Karen Bules
Oak Park, IL 60302
Dec 11, 2013

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veronica canty
Peoria, IL 61604
Dec 11, 2013

Angel Lee
Wheaton, IL 60189
Dec 11, 2013

The draft rules for fracking, recently published by the IDNR, are a sham. They fail to protect the public health, safety and welfare, and the environment. The IDNR openly admitted that they did not consult outside scientific reports or sources - Illinois families deserve much better!

Jan Boudart
Chicago, IL 60626
Dec 11, 2013

Micheal Cwynar
Wilmette, IL 60091
Dec 11, 2013

Elizabeth Fraser
Chicago, IL 60626-6262
Dec 11, 2013

Jan & Tony Kirch
Libertyville, IL 60048-4320
Dec 11, 2013

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kelly walsh
Chicago, IL 60645
Dec 11, 2013

Amy M Cusack
Peoria, IL 61614
Dec 11, 2013

Come on Governor Quinn, don't let down your most ardent supporters; do the right thing on the dangerous, potentially ruinous business of fracking!

William S. Beisiegel, Jr.
Schaumburg, IL 60193
Dec 11, 2013

Joe Sonnefeldt
Mount Prospect, IL 60056
Dec 11, 2013

Susan Leibowitz
Chicago, IL 60614
Dec 11, 2013

John Sefner
Jackson Park, IL 60637
Dec 11, 2013

It would be best to simply ban fracking in Illinois

Mary Shesgreen
Elgin, IL 60123
Dec 11, 2013

Janet McGill
Evanston, IL 60202
Dec 11, 2013

Astri Lindberg
Evanston, IL 60201
Dec 11, 2013

Dale Wery
Tower Lakes, IL 60010
Dec 11, 2013

John Peeters
Kankakee, IL 60901
Dec 11, 2013

Kay taliaferro
Pleasant hill, IL 62366
Dec 11, 2013

DENNIS MCGEE JR
CHICAGO, IL 60651
Dec 11, 2013

Alexandra Becker
Lincolnwood, IL 60646
Dec 11, 2013

Neil Olson
Danville, IL 61834

Dec 11, 2013

Cara Witkowski
Rockford, IL 61114
Dec 11, 2013

Crystal Deters
Lyons, IL 60534
Dec 11, 2013

Shaylene Ader-Steinhauser
Kankakee, IL 60901
Dec 11, 2013

Jessica Schuler
Aurora, IL 60506
Dec 11, 2013

Patricia Barth
United States 60016-3606
Dec 11, 2013

Please, you must slow down this process. The regulations as written will not protect our environment or ecosystems, our health, our communities, our lives. Do not give up our state to the fracking frenzy.

Lois Kain
Urbana, IL 61801-4903
Dec 11, 2013

Sara Avery
Lafayette, CO 80026
Dec 11, 2013

Bluff prairies, once protected from human hands by their pure rugged terrain, have survived the plow but are now falling to the blasting fuse and shovel. Prairies, more endangered than rainforest, are being leveled to provide frac sand (quartz, crystalline silica), a necessary product for a worldwide boom in hydraulic fracturing. The concealed pollution and environmental destruction of the fracking process drives a terrestrial travesty that is frac sand mining. Just as before, the industrial push to exploit our native biomes surges forward, fueled by money, and legalized by dirty political inventions. The most disturbing realization in this energy daisy chain is that we now collectively know better. Historical accounts and research have shown us that exploiting the earth will result in adverse affects. A brief recount of the Dust Bowl or Deepwater Horizon should be enough to shock every American into a mindset that values environmental conservation, but we seem to have poor memory and the advertisements tell us not to worry. As our society continues to ignore science the push for endless consumption is destroying a precious balance. Frac sand mining, hydraulic fracturing, and extraction waste (frack waste) shipping, each contribute to habitat destruction, and climate change, in addition to air and water pollution. If we fail to examine our priorities America will become a vast desert as native ecosystems and fresh water resources are carelessly plundered by out of state profiteers. Only one species on earth makes such irrational and cataclysmic decisions based on the values of currency. We must live with a greater awareness for future generations of all species.

Daniel Barron
La Crosse, WI 54602
Dec 11, 2013

Mary Ann Hartmann
Orland Park, IL 60467
Dec 11, 2013

Kelsey Bratanch
Schaumburg, IL 60173
Dec 11, 2013

S. Nolan
Monticello, IL 61856
Dec 11, 2013

Scott Minches
Chicago, IL 60613
Dec 11, 2013

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don crozier
O Fallon, MO 63366
Dec 11, 2013

Tom smith
Downers Grove, IL 60515
Dec 11, 2013

Barbara Tischler
Wheaton, IL 60189
Dec 11, 2013

Mark Tischler
Wheaton, IL 60189
Dec 11, 2013

Michael S. Cross
Naperville, IL 60563
Dec 11, 2013

Cheryl Laskasky
Addison, IL 60101
Dec 11, 2013

David Beer
Chicago, IL 60628
Dec 11, 2013

Karen Carson
Rogers, AR 72758
Dec 11, 2013

John S Pearson
Chicago, IL 60652
Dec 11, 2013

Jon Wesley Womack
Lindenwood, IL 61049
Dec 11, 2013

Kathryn Keifer
Peotone, IL 60468-9441
Dec 11, 2013

Elinore Olsen
West Chicago, IL 60185
Dec 11, 2013

Charles Miller
Vernon Hills, IL 60061
Dec 11, 2013

James Vigue
Naperville, IL 60540
Dec 11, 2013

Anne Ryan
Evanston, IL 60201
Dec 11, 2013

Paul levin
Woodstock, IL 60098
Dec 11, 2013

Connie Roux
Savoy, IL 61874
Dec 11, 2013

Paul Stretch
Galena, IL 61036
Dec 11, 2013

Cathy Policky
Westchester, IL 60154
Dec 11, 2013

Please consider the average citizen in Illinois, not just the big corporations that stand to gain from this process.

Linda Green
MORRISONVILLE, IL 62546
Dec 11, 2013

Albert and Marcia Hertz
Chicago, IL 60657
Dec 11, 2013

Cary Moy
OAK PARK, IL 60302-1261
Dec 11, 2013

Marla Espeseth
Chicago, IL 60618
Dec 11, 2013

Gwen Biba
Hampshire, IL 60140
Dec 11, 2013

Justin Horstmann
Damiansville, IL 62215
Dec 11, 2013

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0 0
Nancy B Jefferson, IL 60612
Dec 11, 2013

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James McConkey
DeKalb, IL 60115
Dec 11, 2013

Mary J. Cray
Riverside, IL 60546
Dec 11, 2013

Karen Gutierrez
Rockford, IL 61108
Dec 11, 2013

Thorium, GOOGLE IT. It's clean, cheap, abundant and would solve our energy needs.

Lily Temmer
Evanston, IL 60201
Dec 11, 2013

John Weber
Park Forest, IL 60466
Dec 11, 2013

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mike janecek
chi, IL 60637
Dec 11, 2013

Mary Winkler
Peoria, IL 61603
Dec 11, 2013

Fracking could be great for our domestic energy supply, but only if we don't show blatant disregard for human safety, public health, the environment, and the climate, just so natural gas companies have an easier time making more money. Some regulations aren't just needless red tape, you know.

David Dickey
Evergreen Park, IL 60805
Dec 11, 2013

Denise Recalde
Carpentersville, IL 60110
Dec 11, 2013

Mark Brooker
CHICAGO, IL 60637
Dec 11, 2013

Howard Holmes
Aurora, IL 60504

Dec 11, 2013

Anastasia Cantu
Bolingbrook, IL 60440
Dec 11, 2013

Patricia Herrmann
Wheaton, IL 60189
Dec 11, 2013

We only have one chance to do this right

Dan Malooly
Ustick, IL 61270
Dec 11, 2013

The rules, as written, are nothing more than a license to pollute our Illinois ground water, in perpetuity.

William Kaseberg
Edwardsville, IL 62025
Dec 11, 2013

Leslie Dagostino
Oak Park, IL 60304
Dec 11, 2013

You cannot "regulate" something when you don't have access to what it is i.e. the "ingredients" in fracking fluids. Also, once water is this contaminated, it's effectively gone forever.

Patricia Norris-Landry
Belleville, IL 62220
Dec 11, 2013

Brace Melton
Westchester, IL 60154
Dec 11, 2013

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walter
Ithaca College, NY 14850
Dec 11, 2013

Matt Doherty
Champaign, IL 61820
Dec 11, 2013

Tom Mula
Chicago, IL 60640
Dec 11, 2013

013309

Therese Nordine
Chicago, IL 60625
Dec 11, 2013

This practice needs extreme scrutiny and the watchful eye of the green peace. We can't trust our government or politicians at all.

Dan Bihler
Chicago, IL 60630
Dec 11, 2013

Marianne Brun
Urbana, IL 61801
Dec 11, 2013

Richard Katz
Evanston, IL 60202
Dec 11, 2013

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tdreier@hotmail.com
Shiloh, IL 62269
Dec 11, 2013

Christopher Siek
Naperville, IL 60563
Dec 11, 2013

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joy konczak
utica, IL 61373
Dec 11, 2013

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jill levy
Roberto Clemente, IL 60647
Dec 11, 2013

Peter R. Gerlach
DeKalb, IL 60115
Dec 11, 2013

Please do the smart thing and exercise some skeptical thinking about fracking. In a number of other states where fracking was approved, citizens and state governments have come to regret their decisions not to impose very strict regulations on fracking. Don't add Illinois to the list of states regretting adopting weak fracking rules.

Kent Wilson
Glenview, IL 60025
Dec 11, 2013

Iris rudnick
Chicago, IL 60659
Dec 11, 2013

Kurt Facco
Carbondale, IL 62903
Dec 11, 2013

Juliana Barker
Rockford, IL 61107
Dec 11, 2013

Andrew Arellano
Lyons, IL 60534
Dec 11, 2013

NO FRACKING!! Protect our citizens!

Jack Schwab
Spillertown, IL 62959
Dec 11, 2013

Monica Randell
Chicago, IL 60640
Dec 11, 2013

Joan Novick
Chicago, Jamaica
Dec 11, 2013

jeffrey sanders
glenview, IL 60025
Dec 11, 2013

Vincent J Hardt
Warrenville, IL 60555-2632
Dec 11, 2013

Janice Dayton
Riverwoods, IL 60015
Dec 11, 2013

Justin Greer
Chicago, IL 60640
Dec 11, 2013

Linda Tyson
Flossmoor, IL 60422

Dec 11, 2013

Gov Quinn, please advocat e against Fracking. Future generations will pay the price for a destroyed environment and contaminated water. Our children and grandchildren deserve a safe environment. Thank you.

Helen Rogers
United States 60803-2233
Dec 11, 2013

Hannah Whitney
Vernon Hills, IL 60061
Dec 11, 2013

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listen too us.we are the voters

glenn m gates
North Aurora, IL 60542
Dec 11, 2013

Julie Luner
Peoria, IL 61614
Dec 11, 2013

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ban fracking we will be buried in clean up

joann conrad
springfield, IL 62712
Dec 11, 2013

Philipp Palmer
Chicago, IL 60641
Dec 11, 2013

Agita Grants
Palatine, IL 60074
Dec 11, 2013

Sue Lockett
Liberty, IL 62347
Dec 11, 2013

Ryan Huffhines
Wadsworth, IL 60083
Dec 11, 2013

Jeff Fortner
Quincy, IL 62301
Dec 11, 2013

Erin Mortimer
Brookfield, IL 60513
Dec 11, 2013

Debra Mui
Chicago, IL 60643
Dec 11, 2013

Jane Lewis
Galena, IL 61036
Dec 11, 2013

John Papara
Ravenswood, IL 60625
Dec 11, 2013

Kristin
Glendale Hts, IL 60137
Dec 11, 2013

Emma Thomas
Itasca, IL 60143
Dec 11, 2013

Stephen Heinemann
Peoria, IL 61604
Dec 11, 2013

John Fortner
Quincy, IL 62301
Dec 11, 2013

Michael Fuchs
Naperville, IL 60565-6184
Dec 11, 2013

Brian Waak
Aurora, IL 60505
Dec 11, 2013

Donna
Ontario Street, IL 60611
Dec 11, 2013

Cheshire Adams
Chicago, IL 60645
Dec 11, 2013

ui3311

Glenn Golden
Wilmette, IL 60091
Dec 11, 2013

Agatha Forest
Lake Villa, IL 60046
Dec 11, 2013

Heidi Walter
Evanston, IL 60202
Dec 11, 2013

Dolores Pino
Morton Grove, IL 60053-1142
Dec 11, 2013

Paul
Rogers Park, IL 60626
Dec 11, 2013

Fred Kitto
Roscoe, IL 61073
Dec 11, 2013

Elizabeth Lindquist
Roscoe, IL 61073
Dec 11, 2013

As a 70 year resident of Chicago, I am very concerned about destruction of our planet.

Tom Durkin
Buckeye, AZ 85326
Dec 11, 2013

Al Smith
Chesterton, IN 46305
Dec 11, 2013

People should be aware of what fracking is

Cem Erol
Chicago, IL 60608
Dec 11, 2013

Dorothy Pagosa
Chicago, IL 60626
Dec 11, 2013

Ethan Cohen
Evanston, IL 60201
Dec 11, 2013

Lora Chamberlain
Chicago, IL 60660
Dec 11, 2013

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RECEIVED
DEPT. OF NATURAL RESOURCES
SPRINGFIELD

JAN 09 2014
RK

OFFICE OF MINES & MINERALS
OIL AND GAS DIVISION

1-2-14

To Whom it May Concern:

I am writing today about fracking. Even though it is said that Illinois has a tough law on fracking everything I've read on the process gives me cause for great concern - contamination of ground and water is of utmost concern - nothing I've seen shows where once contaminated can ground or water return to safe productivity.

I am also concerned that deep fracking will cause fissures in surface ground soil.

Unless we have a real watch dog on this process I can't see where it will profit in the long run - the toxic chemicals used in large quantities of clean water forced into deep ground will eventually find it's way in to our bodies this causes all kinds of health issues over time and it's the people who always suffer - rarely do companies

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ever pay the real compensation

Just take the BP oil spill - and now years later there's still issues with the company the land - the food supply.

How devasting if our ground water became contaminated thus contaminating the corn & soy bean crops -

the tax revenue loss would break the state - and who really cares at that point if someone gets a fine - once the damage is done it would take time & more money for testing till some of the damage could be reversed.

I am hopeful that you will keep a watchful eye over these companies - I am against fracking.

Sincerely,

Elizabeth Super

013314

ILLINOIS ENVIRONMENTAL COUNCIL • NATURAL RESOURCES DEFENSE COUNCIL • ENVIRONMENTAL LAW & POLICY CENTER • FAITH IN PLACE • RESPIRATORY HEALTH ASSOCIATION

January 3, 2013

Via email and United States Mail

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Re: Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Please accept these comments from the undersigned environmental organizations concerning the proposed rules implementing the Illinois Hydraulic Fracturing Regulatory Act (Act).

We appreciate that the Act is complex, that the Department perceives a need to work within a compressed timeframe, and that Department staff worked very hard to generate a draft within that timeframe. However, as explained in detail below, we are deeply concerned that the proposed rules fall far short of what is necessary to implement that Act and provide basic protections to the public.

We urge you to take the time necessary after the close of the public comment period to thoroughly vet the draft, perform all necessary analysis requested by commenters, and issue a revised draft that is consistent with the Act and protects the public to the maximum extent possible. There is no hard deadline in the statute for completing the rulemaking; and any desire on the part of industry to get a regulatory program in place must be subordinated to the critical need to protect Illinoisans' health and safety as the Act requires.

Our concerns fall into three basic categories. First, there are a number of provisions in the draft rules that directly conflict with the text of the Act, and/or violate its clear intention, and in doing so severely undercut its provisions designed to protect the public. As you know, administrative agencies such as the Department may only adopt regulations consistent with the language and intent of the statute authorizing promulgation of those regulations. *See, e.g., Eastman Kodak, Co. v. Fair Employment Practices Comm.*, 86 Ill.2d 60, 70 (1981) ("an agency

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may not issue regulations which exceed or alter its statutory power or which are contrary to the legislative purpose and intent of the statute..."); *R.L. Polk & Co. v. Ryan*, 296 Ill.App.3d 132, 141 (Ill. App. Ct. 4th Dist. 1998) ("If an agency promulgates rules beyond the scope of the legislative grant of authority, the rules are invalid, as are any rules that conflict with the statutory language under which the rules are adopted"); *Popejoy v. Zagel*, 115 Ill.App.3d 9, 11 (Ill. App. Ct. 4th Dist. 1983) ("It is axiomatic that the authority of an administrative agency to adopt rules and regulations is defined by the statute creating that authority, and such rules and regulations must be in accord with the standards and policies set forth in the statute"). We hope and expect that the Department will revise the regulations to ensure consistency with the language and intent of the Act.

Second, there are a host of other provisions in which poorly-executed drafting gives rise to potential confusion and a weaker regulatory program, likely making it difficult for companies to understand what they must do to comply with the Act, and possibly making it more challenging for the Department and others to enforce the critical protections.

Third, there are many places where the Department simply copied the statutory language into the regulations word for word, and failed to define or otherwise elucidate it in ways necessary to ensure proper implementation – which is a basic function of any regulatory program.

The first category of concerns are set forth in Section I; and the second and third categories are set forth collectively in Section II, in order of the relevant regulatory section. In that regard, we did, as you requested, identify each regulatory section at issue, even though we are concerned that this request has undercut the ability of ordinary citizens to provide comment on this issue of critical public importance.

I. MAJOR ISSUES OF LEGAL INSUFFICIENCY OR DIMINISHED PROTECTION

Section 245.100 Applicability

There are two major problems with this section: the unauthorized constraint on the reach of the Act's retroactivity, and the lack of means to address fracturing that does not use solely water.

1. Retroactivity

With respect to retroactivity, this section limits coverage of previously-commenced fracturing operations to those operations that "have occurred since June 17, 2013." The Act, however, contains no such time limitation on retroactivity. It states at Section 1-20 that the Act "applies to all wells where high volume horizontal hydraulic fracturing operations are planned, *have occurred*, or are occurring in this State" (emphasis added).

We understand that applying the Act to operations that commenced in the past is potentially complicated; and we are not advocating that the Act be interpreted to reach back to require remedial changes to activities that were permitted prior to the Act's effective date.

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However, the Department should require reporting of past activities that are covered pursuant to the applicability threshold (*e.g.*, the Campbell well), and require that ongoing activities comply with the Act to the extent feasible – for instance, the operator would not have to go back and re-perform drilling activities that did not conform to the Act, but would have to comply with ongoing obligations such as air emissions control requirements associated with production and post-frack reporting.

2. *Non-water fracks*

We are additionally very concerned that the Department has not adequately specified how it will address those types of hydraulic fracturing operations in which water is not the base fluid or not the only base fluid – for example, fracturing operations using nitrogen or carbon dioxide (gas fracks) or fracturing that uses mixtures of gas and water (e.g. foam fracks, mist fracks). There are several issues that must be addressed.

One issue is that the law defines the applicability threshold using gallons of base fluid. Gallons are unit of volume used to measure liquids. As such, it is not clear how the applicability threshold should be calculated for base fluids that are gases, or mixtures of gas and liquid. The situation is complicated by the fact that nitrogen used in fracturing is typically transported as a liquid but injected as a gas. The concern is that, if non-water base fluids are accounted for as liquid gallons, the gallonage total will fall below the applicability thresholds, even though the fracturing job is comparable in scale – and therefore risk – to a water-based frack in terms of chemical use, pressures, or other measures. We note, in this regard, that although the legislature provided no scientific support for the selection of the chosen threshold numbers and did not explain the origin of these numbers, we have surmised that the origin of the 80,000 gallons per stage and 300,000 gallons total thresholds are likely derived from New York's proposed regulations. However, New York derived these thresholds from a very limited analysis of volumes of base fluid used in *water-based* fracturing – not gas-based fracturing.

Thus, the Department needs to come up with an appropriate means to express the threshold of applicability as it applies to non-water fracks. The key parameter for developing a comparable threshold should be identifying comparable risk. Addressing the problem by simply converting the water-based thresholds from gallons to cubic feet or another unit of volume appropriate to measure gases is not scientifically sound and does not sufficiently manage risk. A threshold derived in this way would be completely arbitrary and wholly divorced from the real environmental and health risks posed by such non-water fracks. Thresholds for gas-based fracks must be developed independently based on an evaluation of risk and field data from gas-based fracks.

The rules must also specify whether the threshold volume for nitrogen, carbon dioxide, or other non-water base fluids applies to the liquid or gas phase of those fluids. For example: 1 million scf of nitrogen gas ≈ 7,480,519 gallons of nitrogen gas ≈ 10,739 gallons of liquid nitrogen. Specifying the phase on which the threshold volume is based is necessary to prevent creative accounting.

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This issue is not merely academic - both gas and foam fracks are routinely used in the New Albany Shale (NAS) and in fact may be more successful and more widely used than water-based fracturing due to the unique properties of the formation.[1] For example, a New Albany Shale well in Christian County, KY was stimulated with a gas fracture treatment using approximately 1 million standard cubic feet (scf) of nitrogen gas per stage for eight stages, for a total of approximately 8 million scf of nitrogen gas. Two wells in McLean County, KY were stimulated with mist fracture treatments composed of 92% to 99% nitrogen gas and 8% to 1 % water, using approximately 2 million scf of nitrogen gas per stage for nine stages, for a total of approximately 18 million scf of nitrogen gas per well. The proposed regulations provide no guidance as to how the 80,000 gallon/stage and 300,000 gallon total thresholds should be applied to these gas-based fracturing jobs.

As illustrated in the table below, depending on how the gas volume used in these three wells is calculated, they may fall above or below the 80,000 gallon per stage and 300,000 gallon total water-based fracturing thresholds in the statute.[2]

	Christian County		McLean County	
	Per Stage	Total	Per Stage	Total
Nitrogen Gas, scf	1,000,000	8,000,000	2,000,000	18,000,000
Nitrogen Gas, gallons	7,480,520	59,844,160	14,961,040	134,649,360
Nitrogen Liquid, gallons	10,740	85,920	21,480	193,320

These wells were drilled as part of a major research project to examine, "nearly all aspects of the exploration and production technologies relevant to the New Albany shale," and involved researchers from nine universities and service companies working with nine oil and gas companies. Kentucky was selected for the location of the wells because it had more gas production and therefore a larger historical data set than Illinois and Indiana (the other states in which the New Albany formation occurs) but the results are applicable to the New Albany formation generally.

In the Christian County well, each frack stage was preceded by the injection of approximately 1,500 gallons of 15% hydrochloric acid (HCl). Wellhead treating pressures (WHTP) ranged from 3,520-4,948 psi, calculated fracture half-length ranged from 540-1,650 feet, and calculated fracture height ranged from 184-840 feet. In the McLean County wells, each frack stage used approximately 10,000 pounds of ultralight proppant (thermoplastic beads) mixed with a potassium chloride (KCl) water solution. WHTP ranged from 3,649-5,941 psi, calculated fracture half-length ranged from 805-1,240 feet, and calculated fracture height ranged from 140-785 feet. Treatment pressures are dependent on rock mechanical properties and

[1] Gas Technology Institute. November 23, 2010. New Albany Shale Gas Project, Final Report. Research Project to Secure Energy for America Project: 07122-16.

[2] Calculations assume: 1 scf nitrogen gas = 7.48 gallons nitrogen gas; 1 scf nitrogen gas = 0.01074 gallons liquid nitrogen

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therefore are likely to be similar regardless of whether the base fluid is gas or liquid (assuming all other things are equal and accounting for differences in fluid viscosity and density). The fracture half-lengths and heights are similar to those created by water-based fracturing in other low permeability formations.[3]

In other words, gas, foam, and mist fracks can be comparable in terms of fracturing pressure, rates, and fracture growth to water-based fracks and therefore pose similar environmental and human health risks. However, through creative accounting, these large-scale gas and foam frack jobs could be exempt from the new rules, as shown above. It is imperative that the Department develop appropriate, scientific-based thresholds for non-water fracks to ensure consistent risk management regardless of base fluid type.

Section 245.230 Permit Application Receipt and Department Review

The draft rules fail to provide any time frame in subsection 245.230(e) governing submission of additional information to supplement applications deemed incomplete by the Department. As written, they rules would allow any additional information, of any level of import, to be submitted to the Department any time before the 60-day decision period has run. Such a system invites abuse by applicants who will sandbag public participation by submitting a deficient application, and failing to correct the deficiency until after the public comment period has run (or nearly run). 60 days is an extraordinarily short period of time for the Department to make its decision, and it is unfair to the public – not to mention the Department – for applicants to further shorten the available time window by submitting important information while the 60-day clock is already running. It is therefore imperative that the section be revised to ensure that there are significant consequences for failure to submit all necessary information at the time of application.

There are multiple ways for the Department to accomplish this, all grounded in the fact that the 60 day decisional time frame is contingent in the statutory framework upon a complete application being submitted – since the statute describes in detail what such an application should consist of (with the anticipation that the Department's rules will provide even more detail). One option would be to provide that the Department's 60-day review period does not begin to run until the application is deemed complete by the Department. The completeness determination, which could in principle be accomplished during the 5-day review period in Section 245.240, should assess not only whether all of the technical components of the application are present – *i.e.*, sections (1) through (28) as required by Section 1-35 of the Act – but whether the substance of these components reflects the requirements of the Act and regulations as well, and provides sufficient factual detail. A second option would be to allow the Department to identify a deficiency in the application at any subsequent time during the 60-day review period, and toll the running of the 60-day review period until it is cured (this would also require tolling of the public comment period and rescheduling of the hearing). A third option would be for the Department, upon a determination that the application is incomplete in some material way, to inform the applicant that it must agree to waive the 60-day decision period and

[3] See, e.g. Davies, R. J., Mathias, S. A., Moss, J., Hustoft, S., & Newport, L. (2012, in press). Hydraulic Fractures: How far can they go? *Marine and Petroleum Geology.;* Fisher, K., & Warpinski, N. (2012). Hydraulic-Fracture-Height Growth: Real Data. *SPE Production & Operations , 27* (1), 8-19.

013319

agree to an extension or the Department will deny the application. These three options are not mutually exclusive – all could be included in the rules as alternatives available to the Department.

Section 245.270 Public Hearings

The Act's provision affording public hearings are critically important to ensuring that the public has the ability to fully understand hydraulic fracturing permits that may affect them, and challenge them if appropriate. We are therefore concerned that some aspects of the draft rules governing hearings could potentially undercut the robust public participation envisioned in the statute.

The following is a list of problems we identified with the public hearing language in the draft:

1. *Definition of "adversely affected."*

The definition of "adversely affected" under subsection 245.270(a)(1)(v) is circular: "to qualify as a person having an interest that is or may be adversely affected, a person must be...(v) any other person that is adversely affected....." To cure this circularity, the terms "that is or may be adversely affected" should be deleted from subsection 245.270(a)(1)(v), so that it would read: "any other person who can directly demonstrate in writing within the request for public hearing that the person actually has a real property interest in or uses resources of economic, recreational or environmental value that may be adversely affected by the granting of the permit at issue at the public hearing."

2. *Requests for public hearing.*

As is correctly reflected in subsection 245.270(a)(5) of the draft regulations, the Act makes clear that requests for public hearing may only be denied if the Department determines that the request lacks an adequate factual statement that the person is or may be adversely affected by the permit at issue, or if the request is frivolous. *See* Section 1-50(a) of the Act. Although we recognize the utility of, and therefore do not oppose (with the fixes noted herein), inclusion of the additional items of a hearing request enumerated at subsections 245.270(a)(3)(C)-(G) of the draft regulations, the regulations should explicitly state that failure to include any of those items is not grounds for rejection of the hearing request.

3. *Decisions on requests for public hearings*

The Departments' determination as to whether a request for a public hearing request will be accepted or rejected, pursuant to Section 1-50(a) of the Act and subsection 245.270(a)(5) of the draft regulations, should be made, when possible, quickly enough to minimize unnecessary expense and inconvenience to petitioners whose request for a hearing is denied. To that end, the regulations should provide that a request for hearing will be accepted or rejected either within 7 days of receipt by the Department or at the public hearing, whichever comes first.

013329

4. Intervention petitions

Subsection 245.270(a)(6) requires that the intervention request be served upon the Department, the hearing officer, and the applicant. However, Act Section 1-50(b) says only that the applicant must petition the Department. This additional requirement could create a barrier to participation by unsophisticated petitioners, and should be removed.

5. Hearing location

We do not think it appropriate that 245.270(b)(2) gives the Department broad discretion to hold hearings outside the affected counties. It is imperative that the hearings be held in the county where the well will be located. A location outside the affected county could create an enormous barrier to participation by ordinary citizens, who may not have the resources or time or child care options for out-of-town travel. It limits their ability to call local witnesses, who may have critical information but be unable or unwilling to come to Springfield. And it makes it impossible as a practical matter for interested neighbors to attend and observe the hearing, defeating the purpose of ensuring transparency in the permitting process.

It should not be difficult to identify locations where hearings can be held in affected counties. Courthouses, schools, and in some cases county board offices or town halls generally have space that could accommodate a hearing. Additionally, we request that the Department make an inquiry into the cost and availability of web-based technology to allow the Department to appear remotely at a hearing being held in the affected county if travel there is logistically impossible, as well as to allow citizens who cannot travel to the hearing to observe and participate in it remotely. Not all such technology is expensive, and it may in fact prove less expensive than travel in some circumstances.

6. Department's presence at hearing

The rules should contain an express obligation that the Department testify and be available for cross-examination. Without such testimony, a primary purpose of the hearings – to vet the permit application and ensure transparency – is gutted. Accordingly, subsection 245.270(g)(6) should be amended to specify not merely that a representative from the Department appear and "be given an opportunity" to provide evidence, but that the representative shall testify under oath. Furthermore, the provision should require that the Department provide a person or persons with knowledge of any specific issues raised in the hearing request, if it has one (we note that such a requirement would encourage the level of specificity that the Department appears to be seeking with its problematic hearing request requirements).

7. Citation to legal basis

In subsection 245.270(a)(3)(e), the rules should specify that the hearing requestor state the statutory or regulatory basis for the request "if applicable" rather than "if known." Nothing in the statute limits the basis for hearing requests to those grounded in specific legal provisions – a citizen who "is or may be affected" by hydraulic fracturing operations may simply want to

013321

raise questions or obtain further information about the operations and their potential impacts. The language change we are suggesting will help clarify that.

8. Failure of permit applicant to appear.

With respect to subsection 245.270(f), allowing a permit to issue where a permit applicant has failed to appear at a hearing would gut the purpose of the public hearing requirement. In the event the failure was due to an emergency or circumstances beyond the applicant's control, the hearing should be rescheduled, and the applicant deemed to have consented to an extension of the 60-day time window to accommodate that rescheduling. If the applicant cannot show good cause for failure to appear at the hearing, the application should be denied.

9. Burden of proof

The provision concerning burden of proof, subsection 245.270(i), does not make sense in context, and reverses the burden the Act places on permit applicants to demonstrate that they are entitled to a permit. To the extent hearing requestors raise legitimate questions as to whether a permit should be issued, or issued with particular conditions, it remains the applicant's responsibility to address those questions to the satisfaction of the Department. It is not the hearing requestor's burden to prove that the issues raised are worthy of consideration; and nor is it the job of the hearing officer to render an ultimate determination concerning the permit.

In this regard, unlike in a typical adjudicatory hearing, hearings under the Act may in some cases not address any issues requiring "proof" as such. Permittees' concerns will likely vary widely, from overarching issues relating to health and safety to requests for particular technical conditions; and in some cases, hearing requestors will simply be seeking to have their questions answered. The concept of burden of proof will not necessarily be relevant in many instances.

Importantly, it is well within the Department's discretion to not establish any burden of proof at all for these hearings. Neither the Act nor the Illinois Administrative Procedure Act (IAPA) mandate a particular burden of proof, nor do they require that a burden of proof be specified at all, for these public hearings. *See* section 1-50 of the Act; 5 Ill. Comp. Stat. 100/10-10 ("All agency rules establishing procedures for contested cases shall at a minimum comply with the provisions of this Article 10. In addition, agency rules establishing procedures *may* include...the following components: ...the standard of proof used...") (emphasis added); 5 Ill. Comp. Stat. 100/10-15 ("[u]nless otherwise provided by law or stated in the agencies rules, the standard of proof...").

Moreover, even if the IAPA did require a burden of proof (it does not), the Department has appropriately recognized in other contexts that compliance with the IAPA only requires compliance with sections that are pertinent, not with every single subsection of that statute which may not apply or be necessary in a given instance. For example, in its regulations concerning notices of cessation order hearings under the Oil and Gas Act, the Department did not include several components of the IAPA minimum notice requirements –including legal authority,

015322

reference to the substantive and procedural statutes involved, a short and plain statement of the matters asserted and of the consequences of a failure to respond, and information about the administrative law judge and the parties, 5 Ill. Comp. Stat. 100/10-25 –even when its own regulations specify that hearings are to be conducted "in accordance with [the contested case hearing provisions] of the Illinois Administrative Procedure Act." 62 Ill. Adm. Code § 240.180(b)(3). Likewise here, the Department may choose not to include a burden of proof for the public hearings because such burden may not be relevant or applicable in these hearings.

10. Hearing decision

For the reasons discussed with respect to subsection 245.270(i), it is inappropriate for the hearing officer's report to render decision on the issues raised at the hearing. The purpose of the hearing is to allow citizens to elicit information, raise issues of importance, and develop the administrative record. The hearing officer's job should be to report the proceedings back to the Department. Such an approach is entirely consistent with the IAPA. *See* 5 Ill. Comp. Stat. 100/10-10 and 10-45. As such, the portions of subsection 245.270(c)(2) that reference the Hearing Officer issuing a decision should be deleted, as should subsections 245.270(m) and (n) in their entirety. Subsections 245.300(b)(2) and (3) should also be revised to delete reference to the "hearing decision," so that they read as follows:

> Section 245.300(b)(2): all written comments received during the public comment period and, if applicable, the complete record from the public hearing held under Section 245.270 (Section 1-53(b)(2) of the Act);
>
> Section 245.300(b)(3): all supplemental information provided by the applicant in response to:
>
> (A) any public comments (Section 153(b) of the Act);
> (B) the requirements of the this Part; and
> (C) Department requests for information;

11. Other non-applicable provisions concerning public hearings

Also for the reasons discussed with respect to subsection 245.270(i), the provisions of the proposed regulations that grant the Hearing Officer authority to "dispose of any case by dismissal, stipulation, agreed settlement, consent order or default" are not applicable and therefore inappropriate here. That portion of subsection 245.270(c)(2) should be deleted, as should subsections 245.270(1) ("Settlement Discussions") and 245.270(h) ("Issues Presented) in their entirety.

12. Post-hearing corrections

Subsection 245.270(n), allowing the applicant to attempt to correct deficiencies identified at the hearing, places no time limit on such correction; nor any obligation on the part of the Department to provide public notice of such correction. Accordingly, applicants could in principle provide information to the Department on Day 59 of the permit issuance period, and the public would not find out about it until long after the permit had been issued. In this regard, our

015323

comment concerning subsection 245.230(e) applies with even more force here. It is problematic enough for an applicant to submit new material information during the initial portion of the 60-day review period, while the comment period is running. It is far more problematic, however, for such information to be submitted post-hearing, when there is essentially no time for the public – or the Department, for that matter – to meaningfully consider it at all.

Accordingly, if this provision is not deleted per our request above, at minimum it n should specify a time window for applicants to provide corrections and provide that the post-hearing public comment period must remain open for a sufficient number of days after that time window in order to provide the public adequate time to meaningfully review and comment on those corrections. For example, a time window for corrections of five days following the conclusion of the hearing would be appropriate with a post-hearing public comment period of 15 days, so that commenters would then have 10 days of the post-hearing comment period to address the new information.

13. References to decision timeline

In multiple places, subsection 245.270 employs the phrase "Taking into consideration that the Department shall have no more than 60 days" to make a decision...." These references create potential confusion, as it is unclear whether that reference is intended to shorten any of specific timeframe or otherwise limit any right.

Section 245.300(c)(4) Permit Decision

Subsection 245.300(c)(4) of the draft regulations is inconsistent with the Act's mandate that permits may only be granted if, among other things, the record demonstrates that "the proposed hydraulic fracturing operations *will* be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." Section 1-53(a)(4) of the Act (emphasis added). Subsection 245.300(c)(4) of the draft regulations, in contrast, provides that the Department may only grant a permit if, among other things, "the high volume horizontal hydraulic fracturing operations, *as proposed, are reasonably expected* to be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." (emphasis added). This deviation from the Act's clear language weakens the public health, public safety, and environmental protections mandated by the Act and must be revised. The words "...as proposed, reasonably expected to..." should be deleted from subsection 245.300(c)(4) and replaced with "will."

Section 245.330 Permit Modifications

This section explicitly narrows the language of the counterpart section of the Act, 1-55. It also sets up a system that keeps citizens largely in the dark about changes to permits that may well be significant.

Critical to this section, and in particular to citizen participation, is the distinction in Act section 1-55(c) between modifications representing a "significant deviation" and all other modifications. The Act states, "If the Department determines that the proposed modifications

013324

constitute a significant deviation from the terms of the original application and permit approval, or presents a serious risk to public health, life, property, aquatic life, or wildlife, the Department shall provide the opportunities for notice, comment, and hearing required under Sections 1-45 and 1-50 of this Act."

The statute does not define or limit the circumstances in which a permit modification constitutes a "significant deviation," but rather leaves the term open ended. While it would not be inappropriate for the regulations to explain that term and give examples of significant deviations, the draft rules can be read to radically circumscribe that term, giving it a narrow and exclusive meaning that is nowhere found in, or supported by, the statute. Specifically, the draft rules would expressly define as a significant deviation *only* those modifications that "propose[] to move the well, including the horizontal well bore, add new horizontal well bores, or add length to any existing or planned horizontal well bores." While these circumstances would certainly constitute significant deviations, so would many others. For instance, a modification that resulted in significantly more water use, or water use from a different source, would be a significant deviation, even if the increased use fell short of a "serious risk" to public health or the environment. Accordingly, we recommend the following language to define a significant deviation: "A permit modification shall be treated as a significant deviation from the original permit if the proposed actions or potential impacts of those actions may differ materially from those associated with the original permit application." To the extent specific examples are used to further flesh out this definition, those examples must be framed non-exclusively, *i.e.*, employing the language "including but not limited to...."

In addition, adding new horizontal well bores, identified in the draft regulations as a permissible type of modification, requires an entirely new permit under the statute, not merely a modification. *See* Act Section 1-30(b) ("If multiple wells are to be stimulated using high volume horizontal hydraulic fracturing operations from a single well site, then a separate permit shall be obtained for each well at the site").

The following additional changes should be made:

1. Sections modified

Subsection 245.330(b)(1) states, "Sections of a permit modification application that are not the subject of a proposed deviation from an original permit are not required to be completed." This language should be modified to state that sections "that are not *impacted by*" the proposed modifications need not be completed. It is entirely possible that a potential significant impact of a modification would not be the "subject of" the modification but rather a consequence of it.

2. Serious Risk

Subsection 245.330(d) seems to imply that a permit modification that poses a "serious risk" to public health or the environment could nonetheless be granted without changes that eliminate that risk. But Section 1-53(a) of Act, incorporated into the draft regulations at subsection 245.300(c)(4), makes clear that no permit may issue unless the high volume

013325

horizontal hydraulic fracturing operations at issue "are reasonably expected to be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." The following language should therefore be added to this subsection: "Such modification shall not be granted unless the proposed action is modified so that the criteria set forth in subsection 245.300(c)(4) are met."

3. Notice and publication

Additionally, it is important the any and all modification requests be posted on the Department's website; and all persons who received special notice of the original permit application, or were party to a hearing concerning it, should receive notice as well. All such persons should also receive notice of the Department's determination as to whether the modification will be treated as a significant deviation (and that determination should likewise be posted on the Department's website).

Section 245.620 Rebuttable Presumption of Pollution or Diminution

The rebuttable presumption in section 1-85 of the Act is broadly framed to apply whenever "pollution or diminution" of water quality occurs within the specified distance of HVHHF operations. Importantly, "pollution or diminution" is clearly defined in section 1-5 of the Act as encompassing a broad swath of carcinogens and over 100 constituents, listed below, specified in several sections of the Illinois Administrative Code. While Act section 1-80 requires that sampling data be generated that may show whether pollution or diminution has occurred, section 1-85 governing the presumption does not reference the section 1-80 testing requirements at all, or otherwise limit the sources of sampling data that may be used to prove the pollution or diminution has occurred.[4]

A number of provisions in the draft rules nonetheless inappropriately purport to limit evidence triggering the presumption to the section 1-80 sampling results. The particular provisions of concern are as follows:

[4] Section 1-85(a) states that it "establishes a rebuttable presumption for the purposes of evidence and liability under State law regarding claims of pollution or diminution of a water source and for use regarding the investigation and order authority under Section 1-83" (emphasis added). The "and" is disjunctive, such that claims for pollution and diminution are not tied to or contingent on the investigation and order authority under section 1-83. Regardless, nothing in section 1-83 limits investigation and order authority to the constituents tested for under section 1-80; on the contrary, that section expressly references "pollution or diminution," which as discussed above is broadly defined with reference to the Illinois Administrative Code. See section 1-83(a) ("Any person who has reason to believe they have incurred *pollution or diminution* of a water source as a result of high volume hydraulic fracturing treatment of a well may notify the Department and request that an investigation be conducted") (emphasis added) and 1-83(d) ("if sampling results *or* other information obtained as part of the investigation *or* the results of tests conducted under subsection (c) of Section 1-80 of this Act indicate [pollution or diminution violations], the Department shall issue an order...") (emphasis added). In sum, it is clear that section 85 of the Act creates a presumption of liability for all constituents contained in the Act's definition of "pollution or diminution," not solely for the constituents tested for under section 1-80.

013326

a. *245.620(b)(2)* – the word "the" before "baseline water quality data" should be stricken to make clear that any baseline water quality data, not just the data collected pursuant to the Act's requirements, may trigger the presumption.
b. *245.620(b)(4)* – this section should preferably be amended to mirror subparagraph (b)(2) (amended per above recommendation), *i.e.*, state that "water quality data obtained up to 30 months after commencement of HVHHF operations shows that pollution or diminution of water quality has occurred with respect to one or more parameters" set forth in the relevant section of the Environmental Protection Act regulations referenced at 245.610(e).
c. *245.620(c)(4)* – this section is superfluous, as well as confusing for the reason specified below. If the water quality data (broadly defined per above) do not show pollution or diminution, then there is no presumption to rebut. The relevant concept from the statute that should be reflected here, and is not, is from subsection 1-85(c)(3), specifying that the presumption can be rebutted if it can be affirmatively established that the pollution or diminution had an identifiable cause other than HVHHF operations.

An additional problem with the current wording, aside from the narrowing of the statutory basis for the presumption, is that it treats the parameters being sampled for pursuant to section 1-80 as though they are congruent with the parameters for pollution or diminution, which they are not. The section 1-80 parameters are *indicators* of the presence of contamination from hydraulic fracturing, not an exclusive list of the possible contaminating constituents. Some, like dissolved methane, propane, and ethane, are not themselves causes of pollution or diminution as that term is defined in the Act, but rather provide information for tracking the source of contamination. Failure to make this distinction will cause significant confusion.

To illustrate how severely the Department's unauthorized limitation of section 1-85 of the Act has curtailed its scope, we offer the following list of chemicals that are covered by the statutory definition of "pollution or diminution" that should therefore also be subject to the presumption according to the plain language of section 1-85. Shown capitalized in red are the few constituents that remain subject to the presumption under the Department's truncated interpretation:

- Detection of any: **BENZENE**, any other carcinogen
- Preventive Response Criteria at 35 IAC 620.310(a)(3)(A)(i): para-dichlorobenzene, ortho-dichlorobenzene, methyl tertiary butyl ether (MTBE), phenols, styrene, **TOLUENE, ETHYLBENZENE, XYLENES,**
- 35 IAC 620.410: (a) antimony, **ARSENIC, BARIUM**, beryllium, **CADMIUM, CHLORIDE, CHROMIUM**, cobalt, copper, cyanide, fluoride, **IRON, LEAD, MANGANESE, MERCURY**, nickel, nitrate as n, perchlorate, Radium-226, Radium-228, **SELENIUM, SILVER, SULFATE**, thallium, **TDS**, vanadium, zinc; (b) Acenaphthene, Acetone, Alachlor*, Aldicarb, Anthracene, Atrazine, Benzene [repeat], Benzo(a)anthracene*, Benzo(b)flouranthene*, Benzo(k)floranthene*, Benzo(a)pyrene*, Benzoic acid, 2-Butanone (MEK), Carbofuran, Carbon Disulfide, Carbon Tetrachloride, Chlordane*, Chloroform*, Chrysene*, Dalapon, Dibenzo(a,h) anthracene*, Dicamba, Dichlorodiflouromethane; 1,1-Dichloroethane, Dichloromethane*, Di(2-

013327

ethylhexyl)phthalate*, Diethyl Phthalate, Di-n-butyl Phthalate, Dinoseb, Endothall, Endrin, Ethylene Dibromide*, Flouranthene, Flourene, Heptachlor*, Heptachlor Epoxide*, Hexachlorocyclopentadiene, Indeno(1,2,3-cd)pyrene*, Isopropylbenzene (Cumene), Lindane (Gamma-Haxachlorocyclohexane), 2,4-D, ortho-Dichlorobenzene, para-Dichlorobenzene; 1,2-Dibromo-3-Chloropropane*; 1,2-Dichloroethane*, 1,1 Dichloroethylene, cis-1,2-Dichloroethylene, trans-1,2-Dichloroethylene, 1,2-Dichloropropane*, Ethylbenzene, MCPP (Mecoprop), Methoxychlor, 2-Methylnaphthalene, 2-Methylphenol, Methyl Tertiary-Butyl Ether (MTBE), Monochlorobenzene, Naphthalene, P-Dioxane*, Pentachlorophenol*, Phenols, Picloram, Pyrene, Poly-chlorinated Biphenyls (PCBs) (as decachloro-biphenyl)*, alpha-BHC (alpha-Benzene hexachloride)*, Simazine, Styrene, 2,4,5-TP (Silvex), Tetrachloroethylene*, Toluene, Toxaphene*, 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; 1,2,4-Trichlorobenzene; Trichloroethylene*; Trichlorofluoromethane; Vinyl Chloride*, Xylenes; (c) 1,3-Dinitrobenzene, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, HMX (High Melting Explosive, Octogen); Nitrobenzene; RDX (Royal Demolition Explosive, Cyclonite), 1,3,5-Trinitrobenzene; 2,4,6- Trinitrotoluene (TNT); (d) [repeats]; (e) **PH.**

- Chemicals with 35 IAC 720 Groundwater Cleanup Objectives (not already listed above): Aldrin, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate (Di(2-ethylhexyl)phthalate), DDD, DDE, DDT, 1,2-Dibromoethane, 3,3'-Dichlorobenzidine, Dieldrin, Hexachlorobenzene, Alpha-HCH, N-Nitrosodi-n-propylamine, 2,4,6-Trichlorophenol, Bromodichloromethane (Dichlorobromomethane), Bromoform, Butanol, butyl benzyl phthalate, carbazole, 4-Chloroaniline (r-Chloroaniline), Chlorobenzene (Monochlorobenzene), Chlorodibromomethane (Dibromochloromethane), 2-Chlorophenol (pH 4.9-7.3), 2-Chlorophenol (pH 7.4-8.0), 1,1-Dichloroethane, 2,4-Dichlorophenol, 1,2-Dichloropropane; 1,3-Dichloropropene (1,3-Dichloropropylene, *cis* + *trans*); Diethyl phthalate; 2,4-Dimethylphenol; 2,4-Dinitrophenol; Di-*n*-octyl phthalate; Endosulfan, Hexachloroethane, Isophorone; Methyl bromide (Bromomethane); Methyl tertiary-butyl ether; Methylene chloride (Dichloromethane); 2-Methylphenol (*o*-Cresol); *N*-Nitrosodiphenylamine; *N*-Nitrosodi-*n*-propylamine; Pentachlorophenol; 2,4,5-Trichlorophenol (pH 4.9-7.8); 2,4,5-Trichlorophenol (pH 7.9-8.0); 2,4,6-Trichlorophenol (pH 4.9-6.8); 2,4,6-Trichlorophenol (pH 6.9-8.0); Vinyl acetate; Boron, **CALCIUM;** Chromium, ion, hexavalent; **MAGNESIUM**, phosphorus, potassium, sodium.

We note that this concern is not by any means academic: at least some of these excluded constituents are found on FracFocus, indicating that they have been used in fracking operations.

Section 245.730 Trade Secret Disclosure to Health Professional

The proposed language concerning disclosure of trade secret-protected information to health professionals is neither consistent with the statute nor protective of the public. In the first instance, it is unacceptable that the introductory language in section 245.730 provides that the Department "may" provide information to health professionals who demonstrate a need for it. Section 1-77(l) of the Act is clear is that this information *shall* be provided as needed.

0153328

Additionally, section 245.730 sets up a system which fails to assure that the necessary information is available in the event of an immediate health threat. Our specific concerns are as follows:

- *Limitation to "normal business hours."* Subsection 245.730(b)(1) provides that a health professional may call the Department during "normal business hours" in the event of an emergency. For an emergency that occurs after hours, evidently the only recourse is to call the trade secret holder (who is, as discussed below, nowhere identified publicly). This is inadequate. The Department should provide a 24-hour hotline for emergency calls pursuant to this section.
- *Lack of a time limit for the Department's response.* The Department should abide by the same 3-hour time limit for a response that applies to trade secret holders pursuant to 245.730(b)(2).
- *Need for identification of the "trade secret holder."* Subsection 245.730(b)(2) allows a health professional to seek the necessary information from a "trade secret holder," but there is no means provided for the health professional to know who the trade secret holder is, or what phone number to use to reach it. The rules should require that the name and 24-hour contact information for the trade secret holder be provided at the time trade secret protection is requested. The Department's answering machine should direct callers to that information, or to a 24-hour hotline run by an organization or association that has all trade-secret protected chemical information compiled. The trade secret holder's 24-hour contact information, as well as any 24-hour hotline used to provide protected information, should also be provided in advance to first responders in the vicinity of a fracking operation.
- *Circular definition of "affected patient."* Subsection 245.110 defines an "affected patient" as one who "receiving health care services from a health professional for an illness or injury *diagnosed by the health professional* to be caused by exposure to any chemicals used in high volume horizontal hydraulic fracturing operations that are subject to a claim of trade secret by a permittee or contractor." This definition is a Catch-22, since the whole purpose of requiring disclosure of trade-secret protected information to health professionals is to *enable* them to diagnose a patient's symptoms to determine whether they may have been caused by fracking chemicals. The statute nowhere requires a diagnosis as a prerequisite to disclosure – all that is required is a health professional that "who states a need for the information and articulates why the information is needed." Accordingly, the definition of "affected patient" – to the extent one is provided at all – should be "a person regarding whom a health professional states a need for information concerning any chemicals used in high volume horizontal hydraulic fracturing operations that are subject to a claim of trade secret by a permittee or contractor."

Finally, we note that the requirement in subsection 245.730(e) that health providers report to the trade secret holder the names of persons to whom the protected information was disclosed is found nowhere in the statute. It is inappropriate to burden health professionals with such an obligation in the absence of statutory authorization to do so.

013329

Section 245.850 Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal or Recycling, Transportation and Reporting Requirements

The combination of lack of standards for calculating the size of wastewater storage tanks, and the extended timeframe allowed by the Department for removal of wastewater in the reserve pit, is a dangerous combination that could be used by operators to facilitate routine use of the reserve pits in a manner not contemplated by the statute. The clear intent of the statute is to ensure that wastewater is stored in tanks except in the emergency event of an unforeseeable overflow, in which case it is preferable that the overflow go to a pit than simply spill on the ground. But in such event, the overflow is expressly required in the statute to be removed within a week. Through omission and misinterpretation, the regulations are not implementing this statutory directive.

Section 245.210(a)(11), requiring that an applicant submit a Hydraulic Fracturing Fluids and Flowback Plan, states that "[t]he plan shall describe the capacity of the tanks to be used for the capture and storage of all the anticipated hydraulic fracturing flowback and of the lined reserve pit to be used, if necessary, to temporarily store any flowback in excess of the capacity of the tanks." However, it needs to, but does not, include requirements to ensure that tank capacity is accurately calculated. Specifically, this section should establish a method for tank capacity calculation, and that method should include a margin of safety. Without such method, there is nothing in the regulations to prevent operators from underestimating the size of the tanks they need, so as to make routine use of the reserve pit for the resulting overflows. Operators presumably have an economic incentive to do so in order to hold down the cost of tank storage.

Compounding this incentive is the Department's weakening of the statutory directive that fluids deposited in a reserve pit be removed within 7 days (Section 1-75(c)(5)). The regulations fail to require such prompt removal, allowing, at subsection 245.850(c), the overflow to remain in the reserve pits until 7 days "after completion of high volume horizontal hydraulic fracturing operations." Certainly on a multi-well pad, hydraulic fracturing operations can continue for a month or more, meaning that the flowback fluid could be left sitting in the reserve pit, creating environmental risk, for much longer than a week.

II. ADDITIONAL SIGNIFICANT CONCERNS

Section 245.110 Definitions

- *"Aquatic life."* The definition of "aquatic life" is too narrow, and does not include many macroinvertebrates and other species that may be important to an aquatic ecosystem. We recommend adopting the definition contained in the Pollution Control Board's water pollution regulations: "Aquatic Life" means native populations of fish and other aquatic life." 35 Ill. Adm. Code 301.220.

- *"Affected Patient."* Please note the discussion of the definition of "affected patient" in connection with Section 245.730.

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- *Other undefined terms.* We note generally that our comments below reference numerous terms that require further definition, *e.g.*, "wholly contained," "cost effective," "competitive value," *etc.* Those definitions could, as appropriate, be included in section 245.110.

Section 245.200 Registration Procedures

- *Registration updates (245.200(f)).* It is unclear to us why a registrant should be afforded a full 60 days to notify the Department of a change in information. If such a change occurred during the course of permit application review, the public might well not find out about it until after the comment period was closed. The Department should require that registrations be updated in a much more timely fashion.

245.210 Permit Application Requirements

- *Directional drilling plan (245.210(a)(4)) and Scaled plat maps, diagrams, or cross sections (245.210(a)(7)).:* These sections do not explicitly require that the applicant provide a map that depicts the exact location of the wellbore, *i.e.*, draws it on the map from beginning to end. This information is critical to identifying previously unplugged wells within 750 feet of the wellbore, which must be plugged by the permittee prior to fracking operations pursuant to section 1-95(b) of the Act.
- *HVHHF operations plan confining zone definition (245.210(a)(6)(A).* It is our assumption that the Department intended the phrase "if known after reasonable inquiry" to apply only to the last item on the list of information required concerning the confining zone, *i.e.*, "susceptibility to vertical propagation of fractures, of the confining formations" (since the other information should be readily available in all circumstances). That intent should be clarified by amending the language as follows: "...transmissive faults, fractures, and water or water source content; and susceptibility to vertical propagation of fractures, of the confining formations, if known after reasonable inquiry
- *Documentation of failure to disclose in application (245.210(a)(8)).* The Department should specify the type of documentation that must be provided that will support a claim that disclosure of chemicals cannot be provided with the application "to the Department's satisfaction."
- *Disclosure of anticipated concentration in base fluid (245.210(a)(8)(D)).* The Department should clarify in the regulations exactly how they want operators/service companies to calculate percent by mass for purposes of this provision.
- *Water use self-certification (245.210(a)(9).* The Department should, on its website, post or provide a link to any previous review undertaken by a Soil and Water Conservation District, pursuant to Section 5 of the Water Use Act of 1983, concerning the effect of any proposed water withdrawal via high capacity well upon other users of the water.
- *"Wholly contained" (245.210(a)(10)(A)(vi)).* Here and elsewhere where the term "wholly contained" is used, it must be defined. In particular, it should be established that a water body is "wholly contained" on single property only if it has no hydrological connection, perennial or otherwise, to a water body outside that property.
- *Recycling (245.210(a)(10)(B)).* Considerably more detail is needed to define associated requirements and protections. For example, the regulations need to specify what tests will

013331

be conducted on recycled water, and require that any contaminants be disclosed pursuant to subsection (8) as "intentionally" added to the base fluid. The regulations should also specify the requirements for disposal of waste material removed in the recycling process.

- *Plan requirements (245.210(a)(10)-(15)).* Although the draft regulations add significant detail to the statutory requirement that the applicant submit a traffic management plan, the draft does not provide this kind of definition of the required contents of other types of plans required in the application. We identified the following places where such planning definition is critically needed:
  - *Water source management plan (245.210(a)(10)(A)(iv) and (v).* These subparagraphs requiring water use minimization and protection of aquatic life are critical to protection of water resources. However, unless the Department better defines their terms, they will be difficult to apply and enforce. In particular, the Department should clarify the elements of a showing that fresh water withdrawals have been minimized "as much as feasible," and the types of measures that must be evaluated in order to minimize impacts on aquatic life.
  - *Containment plan (245.210(a)(13)).* The Department should require that, as part of the containment plan, applicants evaluate different containment practices and equipment that could be used at the site, and utilize the most effective containment practices/equipment that are technically/economically feasible. We would be happy to discuss specific suggestions with you.
- *Access roads (245.210(a)(21)).* While it is good that the Department included a requirement that access roads be located as far as possible from occupied structures, places of assembly, and property lines of unleased property, to ensure that this has been done, and provide the public with ready means to evaluate compliance, these features should be included on the map required under 245.210(a)(7).
- *Contractor information (245.210(a)(26)).* It is not clear to us that this section covers all of the personnel that should be identified. Is it possible that a contractor/service provider could be heavily involved at the site, *e.g.*, supplying fracking chemicals and such, but not be "performing" the HVHHF operations?

Section 245.220 Permit Bonds or Other Collateral Securities

- *Cash securities (245.220(c)(1)).* The Department should specify a requirement that the cash be kept secure and not used for any other purpose.

Section 245.250 Public and Governmental Notice by the Permit Applicant

- *Documentation of public notice (245.250(b)).* This subsection inexplicably gives the applicant 35 days following the Department's receipt of the application to submit documentation that public notice requirements were complied with. Yet by the time the 35 days have elapsed, the public comment period will have nearly run – meaning that if public notice were not properly effectuated, this deficiency would not become apparent until citizens who did not receive notice have already effectively missed their comment opportunity. It is easy for applicants to notify the Department effectively immediately (within 24 hours) of completion of a particular notice requirements. Documentation of specific notice should be done as soon as that notice is put out, and a separate deadline (the

day of or after the last public notice in a newspaper) can be established for documentation of general notice.

Section 245.300 Permit Decision

- *Public health and safety criterion (245.300(c)(4).* This subsection establishes as a criterion for permit issuance that the operations are "reasonably expected to be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water." This criterion should specify that one of the factors that may be considered is the applicant's history of serious violations. Otherwise, there is no obvious specification of the context in which that important information should be considered (although the reference could also be included in subparagraph (c)(8).
- *Failure to abate (245.300(c)(6)).* The limitation of this subsection to violations "specified in a final administrative decision of the Department" is an unnecessarily narrow limitation. If an applicant has a history of unabated violations identified in inspections by the Department, even if those violations have not been finally resolved, it would be inappropriate to grant a permit to that applicant.

Section 245.400 Setbacks

- *Waiver for wholly-contained water sources (245.400(a)(4)).* This provision needs to make clear that any waiver of the required setback by a landowner be set forth on a form provided by the Department. Allowing permit applicants to bury such a waiver in a lease invites abuse.
- *Boundary line measurement (245.400(a)(5)).* This section should clarify that the 750 foot measurement is from the boundary line of a nature preserve.

Section 245.410 Access Roads, Public Roads and Topsoil Conditions

- *"Similar characteristics" (245.410(d)).* The regulations should specify what constitutes "similar characteristics" to clarify the clause in this subsection that requires reclamation of the site with "topsoil of similar characteristics of the topsoil removed."

Section 245.510 Well Drilling, Storage, and Disposal of Drilling Waste

- *Storage of drill cuttings (245.510(a)).* The draft regulations should specify that drill cuttings need to be tested for contamination, including for oil-based mud and polymer-based mud, prior to storage. Such testing is necessary to ensure compliance with Section 1-75(c)(11) of the Act, which contains different storage and disposal standards for drill cuttings contaminated with oil- or polymer-based mud, on the one hand, and drill cuttings not contaminated with such mud, on the other. The Department should also require that drill cuttings be tested for radioactivity, and specify health-protective requirements concerning the disposal of any radioactive drill cuttings, including, if applicable, compliance with the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20/1 et seq.).

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Section 245.520 Cement Requirements

- *Industry standards (245.520 various places).* Industry standards should be referenced non-exclusively, *i.e.*, "including at minimum but not limited to" the documents incorporated by reference in section 245.115. There should also be a mechanism created to periodically update the referenced industry standards.
- *Prior submission (245.520(h)(3)).* Cement job jobs and compressive strength tests should be submitted prior to fracturing.
- *Excess cement (245.*530(i)). The regulations should make clear that no approval of a different amount of excess cement than that specified in this subsection (minimum of 25%) will be granted unless the operator runs a caliper log to determine more accurate hole volume/ required cement volume.

Section 245.530 Surface Casing Requirements

- *Surface casing depth (245.530(a)).* Regarding the requirement that surface casing be set to a depth prior to encountering any hydrocarbon-bearing zones, the Department should require that, if such zones are encountered, drilling must stop and surface casing must be set and cemented before drilling deeper. The regulations should further require that all such zones be reported to the Department.
- *Borehole circulation (245.530(d)).* The Department should require that applicant circulate at least two hole volumes of drilling fluid and ensure that the well is static and all gas flows are killed.
- *Cement specifications (245.530(h)(1)).* What is the basis for the requirement of "Class A cement, with a minimum density of 14.5 lbs./gal."?

Section 245.540 Establishment of Internal Mechanical Integrity Testing

- *Non-cemented strings (245.540(c)).* The Department needs to add the MIT protocol for non-cemented strings. For non-cemented completions, the test pressure must be a minimum of (i) 70% of the lowest activating pressure for pressure actuated sleeve completions or (ii) 70% of formation integrity for open-hole completions, as determined by a formation integrity test
- *Test results (245.540(d)(1) and (2)).* Subparagraphs (1) and (2) appear to be contradictory. The results of the test should definitely be submitted prior to fracturing. Also, the Department should add the word "within" before "30 days."

Section 245.550 Installation and Testing of Blowout Prevention Equipment

- *Training (entire section).* The Department should adopt regulations to set out standards for acceptable training programs for installation/testing/use of blowout preventers.

Section 245.560 Intermediate Casing Requirements

- *245.560(k):* Temperature logs are not an equivalent substitute for a CEL.

- *245.560(l):* This subparagraph is inappropriate. Getting returns to the surface is not necessarily evidence of a complete bond.

Section 245.570 Production Casing Requirements

- *Production casing (245.570(a)).* Regarding the requirement that production casing must be run and fully cemented to 500 ft above the top perforated zone, the Department should clarify that cementing must also be in accordance with subsection 245.520(c)(3), as well as specify circumstances in which deviation from the requirements of 245.520(c)(3) might be allowed (*e.g.*, lost circulation). DNR should further specify that, if compliance with the requirements of 245.520(c)(3) is not possible, multi-stage cementing must be used to isolate any hydrocarbon- or fluid-bearing formations or abnormally pressured zones and prevent the movement of fluids. The Department should add that if potential flow zones, productive zones, *etc* are open above this, then the cement needs to extend 500' above the top of that zone. Same language as 245.560(b)(4). Lastly, if the second sentence is intended to accommodate open hole completions, it would probably be easier to specify that, for cemented well completions, the production casing must be landed and cemented into or below the target formation and for open-hole completions the production casing must be landed and cemented into or above the target formation. Then the cementing requirements in (a)(1) would work for either case, and (a)(2) could be deleted.

Section 245.580 Establishment of Formation Integrity

- *Failed tests (entire section).* Department should add that add that in the case of a failed test, remedial measures must be performed.
- *245.580(d)(1) and (2):* As with 245.540(d)(1) and (2), the two subparagraphs appear to conflict. Also, the Department should add the word "within" before "30 days."

Section 245.600 Water Quality Monitoring

- *Reporting of pollution or diminution (245.600(a)(7)(D)).* This section should clearly state that the report to the Department and the Agency must state which specific standards or criteria are exceeded.
- *Posting of baseline sampling results (245.600(b)(4)).* Allowing 7 days to post the sampling results means that in most cases, the public will not see them until after fracking has commenced – meaning, among other things, that property owners would not have the opportunity to perform their own sampling should they see the need to supplement the required sampling performed by the applicant. The sampling results, which the Department should require operators to submit in electronic form, could easily be posted by the Department within 24 hours.
- *Post-frack sampling results (245.600(c)(2)).* This section should clarify that the post-frack sampling results, like the pre-frack results, should be submitted by operators in electronic form and will be posted promptly on the Department's website.

013335

Section 245.610 Water Pollution Investigations

- *"Statistically significantly higher" (245.610(e)).* This section states that the Department shall make a finding of pollution or diminution if the post-frack sampling results are "statistically significantly higher" than the pre-frack results. However, the draft rules do not define "statistically significant." Presumably, the Department does not mean that it will determine statistical significance based upon only the samples collected at a particular site, since in some cases there will be only three of them (the minimum number allowed). The concept of statistical significance will presumably be applied in the context of a larger pre-existing data set. The Department should identify each such data set it proposes to use, and specify a number representing "statistical significance" for each testing parameter. Moreover, we note that in the case of pH, a *lower* level may signify pollution or diminution.

Section 245.615 Procedures

- *Determination of pollution or diminution (245.615(b)).* This provision should specify that the determination will be made available on the Department's website.

Section 245.720 Department Publication of Chemical Disclosures and Claims of Trade Secret

- *Posting of master lists (245.720(a)).* It is unclear why the Department needs 21 business days to post a master list on its website. Since the lists will be provided electronically, and with a redacted version in the event trade secret protection is claimed, we see no reason the lists cannot be posted much more promptly, within no more than 48 hours. Posting the master lists within this reasonable, short timeframe will ensure that members of the public have access to the lists of chemicals well before fracking commences, and thus can begin testing their water for those chemicals before any potential fracking contamination enters those water sources. Indeed, if the Department does not post the master lists before fracking begins –a plausible scenario under the draft rules because operators may begin fracking 21 *calendar* (not business) days after providing the master lists to the Department (Act Section 1-77(a)) – members of the public will not have the opportunity to choose to perform baseline testing of their own concerning chemicals on the master list. Providing the public the opportunity to do such baseline testing, above and beyond the baseline testing required of permittees – was a large part of the point of requiring the master list to begin with. Additionally, a fundamental purpose of the presumption of liability – to deter careless fracking operators from polluting Illinois' waters – could be severely undermined unless the public has access to the master list before fracking begins. Because subsection 245.720(a), as currently drafted, would run counter to the intent of the Legislature, it must be revised to provide that the Department will post the master lists shortly after it receives them.
- *Trade secret claim procedures (245.720(c)).* There are numerous terms and concepts pertinent to the trade secret determination process that require further elaboration in the rules. These include, among others, a definition of "competitive value," and a description of the type of showing that must be made to demonstrate that the information at issue has such value. The US EPA EPCRA regulations at 40 CFR 350 subpart A provide valuable guidance for fleshing out the language of the Act, in ways that are entirely consistent with

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it. We recommend in particular that the Department review the detailed showing required in 40 CFR 350.7, and import those requirements here as appropriate.

Section 245.810 Surface Equipment Pressure Testing

- *Anticipated surface treatment pressure (245.810(b)).* The Department should specify that the injection lines and manifold, associated valves, fracture head or tree and any other wellhead component or connection not previously tested must be tested with fresh water, mud, or brine to 110% of the maximum anticipated surface treatment pressure.

Section 245.815 Notice and Approval Before Commencement of High Volume Horizontal Hydraulic Fracturing Operations

- *Plugging of abandoned wells (245.815(b)).* The Department should clarify what specifically the permittee needs to show in order to establish that it properly plugged the abandoned wells as required.

Section 245.825 General Fluid Storage

- *"Compatible" (245.825(a)(2), (c)(1)).* The regulations should clarify what is "compatible" for purposes of provisions that tanks and "piping, conveyances, ...must be constructed of materials compatible with the composition of the fracking fluid...." Specifically, the Department should clarify that "compatible" includes being resistant to corrosion, erosion, swelling, or degradation that may result from such contact.
- *Corrosion inspection (245.825(a)(5)).* The Department should define what is meant by the requirement that above-ground tanks be "routinely" inspected for corrosion, *i.e.*, specify a time interval.
- *Secondary containment (245.*825(b)). The Department should require that secondary containment be designed and constructed in accordance with good engineering practices, including: (a) Using coated or lined materials that are chemically compatible with the environment and the substances to be contained; (b) Providing adequate freeboard; (c) Protecting containment from heavy vehicle or equipment traffic.

Section 245.830 Reserve Pits

- *Overflow prevention (245.830(b)(3)).* This section should specify that "good engineering practices to prevent overflow" include secondary containment and leak monitoring systems.

Section 245.835 Mechanical Integrity Monitoring

- *Continuous monitoring (245.835(a)).* This section should require that the continuous monitoring and recording of the pressures in each well annuli, surface injection pressure, slurry rate, proppant concentration, fluid rate, and the identities, rates, and concentrations of all additives (including proppant).

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- *Cessation of operations (245.835(b)(1)).* This is confusing. Recommended language is as follows:

  If during any stimulation operation the annulus pressure:

  (i) increases by more than 500 pounds per square inch as compared to the pressure immediately preceding the stimulation, or
  (ii) exceeds 80% of the API rated minimum internal yield on any casing string in communication with the stimulation treatment,

  the operation must immediately cease, the operator must take immediate corrective action and orally notify the authorized officer immediately following the incident.

- *Remedial action (245.835(c)).* The Department should also clarify that the "remedial action" required in such circumstances under this subsection must include an evaluation of whether contamination may occur (specifically, operators must take all necessary steps to evaluate whether injected fluids or formation fluids may have contaminated or have the potential to contaminate any unauthorized zones). If that assessment indicates that fluids may have been released into protected water or any unauthorized zone, the regulations should require that operators notify the Department within 24 hours, take all necessary steps to characterize the nature and extent of the release, and comply with and implement a remediation plan approved by the Department. If such contamination occurs in protected water that serves as a water supply, the Department should require that a notification be placed in a newspaper available to the potentially affected population and on a publically accessible website and that all known users of the water supply be individually notified immediately by mail and by phone.

Section 245.845 Management of Gas and Produced Hydrocarbons During Flowback

- *"Economically unreasonable" (245.845(c)).* The term economically unreasonable needs to be defined with specific criteria. Without further definition, the term will function as an all-purpose loophole from methane capture requirements. Economic criteria that should be considered should include, at minimum, (1) the direct cost to channel the gas into a gathering pipeline for sale, to use the gas for onsite energy generation, or to transport to a facility where the gas could be used as an industrial input (e.g., fertilizer production); (2) the value of the gas that would be lost if flared (i.e., direct value loss to the operator for not directing it to a pipeline for sale, the savings to the operator resulting from using the gas, instead of another fuel, for onsite energy generation, etc.), and (3) the health and environmental costs resulting from flaring pollution (including, *e.g.*, methane pollution, ozone pollution resulting from combusting the volatile organic compounds contained in the gas).
- *Flaring waiver criteria (245.845(c)(1) and (2)).* The general criteria for when a waiver of the flaring requirement is appropriate should be further defined.
- *Reliable continuous ignition source (245.845(e)).* The Department should require that all completion combustion devices contain auto-igniters (devices which will automatically

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attempt to relight the pilot flame in the combustion chamber of the completion combustion device).

- *Monitoring and Reporting.* The Department should mandate specific monitoring and reporting measures to be taken by the permittee to ensure compliance with the requirements of this subsection and the Act. For example, if a completion combustion device is being used, the Department should direct permittees to: (1) visually inspect or monitor the completion combustion device to ensure that it is operating properly; (2) visually inspect the auto-igniter to ensure it is functioning properly; and (3) report the date and duration of any period where the completion combustion device is not operating properly, and, when that occurs, the timing of and efforts made to restore operation of the device.

Section 245.850 Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal or Recycling, Transportation, and Reporting Requirements

- *Flowback water testing requirement (245.850(d)).* Some additional specificity is needed concerning the testing of flowback water. It appears that the Department merely copied the list of chemicals required to be tested for in groundwater under Section 1-80 of the statute and applied them here, which does not make scientific sense. The list of groundwater chemicals to be tested for are specifically intended to be indicators of underground migration. Constituents that should be tested for in the flowback water include, at minimum, the following:

    - The Department should require testing for, in addition to the substances listed: BTEX, Al, As, Ba, Ca, Cd, Cl-, Co, Cr, Cu, F-, Fe, HCl, HCO3-, H2S, HF, K, Mg, Mn, Nitrate, Nitrite, Na, Ammonia, Ni, Pb, Se, SO4, Zn, Radionuclides: Alpha, Beta, Ra226, Ra228, and U.
    - The Department should specify that the test of flowback should take place near the end of the flowback period (in order to better reflect the composition of produced water from the well).

- *Testing for radioactivity (245.850(3)).* The rules should specify what should be done in response to a positive hit for radioactivity. Information concerning this testing should also be included in the completion report.
- *Fluid handling report (245.850(k)(2)).* This report should be posted on the Department's website.

Section 245.900 Managing Natural Gas and Hydrocarbon Fluids During Production

- *"Cost effective" (245.900(e)).* The term "cost effective" needs to be defined. The Department should clarify that "cost effective" refers to cost efficiency (cost/ton of emission reduction), or at minimum require evaluation of the cost of emissions (*i.e.*, costs to health and environment), not just cost of capture equipment.
- *Reliable continuous ignition source (245.900(f)).* As with the flowback phase, the Department should require that all flares be equipped with auto-igniters (devices which will automatically attempt to relight the pilot flame in the combustion chamber of the flare).

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- *Monitoring and Reporting.* Also as with the flowback phase, the Department should mandate specific monitoring and reporting measures to be taken by the permittee to ensure compliance with the requirements of this subsection and the Act. For example, if a flare is being used, the Department should direct permittees to: (1) visually inspect or monitor the flares to ensure that they are operating, including that the pilot light is lit; (2) visually inspect the auto-igniter and valves for piping of gas to the pilot light, to ensure they are functioning properly; and (3) report the date and duration of any period where the flare is not operating properly, and, when that occurs, the timing of and efforts made to restore operation of the flare.

Section 245.910 Uncontrolled Emissions from Storage Tanks Containing Natural Gas and Hydrocarbon Fluids

- *Manufacturer Specifications.* In order for the Department to ensure that the permittee is maintaining and operating the flare to which storage tank emissions are routed in accordance with the manufacturers' specifications, as required by this subsection and Section 1-75(e)(6) of the Act, the regulations should require that all permittees submit the flare manufacturer specifications to the Department, and that those specifications be posted on the Department's website.
- *Reliable continuous ignition source (245.910cf)).* As with flowback and production flares, the Department should require that all flares to which storage tank emissions are routed be equipped with auto-igniters (devices which will automatically attempt to relight the pilot flame in the combustion chamber of the flare).
- *Monitoring and Reporting.* Also as with flowback and production flares, the Department should mandate specific monitoring and reporting measures to be taken by the permittee to ensure compliance with the requirements of this subsection and the Act. For example, the Department should direct permittees to: (1) visually inspect or monitor the flares to ensure that they are operating, including that the pilot light is lit; (2) visually inspect the auto-igniter and valves for piping of gas to the pilot light, to ensure they are functioning properly; and (3) report the date and duration of any period where the flare is not operating properly, and, when that occurs, the timing of and efforts made to restore operation of the flare.

Section 245.930 Annual Flaring Reports

- *Need for continuous monitoring.* This section, requiring annual reporting, impliedly requires continuous monitoring of flaring in order to provide the information for the annual reports. However, that continuous monitoring requirement should be made explicit, to ensure that permitees to not simply estimate volumes of gas flared using questionable assumptions.

Section 245.1020 Restoration of Lands Other than the Well Site and Production Facility

- *Inappropriate contractual waiver.* This section inappropriately allows a landowner to waive restoration requirements. The statute does not provide for such an exception, with good reason. Many of the required restoration activities, such as measures to prevent soil

015349

erosion, affect neighboring properties as well. Basic restoration measures should be universally required, regardless of the desires of any particular landowner.

Section 245.1110 Notice of Violation

- *Specification of grounds for suspension (245.1110(b)(3)).* This section requires that the notice of violation specify the grounds for suspension, but does not reference all of the bases for suspension identified in Act section 1-60. It states that the notice must specify, "a factual explanation indicating a significant threat to the public health, aquatic life, wildlife, or the environment if the permit operation is allowed to continue," but this is only one of the 6 grounds listed for suspension or revocation in section 1-60(a).

Section 245.1120 Director's Decision

- *Criteria for consideration of violations (245.1120(a)(3)(A)).* A previous violation should not cease to be counted in the Director's evaluation of a notice of violation merely because it is more than 2 years old. There is no reason violations should "expire" in this manner. We would not object to giving earlier violations less weight in consideration, but do object to excluding them entirely. Additionally, it is important to sure that the Director considers violations by a permittee operating under a different LLC.
- *Magnitude of fines (245.1120(c)).* These fines are miniscule, and will have no meaning at all for enormously profitable drilling operations. They should be increased significantly.
- *Per day maximum (245.*1120(c)) It must be made clear that the maximum fine (aside from the fact that it needs to be higher) applies *per day, per violation*, to avoid a reading whereby the maximum would apply per day no matter how many separate violations occurred that day.
- *Drilling without a permit (245.1120(c).* This subsection could be read to allow drilling without a permit to be punishable by administrative fine. This would be completely inappropriate, as the statute (and draft rules) provide that such conduct should be addressed through criminal enforcement.
- *Settlement agreements (245.1120(i)).* This section inappropriately limits the Director's possible actions to relaxing the terms of a prior decision. Among other things, this language would limit the Director's ability to impose more stringent terms as a tradeoff for the relaxation of other terms.

Section 245.1130 Director's Decision Hearings

- *Criteria for a stay of suspension (245.1130(d)(2)).* As with the criteria for suspension set forth in 245.1110(b)(3), this section identifies only one of the 6 grounds for permit suspension set forth in 1-60(a). It may be that the permit was suspended for reasons unrelated to 1-60(a)(6), the criterion identified here, and hence the suspension should not be stayed by a showing that the applicant is in compliance with only that criterion.

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Act Section 1-110 Public information; website. (No currently-drafted regulations address this statutory section)

The Department should specify that all information posted on the Department's website will be posted in a user-friendly, easily searchable form to facilitate transparency and utility of that information to the public.

Thank you for the opportunity to submit these comments. As stated above, we urge you not to compound the problems with the draft rules by rushing through a response to public comments. We hope that our comments are helpful to you, and that you will take the time necessary to address them.

Very truly yours,

Ann Alexander
Senior Attorney, Midwest Program
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Jennifer Cassel
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January 3, 2013

Robert G. Mool
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Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Mr. Bill J. Fleming
141 N. Julian Street
Naperville, IL 60540
(630) 357-6527

UI3344

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Ginnie Judd
5408 Benton Ave
Downers Grove, IL 60515
708-838-2815

013345

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

My family and I are very disturbed to learn that the Illinois Department of Natural Resources has drafted regulations that are inconsistent with the law enacted by the State of Illinois and that undermine its basic protections. Your have an obligation to act in the best interests of the citizens of Illinois. Weakening this legislation is completely contrary to this obligation.

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fufill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Jane Drews
506 N Crestwood Ave
McHenry, IL 60051

013346

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Barry A. Bursak
2338 W. Argyle St.
Chicago, IL 60625
773-293-7080

013347

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Jenninfer Packheiser
629 Wenonah Ave
Oak Park, IL 60304
708-445-1885

013343

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Springfield, IL 62702-1271
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Sincerely,

Mr. Brooks Darrah
1400 E. 57th St.
Chicago, IL 60637
773-505-3326

013349

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Mrs. Veronica D. Kyle
2621 E 74th Place
Chicago, IL 60649
312-733-4640

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Ms. Virginia Wiltshire-Gordon
1116 Greenwood Ave.
Wilmette, IL 60091
847-251-3267

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Carol H. Schneider
1719 E 54th St. #3
Chicago, IL 60612
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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Mrs. Gail Wisniewski
3905 Bordeaux
Hoffman Estates, IL 60192

013353

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Leslie Peet
4 Carlisle on Duxbury
Rolling Meadows, IL 60008
(847) 991-7256

013354

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith and a conservationist I believe that IDNR has an ethical and leadership obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 UNDERMINE the law and do not adequately fufill IDNR's ethical and legal obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person who lives in Illinois, and I submit this letter to emphasize changes needed for the rules.

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. It is requisite for a tax-payer supported agency like IDNR to make sure the rules are strengthened, not full of loopholes to protect me and all Illinois residents, and generations to come.

Sincerely,

Peggy Simonsen
488 West Center Road
Palatine, IL 60074

013355

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Rodney Erickson
829 Foster St., Apt. 409
Evanston, IL 60201
(847) 475-7043

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Jeanne Foley
5836 Stony Island Apt 5D
Chicago, IL 60637
773-306-8421

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faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Jay Jayapalan
1215 Brandywyn Lane
Buffalo Grove, IL 60089
(847) 632-4031

U13353

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Angelyn Vanderbilt
7800 S Paxton
Chicago, IL 60649
(773) 203-4146

013559

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Fran G Sowa
2742 W. 97th Pl.
Evergreen Park, IL 60805
708-423-6392

013369

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms Karen E E Smith
1653 Kensington Ave
Westchester, IL 60154

013361

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Micah Bennett
1222 Midway Ct
Marion, IL 62959

0133362

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. As a public agency, IDNR has a responsibility to all of the public, not just those who derive a profit from the oil and gas industries.

The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,
Ms. Maggie McGuire
448 W. Surf St.
Chicago, IL 60657
773-871-8649

ui3363

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Additionally, please remember the DNR is responsible to protect our natural resources and heritage-- these resources are our life support system and are fragile. Once harmed- clean up is next to impossible.Fracking is a very scary experiment we are allowing to God's Creation. It is ethically and morally necessary for you all to get this absolutly right- error on the side of extreme caution and the well -being of your grandchildren. Don't forget that you have been selected to protect the beauty of this land as well.

Thank you for your immediate attention to this dire matter and I look forward to your response.

013364

Sincerely,

Ms. Leslie Krebs
249 Ash St
Crystal Lake, IL 60014
815-444-1058

013365

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Charles R. Evans
2711 Carrelton Drive
Champaign, IL 61821
217-840-9454

013366

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Sincerely,

Sr. Sue E Kilduski
7430 N. Ridge Blvd.
Chicago, IL 60645
773-764-2413

013367

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Leila O. Shooshani
6418 N Glenwood
Chicago, IL 60626
561-926-2735

013368

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Dara Reiff
2738 N. Pine Grove Ave.
Unit 1106
Chicago, IL 60614

0113369

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Sincerely,

Jamie Johannsen
1623 Pleasant View Ct.
Rockford, IL 61107

0i3379

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Springfield, IL 62702-1271
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Sincerely,

Jim Roberts
401 Paris Av.
Rockford, IL 61107

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Sincerely,

Ms. Susan Himmelfarb
711 Superior Street
Oak Park, IL 60190

UI3372

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Rev. Clare Butterfield
108 E. 32nd Street
Chicago, IL 60616
773-395-1991

013373

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Nancy L. Cowger
1538 Heather Ct
Wheeling, IL 60090
847-477-5689

013374

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Gladys N. Bryer
550 Sheridan Sq. Apt 2G
Evanston, IL 60202
(847) 328-9531

013375

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

The letter below has been copied from a template, but I share the concerns expressed one-hundred percent. We cannot afford to get the regulations wrong on this - future generations depend on it. There is no going back once our water has been polluted and people's health destroyed. Moreover, the IDNR has an obligation to implement the recent law on fracking in the true spirit of the law, of which these regulations fall far short.

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,
Dr. Beth Rempe
8 Bel Air Ct
Champaign, IL 61820
217-352-1394

013376

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

I have worked for the oil industry for 28 years. I have seen the environmental effects of oil and gas production in West Texas, Oklahoma and Alberta Province. The environmental damages that I saw could have easily been avoided by stringent regulation and enforcement. Through strong regulation in Illinois, it will be possible to protect the environmental and human health while providing sufficient profitability to industry to assure that fracking will remain viable .

The IDNR has an ethical obligation to protect drinking water and public health. Without strong rules regulating the process of fracking, drinking water and public health may be seriously affected for future generations in many areas of Illinois. That's why it's important for IDNR to get Illinois' fracking rules right. The rules proposed by IDNR on Nov. 15 may undermine the law and do not adequately fulfill IDNR's obligation to protect drinking water and public health. As an Illinois resident and a person of faith, I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. The way the draft rules are written, this information may not be readily available. IDNR draft rules would give the department "discretion" over when to share the information. IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of surface water and groundwater pollution. Those are huge loopholes. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. Just because some in the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof to Illinois residents if pollution occurs. The industry has a huge amount of resources; residents do not. The law puts the onus on industry to prove whether or not they polluted groundwater. But your rules would limit analysis from a list of over 100 chemicals to only a few "indicator" chemicals. The industry should periodically sample potable groundwater within an area potentially impacted by their injection wells. Monitoring wells should be sampled for hydrocarbons and for all hazardous chemicals injected into the ground. If contaminants are detected, all neighbors within a specified radius should be notified and all potable wells within that radius should be sampled. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

013377

Mr. Harold Primack
9450 Kedvale Ave.
Skokie, IL 60076
847-677-6195

013378

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules which will conform to the law as passed by the legislature and NOT the rules desired by the fracking permit holders.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would change the list from over 100 chemicals to only a few "indicator" chemicals. That's another big loophole in favor of the fracking industry and ignoring the Illinois citizens who might be impacted by the industry's actions. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me, my family, generations to come and Illinois' environmental treasures.

Sincerely,

Ms. Sue Carlson
2679 Stewart
Evanston, IL 60201
(847) 866-7802

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Henrietta T. Saunders
59 Park Drive
Glenview, IL 60025
847-814-2329

013339

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Melissa Miller Miller-Furgeson
6624 N. Rockwell St.
Chicago, IL 60645
773-517-8037

- 013381

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I follow this issue because I have seen the results of fracking in some parts of this of this country. It is disgusting when the dollar is more important than people's lives. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Marsha Balster
411 E Carpenter Dr
Palatine, IL 60074

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Dan Schnitzer
625 W Stratford Pl. 2E
Chicago, IL 60657

013383

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

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Sincerely,

Mr. George Hardebeck
307 E Country Club Rd
Urbana, IL 61801
330-354-1103

013384

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Lois Strzyzewski
1305 Cove Drive
Prospect Heights, IL 60070
(847) 537-3981

013385

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Matt Slade
230 Theodore St
Loves Park, IL 61111

013386

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Rev. Cindy Shepherd
107 E. Jefferson St
Philo, IL 61864
217-684-5343

013387

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Tom Hack
2929 N Neenah
Chicago, IL 60634

013383

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Todd Satterthwaite
502 S. Elm St.
Champaign, IL 61820
217-355-0085

013389

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I and hundreds of others went to Springfield to ask our leaders to regulate Fracking. They agreed with us and passed the legislation. Now it is your job to write the rules. I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Mr Richard Pokorny
1102-B South Maple
Oak Park, IL 60304
708-848-3015

013337

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Janet McDonnell
1322 N Vail Ave
Arlington Heights, IL 60004

013391

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a concerned citizen of Illinois, I believe IDNR has an ethical obligation to protect drinking water and public health. A frac sand mind near Starved Rock State Park that has already damaged the scenic local environment is a foreshadowing of what is likely to occur with uncontrolled fracking in Illinois.The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fuflill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I have spent my entire life in Illinois, and have grown up appreciating its natural beauty and clean air and water. It is very important to me, and I want this environment to be preserved and maintained for future generations. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Amy Allen
610 W Elm, #5
Urbana, IL 61801

013392

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Janet Marie M Piraino
3512 Sigwalt St. Box C40
Rolling Meadows, IL 60008
(847) 699-9603

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Laura Milkert
11351 S. Champlain Ave.
Chicago, IL 60628
630-674-5354

013394

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Sandra Kaptain
749 Scott Dr.
Elgin, IL 60123

013395

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health.

As a thinking human being, I believe sound science not kowtowing to the pressure of special interest groups must guide ALL policy on Fracking in the state of Illinois.

The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law...FROM THE START. NOT AFTER TAX PAYERS GET STUCK WITH YET ANOTHER CLEAN UP BILL.

The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fuflill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand.

And certainly the citizens of Illinois expect IDNR to do it's job and to do it thoroughly.

Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are

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strengthened to protect me and my family, and generations to come.

Sincerely,

Renee Caputo
28w521 Purnell
West Chicago, IL 60185

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public health for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Mrs. Megan Cox
1506 E Fairlawn Dr.
Urbana, IL 61802
574-229-4521

013393

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Marnie Bieser
528 N James St
Tolono, IL 61880
618-580-8854

ui3399

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Laura Davis
2134 Harrow Gate Dr
Iverness, IL 60010
847-394-4275

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faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Hopefully you have received many letters in the format below, but I want to know I think changing the draft at this time and letting fracking be done in this way is appalling. As a Christian, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith and Christian who lives in Illinois, and I submit this letter to suggest changes to the rules.

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect generations to come. I am only in my early 20s and I already like to start a family one day in a healthy world, not one that is being torn apart for shot term benefit.

Sincerely,

Jordan T Hoover
3575 West Shakespeare Ave.
Chicago, IL 60647

013401

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Mr. Glenn Neumann
5701 N. Sheridan Rd., #18B
Chicago, IL 60660

UI3402

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Sincerely,

Mary Peplinski
545 Woodcrest Dr
Mundelein, IL 60060

013403

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Erika D. Dornfeld
6105 S Woodlawn, Apt 3W
Chicago, IL 60637
3124334640

013404

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Happy Thanksgiving! I am one of the original, modern environmental/energy/conservation activists dating back to around the very first "EARTH DAY" (Wednesday, April 22, 1970), over 43 years ago--and still going strong! I have a Bachelor of Science (B.S.) Degree in Biology and Environmental Studies from Dana College, Blair, Nebraska. As someone who has the scientific/technical credentials as well as believing in the "ecological stewardship" of our planet: I believe that the Illinois Department of Natural Resources (IDNR) has an ethical and moral obligation to protect our environmental and public health. The process of oil and gas 'fracking' (hydraulic fracturing/horizontal drilling) threatens the drinking water and public health for this generation, as well as future generations, in southern Illinois. This is why it's important for the IDNR to get the rules right on Illinois' 'fracking' law. The rules proposed by the IDNR on Nov. 15 of this year UNDERMINE THAT LAW, AND CERTAINLY DO NOT ADEQUATELY FULFILL THE IDNR'S MORAL AND ETHICAL OBLIGATION TO PROTECT THE DRINKING WATER AND PUBLIC HEALTH FOR THE RESIDENTS HERE IN THE "LAND OF LINCOLN!!" Because this matters to me as an ecologically-conscientious resident here in Illinois who believes in ethical and moral responsibility, I am submitting this letter to suggest SOME CONSTRUCTIVE CHANGES to the IDNR's proposed gas and oil 'fracking' rules.

First off, the law requires the IDNR to give health workers information about 'fracking' chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about 'fracking' chemicals. LET'S FACE IT--OUR HEALTH IS FAR MORE IMPORTANT THAN A POLLUTING COMPANY'S PROFITS AND BOTTOM LINE! However, the way that the IDNR wrote the proposed oil and gas 'fracking' rules really hurts the flow of this essential and potentially life-saving information. The IDNR's draft rules would give the department "discretion" over when to share the information. Plus, the IDNR asks health workers to contact the IDNR "during business hours" with no promise of immediate response--or, even worse, to contact an unidentified "trade secret holder." This simply is NOT good enough! [Draft Regulations Subpart G, Section 245.730]

Secondly, the law requires that hazardous, chemically- and radioactively-contaminated wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But the IDNR's draft 'fracking' rules would leave room for the oil and gas industries to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow that dangerous wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem! [Draft Regulations Subpart H, Sections 245.830 245.850]

Thirdly, the IDNR's draft regulations would exempt current oil and gas 'fracking' wells. This is a major problem! Just because the gas and oil industries jumped the gun on 'fracking' does NOT mean that they get to pollute indiscriminately. The people of Illinois deserve much better! [Draft Regulations Subpart A, Section 245.100]

Fourth, the IDNR's proposed rules have shifted the burden of proof onto the backs of Illinois residents (such as yours truly) if pollution occurs. The gas and oil industries have a large amount of financial/legal resources; I do not! The law puts the onus on them to prove whether (or not) they polluted my groundwater. But your proposed rules would limit it from a list of more than 100 chemicals to only a few "indicator" chemicals. Seems like another big loophole to me! [Draft Regulations Subpart F, Section 245.620]

Finally, the IDNR's proposed rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize that the agency has limited resources, but this opens the door for oil and gas 'fracking' permit holders to pull a "bait-and-switch"--obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without any public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize that these proposed rules are extremely technical: However, my five points are easy enough for any intelligent lay person to understand.

While gas and oil 'fracking' is risky under the best of circumstances, but the IDNR's draft regulations would make those risks even greater. BECAUSE WE DO NOT HAVE A COMPLETE (AND PERMANENT) STATEWIDE BAN ON ALL 'FRACKING': PLEASE MAKE SURE THAT THESE PROPOSED RULES ARE STRENGTHENED to protect me (as a single guy with no kids), families, and future generations. For Healthier Lifestyles, and a Better Quality of Life, for ALL Illinoisans!

Mr. DENNIS R. NELSON, R. Energy-Environmental Researcher
3817 South Winchester Avenue, 2nd Fl.
Chicago, IL 60609

0134U6

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

The law requires all waste water to be stored in closed tanks, allowing the use of open pits only for one week if unexpectedly huge volumes of waste water come up the well. IDNR's draft regulations allow waste water to sit in open pits far longer than a week and also do not require accurate calculations of tank size.

This needs to be rectified before these regulations can be finalized.

Sincerely,

Ms. Mary Ellen Friedman
Belle Plaine
Chicago, IL 60618

013407

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,
Jim Parks
138 Avon Rd.
Elmhurst, IL 60126

013403

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Patti Walker
RR 2, box 42A
Karbers Ridge , IL 62955
618-294-2737

- 013409

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Steve Huels
804 Prospect Ave
Winnetka, IL 60093
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013419

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mrs. Kristin McKinnon
90 Park Ln.
Lake Bluff, IL 60044
847-234-1925

- 013411

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Marvin Sauder
5314 N. Stenning Dr.
Peoria, IL 61615
(309) 241-8171

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Anne M. Stamps White
300 Wisconsin
Oak Park, IL 60302
708-386-4031

013413

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

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January 3, 2013

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January 3, 2013

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Sincerely,

Ellen Nordhauser
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Edwardsville, IL 62025

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Craig Sadur
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Desplaines, IL 60016

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Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Testimony of the Rev. Dr. Terrence G. Gallagher: 140 S. River St. Unit #301, Aurora, IL. 60506

For the record, I am the Rev. Dr. Terrence Gallagher. I present these comments arising out of the responsibilities of my ministry as a public theologian and I speak from the knowledge, skills and experiences of 32 years in the Chemical industry as an engineer and manufacturing executive.

As a person of faith who is concerned about public health now and for generations to come, I strongly support the effective and stringent regulation of the fossil fuel extraction process known as hydraulic fracturing. The administrative rules to govern the fracturing extraction process as currently written fall well short of being an effective regulation which protects the environment for current and future citizens of the state of Illinois.

Prior to entering the ministry, I spent over 30 years in the chemical industry, originally as an engineer and ultimately as the Plant Manager of two chemical plants. I was in that role during some of the most active days of new pollution and safety requirements being implemented by the Federal EPA and State regulators. To be honest, there were times during those years that I bemoaned the burden of additional regulations similar to business voices that you might be hearing these days. But also to be honest, in retrospect, those regulations made us better as an industry. The results were better for our employees & neighbors certainly but also for our bottom lines as we were forced to grow in technological innovation as a result.

In the limited time that I have been allowed to speak to you, I would like to focus on the concept of allowing waste water and the associated chemical additives to sit in open pits at the well site. Frankly this is a startling aspect of the rules which harkens back to embracing the technological advances of the 19th century. Its' like going to Doctor and having him treat your infection by draining your blood to get the bad spirits out. Surely as a society we have advanced beyond the technological boundaries of just spilling toxic chemical mixtures into an open pit. In this day and age of MACT standards, you wouldn't allow a chemical manufacturing facility to do it so why would you grant such a variance to the world's most profitable industry? Open pits without adequate safeguards to protect the air, soil and water resources of this great state is a frankly an embarrassment to the engineering capabilities of the 21st century.

As a Plant Manager, I would never have permitted this type of a response to be utilized on any property that I was responsible for. It is both unethical as well as uneconomic in the risks that such antiquated techniques would expose our society to. Handling these waste streams effectively does not require new knowledge or unproven technology. After decades of developing the hydraulic fracturing process, there is an experience base and a knowledge basis sufficient to calculate and install adequate tankage with pollution control systems such that these hazardous waste streams do not enter our environment. If a particular drilling company insists that the limit of their technology is to spill the toxins into an open pit then you need to deny them an operating permit. Faced with this result, I think you will find their technical capabilities suddenly expanding. In truth the only element lacking is not technology but a willingness to invest in the capabilities to do this process without harming the environment.

In our better moments as a society, we take actions to create agencies to enact rules and controls to protect the health of current and future citizens of this great state and guard the resources of this land. That's your responsibility, that's where you, the Illinois Department of Natural Resources have a critical role in the future well- being of our society. Lately you have been taking a lot of ill-conceived negative criticism for this role. Powerful voices of ignorance and of greed have been raised against you and I fear that you have become timid as a result. I am here today to encourage you to be bold in your efforts to protect us.

I have found it fascinating to observe that every major religion in the world has some form of the "Golden Rule". That is the rule which proclaims the life value of "do unto others as you would have them do unto you". There is something about this rule that just resonates with what it means to be human. I would suggest that it is high time we practiced this rule in light of what we do to our soil, water and air. For in a very real way what we do to others through our polluting these fragile resources, we have in fact done to ourselves. Christian teachings call on us to protect God's Earth and seek justice for our neighbors. This includes people we know and people across the State we may never meet as well as the neighbors who will comprise the generations yet to be born. Implementing effective and stringent regulation of the fossil fuel extraction process known as hydraulic fracturing is a very necessary response to the needs of those who live next to or downstream of these processes both now and into the future.

I would be remiss as a Public Theologian if I failed to point out that there is much more work to do in effectively regulating the pollution gases that come out of this process of hydraulic fracturing, Emissions of methane has been measured at extreme rates at well heads across this country depending on the driller and the technology utilized in the process. As you are aware Methane is a greenhouse gas which is many times more powerful as a global warming agent that CO2. Ultimately, we need to get to the point where we do not allow methane leakage at all.

Some day in the not too distant future, kids will ask why we would knowingly harm their future when we had the technology, the resources and the means to act differently. It will be difficult to look them in the eyes and respond that we simply lacked the willpower to change. To that end, I would encourage the IDNR to shed its current timidity and get serious about protecting our environment from the pollution of hydraulic fracturing process.

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,
Thank you for being willing to listen.

Rev. Dr. Terrence Gallagher
140 S. River
Unit #301
Aurora, IL 60506

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
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bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Dr. M Smerken
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Murphysboro, IL 62966
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January 3, 2013

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January 3, 2013

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Sincerely,

Ms. Fran G Sowa
2742 W. 97th Pl.
Evergreen Park, IL 60805
708-423-6392

013422

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

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Sincerely,

Ann Holt-Harris
911 James St
Geneva, IL 60134

ui3423

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Sr. Norma Toledo
704 Landau Ave
Joliet , IL 60432
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faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Barbara Jilek
2901 w 100th St
Evergreen Park, IL 60805
708-602-3242

013425

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Janet Marie M Piraino
3512 Sigwalt St. Box C40
Rolling Meadows, IL 60008
(847) 699-9603

013426

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I am deeply concerned about care of Earth, its people and its life systems. Thus I regret that Illinois is considering allowing fracking.

Besides my faith, I feel economic interests also require us to invest in energy sources that are sure to last into the future, doing no harm and not risking costly clean-ups. I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law.

The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a citizen of Illinois and a person of faith, and I submit this letter to suggest changes to the rules.

No doubt you are familiar with the list of changes submitted by Faith in Place. I support each one of them.

In addition to the ones they recommend and I heartily support, I also hope there will be provision for local areas to forbid fracking in their area. Informed citizens do not want fracking done anywhere near them.

I earnestly urge you, beg you, actually, to make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Sr. Therese M MacKenzie
7040 N. Sheridan Road #503
Chicago, IL 60626
773-262-1863

013427

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms Pat Dieckhoff
967 Barlina Rd
Crystal Lake, IL 60014

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Kaye Massanari
1107 W Green
Champaign, IL 61821
217-356-4724

013429

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Sincerely,

Ms Karen E Smith
1653 Kensington Ave
Westchester, IL 60154

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faith in place

January 3, 2013

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Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Mr. Richard S Treptow
3905 Tower Dr Apt 204
Richton Park, IL 60471
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013431

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Julie Dorfman
325 Dodge Ave
Evanston, IL 60202
847-869-3848

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

The letter below has been copied from a template, but I share the concerns expressed one-hundred percent. We cannot afford to get the regulations wrong on this - future generations depend on it. There is no going back once our water has been polluted and people's health destroyed. Moreover, the IDNR has an obligation to implement the recent law on fracking in the true spirit of the law, of which these regulations fall far short.

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,
Dr. Beth Rempe
8 Bel Air Ct
Champaign, IL 61820
217-352-1394

013376

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

I have worked for the oil industry for 28 years. I have seen the environmental effects of oil and gas production in West Texas, Oklahoma and Alberta Province. The environmental damages that I saw could have easily been avoided by stringent regulation and enforcement. Through strong regulation in Illinois, it will be possible to protect the environmental and human health while providing sufficient profitability to industry to assure that fracking will remain viable .

The IDNR has an ethical obligation to protect drinking water and public health. Without strong rules regulating the process of fracking, drinking water and public health may be seriously affected for future generations in many areas of Illinois. That's why it's important for IDNR to get Illinois' fracking rules right. The rules proposed by IDNR on Nov. 15 may undermine the law and do not adequately fulfill IDNR's obligation to protect drinking water and public health. As an Illinois resident and a person of faith, I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. The way the draft rules are written, this information may not be readily available. IDNR draft rules would give the department "discretion" over when to share the information. IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of surface water and groundwater pollution. Those are huge loopholes. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. Just because some in the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof to Illinois residents if pollution occurs. The industry has a huge amount of resources; residents do not. The law puts the onus on industry to prove whether or not they polluted groundwater. But your rules would limit analysis from a list of over 100 chemicals to only a few "indicator" chemicals. The industry should periodically sample potable groundwater within an area potentially impacted by their injection wells. Monitoring wells should be sampled for hydrocarbons and for all hazardous chemicals injected into the ground. If contaminants are detected, all neighbors within a specified radius should be notified and all potable wells within that radius should be sampled. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

013377

Mr. Harold Primack
9450 Kedvale Ave.
Skokie, IL 60076
847-677-6195

013373

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules which will conform to the law as passed by the legislature and NOT the rules desired by the fracking permit holders.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would change the list from over 100 chemicals to only a few "indicator" chemicals. That's another big loophole in favor of the fracking industry and ignoring the Illinois citizens who might be impacted by the industry's actions. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me, my family, generations to come and Illinois' environmental treasures.

Sincerely,

Ms. Sue Carlson
2679 Stewart
Evanston, IL 60201
(847) 866-7802

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Henrietta T. Saunders
59 Park Drive
Glenview, IL 60025
847-814-2329

013389

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Melissa Miller Miller-Furgeson
6624 N. Rockwell St.
Chicago, IL 60645
773-517-8037

- 013381

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public health for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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I follow this issue because I have seen the results of fracking in some parts of this of this country. It is disgusting when the dollar is more important than people's lives. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Marsha Balster
411 E Carpenter Dr
Palatine, IL 60074

013382

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Dan Schnitzer
625 W Stratford Pl. 2E
Chicago, IL 60657

013383

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public health for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Mr. George Hardebeck
307 E Country Club Rd
Urbana, IL 61801
330-354-1103

013384

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Lois Strzyzewski
1305 Cove Drive
Prospect Heights, IL 60070
(847) 537-3981

013385

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Matt Slade
230 Theodore St
Loves Park, IL 61111

013386

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Rev. Cindy Shepherd
107 E. Jefferson St
Philo, IL 61864
217-684-5343

013387

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Tom Hack
2929 N Neenah
Chicago, IL 60634

013383

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Todd Satterthwaite
502 S. Elm St.
Champaign, IL 61820
217-355-0085

013389

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I and hundreds of others went to Springfield to ask our leaders to regulate Fracking. They agreed with us and passed the legislation. Now it is your job to write the rules. I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Mr Richard Pokorny
1102-B South Maple
Oak Park, IL 60304
708-848-3015

013397

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Janet McDonnell
1322 N Vail Ave
Arlington Heights, IL 60004

013391

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a concerned citizen of Illinois, I believe IDNR has an ethical obligation to protect drinking water and public health. A frac sand mind near Starved Rock State Park that has already damaged the scenic local environment is a foreshadowing of what is likely to occur with uncontrolled fracking in Illinois.The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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I have spent my entire life in Illinois, and have grown up appreciating its natural beauty and clean air and water. It is very important to me, and I want this environment to be preserved and maintained for future generations. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Amy Allen
610 W Elm, #5
Urbana, IL 61801

013392

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Janet Marie M Piraino
3512 Sigwalt St. Box C40
Rolling Meadows, IL 60008
(847) 699-9603

013393

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Laura Milkert
11351 S. Champlain Ave.
Chicago, IL 60628
630-674-5354

013394

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Sandra Kaptain
749 Scott Dr.
Elgin, IL 60123

013395

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health.

As a thinking human being, I believe sound science not kowtowing to the pressure of special interest groups must guide ALL policy on Fracking in the state of Illinois.

The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law...FROM THE START. NOT AFTER TAX PAYERS GET STUCK WITH YET ANOTHER CLEAN UP BILL.

The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand.

And certainly the citizens of Illinois expect IDNR to do it's job and to do it thoroughly.

Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are

strengthened to protect me and my family, and generations to come.

Sincerely,
Renee Caputo
28w521 Purnell
West Chicago, IL 60185

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mrs. Megan Cox
1506 E Fairlawn Dr.
Urbana, IL 61802
574-229-4521

013393

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Marnie Bieser
528 N James St
Tolono, IL 61880
618-580-8854

013399

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Laura Davis
2134 Harrow Gate Dr
Inverness, IL 60010
847-394-4275

01340

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Hopefully you have received many letters in the format below, but I want to know I think changing the draft at this time and letting fracking be done in this way is appalling. As a Christian, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fuflill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith and Christian who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Jordan T Hoover
3575 West Shakespeare Ave.
Chicago, IL 60647

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Mr. Glenn Neumann
5701 N. Sheridan Rd., #18B
Chicago, IL 60660

01402

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Naomi Gaia
235 High St.
Highwood, IL 60040
(847) 926-3282

013433

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Edward D Hatfield
5828 Kingston Ave
Lisle, IL 60532
630-969-4402

013434

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

MaryJo Mulcahy
4031 Clausen Ave.
Western Springs, IL 60558

013435

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Sincerely,

Ms. Elizabeth B Phillips
1035 Forest
Wilmette, IL 60091
847-256-0245

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Mrs. Deanna L. Whalen
24451 Bantry Dr.
Shorewood, IL 60404

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Sincerely,

Ms. Barbara Vaughan
1726 Hawkins Ave.
Downers Grove, IL 60516

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Ms. Ellen Wehrle
1102-B S Maple Ave
Oak Park, IL 60304
708-848-3015

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faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Sincerely,

Mr. Daniel Puetz
990 N. Cove Drive
Palatine, IL 60067

013449

faith in place

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Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Sincerely,

Ms. Sunny Hall
304 N. Grove Ave.
Oak Park, IL 60302
708-609-2894

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

N Lubin-Johnson
118 E 83rd St
Chicago, IL 60619
773-723-3184

UI3442

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Nancy Sutherland
4039 Central Avenue
Western Springs, IL 60558

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faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms Mary Rose Lambke, M.S., R.N.
643-3 Ontario St.
Oak Park, IL 60302
630-215-6213

EL3444

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Georgetta Weldon Cooper
5050 S East End
Chicago, IL 60615
(773) 324-1102

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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528 N James St
Tolono, IL 61880
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January 3, 2013

Robert G. Mool
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One Natural Resources Way
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Sincerely,

Ms. Jane Rabe
254 Dickens St
Northfield, IL 60093
847-446-0287

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January 3, 2013

Robert G. Mool
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One Natural Resources Way
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Ms. Barbara A Anderson-Morris
3489 Huntington Terr.
Crete, IL 60417
708-279-7061

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January 3, 2013

Robert G. Mool
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Ms. Lindsey Elton
2513 N Sawyer Ave, #2
Chicago, IL 60625

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Wendy Vichick
4039 lawn
Western springs, IL 60558

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Mr. Jerry Herst
325 Dodge
Evanston, IL 60202
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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Springfield, IL 62702-1271
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Mrs. Kristin McKinnon
90 Park Ln.
Lake Bluff, IL 60044
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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Sincerely,

Ms. Claudette Glapion
7933 S Michigan Ave
Chicago, IL 60619

013455

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Joe Cooper
23844 East Brereton Road
Caton, IL 61520

013454

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Miranda Hofelt

Miranda Hofelt
545 Lyman Ave

013455

Oak Park, IL 60304
708-445-1374

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Holly Nelson
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Champaign, IL 61821
217-255-3534

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ora Ferguson
4548 South Leamington Avenue

013457

Chicago, IL 60638

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Jenninfer Packheiser
629 Wenonah Ave
Oak Park, IL 60304

708-445-1885

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Kristina M Entner
622 Fair Oaks Avenue
Oak Park, IL 60302

013459

708-445-8425

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Springfield, IL 62702-1271
bob.mool@illinois.gov

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Ms. Jan Kellogg
1725 Devonshire Dr
Champaign, IL 61821

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217-398-6610

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

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Sincerely,

Ms. Debbie Insana
3001 Brickhouses Road
Urbana, IL 61802

013461

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mr. Curtis L Williams
6815 S Crandon Avenue
Chicago, IL 60649
773-263-4835

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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

I'm very concerned about IDNR's proposed rules that will undermine Illinois' fracking law. As a person of faith, I believe that IDNR has an ethical obligation to keep our water potable and protect public health. The process of fracking threatens public health and drinking water in southern Illinois for future generations. It's critical for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately meet IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. This appears to be another significant loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. Please make sure the rules are strengthened to protect Illinois citizens for generations to come.

Sincerely,

Ms Susan Ross
326 Ashland Ave
Evanston, IL 60202

013463

847-328-2634

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Regina Bergstrom
3426 Prairie Avenue
Brookfield, IL 60513

013464

708-485-4212

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

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Sincerely,

Mary Muraski-Stotz
10850 Martindale Drive
Westchester, IL 601548

013465

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of hydraulic fracturing threatens drinking water and public health for future generations in Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Second, the law requires that dangerous waste-water to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow waste-water to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Hydraulic fracturing to extract natural gas is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Mr. James L Ellis
209 S Poplar St
Urbana, IL 61802
217-344-0581

013466

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mrs. Angela E. Watkins
8222 S. St. Lawrence Ave
Chicago, IL 60619
773-807-2130

013467

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Mrs. Patty Ryhkus
1779 N 1400 E Rd
Taylorville, IL 62568
217-820-1400

013463

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

William Bromer
1509 N. William St
Joliet, IL 60435

013463

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Fracking is a travesty, an evil travesty to line the pockets go the gas companies (etc) at the cost of destroying the environment and people's health. Not to mention their homes and property values. All to gain a FEW YEARS more of our profligate, wasteful way of living.

Native Americans and other indigenous peoples knew how to live IN HARMONY WITH the land so as to preserve its resources. They had in mind seven generations when they considered the consequences of their actions. We have forgotten that the land is our home, our only home. We are not considering the consequences for next week, let alone for seven generations.

I am particularly concerned about tracking releasing radioactivity from deep within the earth. Damage from radioactivity will last not just seven generations, but more than 700 generations.

STOP FRACKING NOW!! AND FOREVER!!

Furthermore:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ms. Carolyn Treadway
712 N School
Normal, IL 61761

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, taxpayer and voter, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fuflill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,
Sarah Batka
11758 S Artesian Ave

013472

Chicago, IL 60655

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Marjorie Stueckemann
611 Harvard Lane
Libertyville, IL 60048

U13473

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,

Ms. Lindsey Hammond
111 W. Jackson Blvd., Suite 820
Chicago, IL 60604
(312) 673-3841

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

It is amazing to me that any responsible person would jeopardize our future and current water supplies to facilitate an extraction business. Rules proposed by IDNR to "regulate" fracking are inadequate. The first and greatest rule should be Do No Harm to people and to the land.
As a person of faith, I believe you, personally, and IDNR have an ironclad ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. Please, get the rules right on Illinois' fracking law. If you error, it should be completely on the side of caution. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

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Sincerely,
Sue Harney
1218 Timber Dr.

Sleepy Hollow, IL 60118

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,
Edward Teune
504 Du Pahze Street
Naperville, IL 60565
630-913-7850

013476

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Carrie Landreth
1424 Washington St
Lake in the Hills, IL 60156

U13477

faith in place

January 3, 2013

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Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I also heard that some companies are trying to ship contaminated wastewater from their tracking sites across the Great Lakes. Please don't ever let something like this happen to our main source of drinking water.
[Draft Regulations Subpart H, Sections 245.830 245.850]

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Sincerely,

Ms. Diane Gioe
733 Holly Drive

Bartlett, IL 60103
630-830-6319

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Linda Akin
35981 355th Ave
Giggsville, IL 62340

013489

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Denise Sepos
1213 Yorkshire La
Barrington, IL 60010

013481

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
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Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mrs. Nancy Wedow
228 N Middleton
Palatine,, IL 60067

U13482

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
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Springfield, IL 62702-1271
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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Brian Smith
1010 Lake Ave
Wilmette, IL 60091

013483

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fuflill IDNR's ethical obilgation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and I submit this letter to suggest changes to the rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Sincerely,

Ms. Cynthia Grau
412 Lake Ave
Park RIdge, IL 60068
847-384-8136

013484

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. I believe that the rules as proposed inadequately protect the health and drinking water in Illinois.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. IDNR draft rules disregard the law and would give the department "discretion" over when to share the information. Plus, the way the rule is written--health workers are asked to contact IDNR "during business hours" with no promise of immediate response or, even worse, to contact an unidentified "trade secret holder"--is ineffective in meeting the law's critical intent in this provision: helping health care providers make informed treatment decisions. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. The draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. There is no proposed time limitation on open pits, greatly increasing the risk of water pollution. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is unacceptable; all operations must be subject to state regulations.[Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules shifts the burden of proof of pollution around wells from those who profit from fracking (as provided in the law) to Illinois residents whose groundwater is at risk from fracking. This is totally unaccaptable! Furthermore, the rules should apply to a broad swath of dangerous chemicals, not just a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. If limited state government resources is the issue, why not write a rule that requires the permit applicant to bear the cost of public notices and hearings? [Draft Regulations Subpart C, Section 245.330]

Fracking is risky! PLEASE make sure the rules are strengthened to protect the drinking water and health of my fellow Illinoisans.

Sincerely,

Krista Grimm
558 N Edgewood Ave.
La Grange Park, IL 60526

013485

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January 3, 2013

Robert G. Mool
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One Natural Resources Way
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Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Ginger Carney
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January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
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bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Rev. Joseph Johnson
6210 N. Washtenaw Ave #2
Chicago, IL 60659
(773) 561-6422

013487

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Nan Holda
216 edgebrook Dr
Champaign, IL 61820

013483

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Mary Peplinski
545 woodcrest Dr
Mundelein, IL 60060

013489

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Curt Peterson
22 Covington Rd
Fox Lake, IL 60020

013493

faith in place

January 3, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

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Sincerely,

Ms. Sarah J Coulter
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Chicago, IL 60660
312-925-2135

013491

013492

The Nature Conservancy
Protecting nature. Preserving life.
nature.org

Susan Donovan
The Nature Conservancy
8 S. Michigan Avenue, Suite 900
Chicago, IL 60603

January 2, 2014

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

Dear Mr. Mool:

Below are comments on behalf of The Nature Conservancy in Illinois concerning the proposed rules implementing the Illinois Hydraulic Fracturing Regulatory Act. In accordance with the Department's request for public comment, we offer the following:

The applicability of the regulations in Section 245.100 does not take into consideration the potential for technological advances or alternative practices in fracturing which could create loopholes and ultimately undercut many of the protections that the law was intended to provide. For example, the use of "base fluids" other than water (such as nitrogen gas, liquefied propone gas, foams or acids) could result in fracturing operations that fall outside the technical definitions of the regulations (such as falling under the 80,000 gallons per stage threshold for a "high volume horizontal hydraulic fracturing operation").

The draft regulations raise specific concerns of public health.

- Section 245.110 - The definition of "affected patient" and the limits on disclosure of chemicals create a challenging, if not impossible, standard for a health professional to make a diagnosis if the chemicals to test for are unknown. In order to qualify as an "affected patient" to obtain the chemical disclosure, a diagnosis is required – yet, the chemical disclosure is needed in order to make a diagnosis. Further, the disclosure to the health professional by the Department should be mandatory (not discretionary as the regulations indicate), and a process should be provided for a health professional to obtain the disclosure directly from the Department in an emergency outside of "normal business hours." The health professional should not have to pursue the information from a reluctant permittee, who is presumably the "trade secret holder." The proposed regulations also do not provide a means for identifying the trade secret holder and his/her emergency contact information.

- Section 245.300 – The statute provides that the permit may be granted only if the operations "will be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." However, the proposed regulations only require a reasonable expectation that the operations will be conducted in this manner. This change from the mandate of

the statute to a reasonableness standard in the regulations diminishes the express protection the law was intended to provide.

- Section 245.620 - The presumption of water pollution by the permittee as outlined in the statute is diminished in the draft regulations by limiting the permittee's burden of proof to a very limited prescribed listing of chemicals. Public health and protection of the water supply are too important to shift the burden to the community to prove the cause of water pollution, particularly where chemical disclosures by the permittee are withheld.

The law recognizes the importance of protecting wildlife, yet the regulations are largely ineffective in creating any meaningful protection. Some areas in the regulations where wildlife protection should be included:

a. Section 245.110 - For clarity in the regulations, the definition of wildlife should include aquatic life and should also include the flora, fauna and habitat on which the wildlife depends for survival.
b. Section 245.110 - The definition of water pollution fails to consider impacts to wildlife habitat.
c. Section 245.210 - The Well Site Safety Plan should address proper safety measures for minimizing impacts to wildlife and aquatic life.
d. Section 245.310 - A basis for denial of a permit should include significant impacts to wildlife or aquatic life (and their habitat) rather than just in the instance of an "emergency condition."
e. Section 245.830 - Reserve pits should include specifications for protecting wildlife, including fencing and cover netting to keep livestock, birds and other wild animals from gaining access.

Reserve pits are specified in the law to be used only in an unanticipated event, but the regulations potentially open the door to regular use without adequate controls. Sections 245.210 and 245.830 do not provide controls on what is intended by an unanticipated event or what minimum size of tanks are required based on anticipated gallons. And although the statute allows for "temporary" storage upon an unanticipated event, Section 245.850 allows the reserve pit to be used until the fracturing operations are completed -- thereby frustrating the intention of "temporary." As to the reserve pit itself, Section 245.830 should require leak monitor systems with alarms, as well as precise second containment in the event of overflow from weather events or otherwise. Also, as stated above, Section 245.830 should also require that reserve pits include fencing and cover netting to keep livestock, birds and other wild animals from gaining access.

Produced water should be subject to the same regulations and oversight as flowback fluids (Section 245.850, 245.855, 245.860, 245.940). Conceptually, flowback fluid is the fracturing fluid that is injected into the well, whereas produced water naturally occurs in the geologic formation. However, distinguishing flowback from produced water is nearly impossible—flowback and produced water can be commingled for some time after the fracturing operations are completed, and even after production begins. The regulations treat produced water as if it is less hazardous than flowback fluid, when in fact both are potentially hazardous and may include heavy salt, NORM, metals and hydrocarbons, radioactive elements, chemical additives, VOCs, etc. Moreover, fracking fluid continues to flow out of the well along with produced water after oil and gas production commences. For these reasons, we do not think that the regulations should make a distinction between the two, but rather the rules should apply consistently to all waste fluids from wells, irrespective of whether they are theoretically flowback fluid or produced water.

Private property rights are not adequately represented. The definition of "landowner" in Section 245.110 includes the "holder of the beneficial interest under a land trust" and should also expressly include the holder of a conservation easement. In addition, the rights of landowners throughout the

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regulations (ex. Sections 245.210, 245.250, 245.270) are largely limited to only those with a "surface interest." As a result, the private property rights of other "landowners" who hold rights that could be impacted by the regulations are not taken into account. Also, the Department's discretion in Section 245.270 on the location of the public hearing outside of the county where the well is located should be limited to a causal basis and should accommodate the participation of interested and affected parties (who may be unable to travel to the hearing location if it is far from the county where the well site is located).

Additional significant concerns:

- Section 245.210 - Well site safety plans should include provisions on security of the site and how breaches will be avoided.
- Section 245.210 - Contractors of the applicant who are conducting the hydraulic fracturing operations should be subject to the same standards and disclosures as the applicant (such as violations report).
- Section 245.230, 240, 250, 260 – The 60-day review period and public notice and comment periods should not start until the application is considered complete and free of deficiencies.
- Section 245.270 - The landowners along a certain length of the access routes (for example, 5 miles of the well site) should be noticed and provided an opportunity to be heard.
- Section 245.300 - The Department should be required to consider water management plans of the state and county in making permit decisions.
- Section 245.400(a)(5) should include the 750 feet as measured from the closest boundary line of the nature preserve.
- Section 245.600 should require the permittee to provide an express statement to the Department and Agency indicating whether or not the testing indicated concentrations that exceeded the standards or criteria.
- Sections 245.850, 245.940 - Transportation reports should include amounts of wastewater leaving the well site and amounts arriving at destination, with any losses accounted for.
- Section 245.900 should require flaring systems to include visible and audible alarms in the event of loss of combustion, together with reporting requirements in that event.
- Section 245.1120 - Administrative penalties are woefully inadequate to encourage compliance, and in many instances will cost more for the state to process than to pursue.

Thank you for your consideration of our recommendations for improving the proposed rules implementing the Illinois Hydraulic Fracturing Regulatory Act. We appreciate the opportunity to submit our comments and hope our input is helpful.

Sincerely,

Susan Donovan
Director of Government Relations

013495

ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

Jan. 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool,

This package contains 36 public comment letters collected by the Environmental Law & Policy Center (ELPC) regarding the Illinois Hydraulic Fracturing Regulatory Act Draft Implementing Regulations. ELPC collected these letters through an electronic third-party system and did not modify the language chosen by each individual.

Please note that these letters are in addition to the 279 letters that we shipped to you previously. **As discussed by phone with your administrative assistant, Ronda Brown, we understand that any comments post-marked by the Jan. 3rd comment deadline will be accepted.**

As with our previous shipment dated Jan. 2, 2014, we are submitting print versions of the original comments submitted by each individual and expect them to be included in the official public record for this rulemaking. If it would be helpful, we would be happy to also provide a Word document with these same comments.

For your convenience, we have provided a spreadsheet with the contact information of each person who submitted a public comment through our system. We have also distinguished between letters that utilized language from resources we provided and letters that were drafted separately. Whenever possible, these letters include specific references to the draft regulation's relevant subparts and sections.

I would greatly appreciate if you could confirm your receipt of these materials. I can be reached at kcoleman@elpc.org or (312) 795-3710.

Thank you in advance for your time and assistance.

Sincerely,

Katie Coleman
Environmental Law & Policy Center

RECEIVED
JAN 0 6 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

35 East Wacker Drive, Suite 1600 • Chicago, Illinois 60601
(312) 673-6500 • www.ELPC.org
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Columbus, OH • Des Moines, IA • Jamestown, ND • Madison, WI • St. Paul, MN • Sioux Falls, SD • Washington, D.C.

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From: (312) 795-3710
Katie Coleman

35 E Wacker Drive
Suite 1600
Chicago, IL 60601

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Robert G. Mool
IL Dept of Natural Resources
One Natural Resources Way
Office of Legal Counsel
SPRINGFIELD, IL 62702

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26 Public Comment Letters Submitted to IDNR via ELPC's interface (same language)

First_Name	Last_Name	Street	City	Sta	ZIP	Response_Date
Ginger	Carney	6451d N Northwest Hwy Apt 5	Chicago	IL	60631-1475	1/2/2014 18:55
Robert	Chesrow	1442 Waukegan Rd	Deerfield	IL	60015-2209	1/2/2014 11:11
Robert	Chesrow	1442 Waukegan Rd	Deerfield	IL	60015-2209	1/2/2014 11:11
Christine	Del Priore	1117 W Belmont Ave Apt 2	Chicago	IL	60657-3312	1/2/2014 12:14
Samuel	Feinsmith	3551 Davis St	Evanston	IL	60203-1615	1/2/2014 13:13
Tim	Fossa	1339 Hunter Dr	Bartlett	IL	60103-1828	1/3/2014 5:32
carol	freeman	2516 Waukegan Rd	Glenview	IL	60025-1774	1/3/2014 13:03
Tim	Frick	4001 N Ravenswood Ave Ste 40	Chicago	IL	60613-2576	1/2/2014 11:50
Michael	Gutierrez	5339 N Winthrop Ave	Chicago	IL	60640-2327	1/2/2014 12:57
Lisa	Haderlein	904 N Jefferson St	Harvard	IL	60033-2238	1/2/2014 11:19
Josh	Harris	1121 N Elmwood Ave	Peoria	IL	61606-1124	1/3/2014 8:23
Vicki	Hedrick	13901 Oak Dr	Carlinville	IL	62626-2096	1/2/2014 12:51
Nancy	Holda	216 Edgebrook Dr	Champaign	IL	61820-2108	1/2/2014 19:25
Billita	Jacobsen	1305 Wilson Ave	Carpentersville	IL	60110-2321	1/3/2014 11:14
Carrie	Landreth	1424 Washington St	Lake IN The Hills	IL	60156-1046	1/2/2014 13:33
Roland	Lauer	619 Hillcrest Ct	West Dundee	IL	60118-1226	1/3/2014 11:55
LuAnne	Lewandowski	613 Hillcrest Ct	West Dundee	IL	60118-1226	1/3/2014 12:26
Phillip	Lippi	1512 N 8th St	Pekin	IL	61554-2105	1/3/2014 5:55
Shari S.	Ludwig	1348 Linden Ave	Highland Park	IL	60035-3453	1/2/2014 20:56
Barbara	Mikulicz	6504 Carrie Ct	Crystal Lake	IL	60014-4744	1/2/2014 11:41
Lauren	Quinn	602 S Race St Apt 1	Urbana	IL	61801-4423	1/3/2014 11:04
Rhonda	Rothrock	7.98 Hickory Ridge Rd.	Pomona	IL	62975	1/2/2014 15:49
Mary	Stotz	10850 Martindale Dr	Westchester	IL	60154-5021	1/3/2014 14:41
Roy	Treadway	712 N School St	Normal	IL	61761-1621	1/2/2014 12:04
Stephanie	Wolcott	2052 N Lincoln Park W	Chicago	IL	60614-4753	1/2/2014 11:28
Katherine	Wolf	2544 Prairie Ave	Evanston	IL	60201-5802	1/2/2014 11:19

RECEIVED
JAN 0 8 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Mr. Robert Chesrow
1442 Waukegan Rd
Deerfield, IL 60015-2209

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Mr. Robert Chesrow
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Ms. Lisa Haderlein
904 N Jefferson St
Harvard, IL 60033-2238
(815) 236-5765

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. We do not need Fossil Fuels to live, but every living thing on this planet needs WATER. Once polluted, groundwater is essentially contaminated forever. We need to err on the side of caution to do the best we possibly can to avoid negative impacts of fracking on water and human health.

That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Ms. Katherine Wolf
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Evanston, IL 60201-5802
(630) 779-5424

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One Natural Resources Way
Springfield, IL 62702-1271

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Ms. Stephanie Wolcott
2052 N Lincoln Park W
Chicago, IL 60614-4753

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Ms. Barbara Mikulicz
6504 Carrie Ct
Crystal Lake, IL 60014-4744
(847) 846-7252

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Tim Frick
4001 N Ravenswood Ave Ste 404
Chicago, IL 60613-2576
(773) 561-7529

Jan 2, 2014

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Dr. Roy Treadway
712 N School St
Normal, IL 61761-1621

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Miss Christine Del Priore
1117 W Belmont Ave Apt 2
Chicago, IL 60657-3312
(708) 692-9089

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Mrs. Vicki Hedrick
13901 Oak Dr
Carlinville, IL 62626-2096

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Mr. Michael Gutierrez
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Chicago, IL 60640-2327
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One Natural Resources Way
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Jan 2, 2014

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Springfield, IL 62702-1271

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Miss Carrie Landreth
1424 Washington St
Lake IN The Hills, IL 60156-1046

Jan 2, 2014

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Mrs. Rhonda Rothrock
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Pomona, IL 62975

Jan 2, 2014

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Springfield, IL 62702-1271

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Chicago, IL 60631-1475
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Ms. Nancy Holda
216 Edgebrook Dr
Champaign, IL 61820-2108

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Mr. Tim Fossa
1339 Hunter Dr
Bartlett, IL 60103-1828
(630) 926-6343

Jan 3, 2014

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Springfield, IL 62702-1271

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Mr. Josh Harris
1121 N Elmwood Ave
Peoria, IL 61606-1124

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Dr. Lauren Quinn
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(708) 753-3709

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Mrs. Billita Jacobsen
1305 Wilson Ave
Carpentersville, IL 60110-2321

Jan 3, 2014

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Springfield, IL 62702-1271

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Mr. Roland Lauer
619 Hillcrest Ct
West Dundee, IL 60118-1226

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: IDNR's needs to toughen up Fracking Law (or not allow)

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First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few

Ms. LuAnne Lewandowski
613 Hillcrest Ct
West Dundee, IL 60118-1226
(847) 428-3889

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Ms. carol freeman
2516 Waukegan Rd
Glenview, IL 60025-1774

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Mrs. Mary Stotz
10850 Martindale Dr
Westchester, IL 60154-5021

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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10 Public Comment Letters Submitted to IDNR via ELPC's interface (modified language)

First_Name	Last_Name	Street	City	State	ZIP	Response_Date
Rose	Meyer	2041 Elmwood Ave	Wilmette	IL	60091-1431	1/3/2014 9:36
Carolyn	Treadway	712 N School St	Normal	IL	61761-1621	1/2/2014 11:07
James	Quinn	3414 Clinton Ave	Berwyn	IL	60402-3322	1/3/2014 11:33
William	Bromer	1509 N William St	Joliet	IL	60435-4151	1/2/2014 11:06
Nancy	Schietzelt	4419 Walkup Rd	Crystal Lake	IL	60012-1846	1/3/2014 13:55
Wallace	Winter	1451 Wild Iris Ln	Grayslake	IL	60030-3518	1/3/2014 7:52
Randall	Schietzelt	4419 Walkup Rd	Crystal Lake	IL	60012-1846	1/2/2014 16:20
Mary Anne	McLean	908 E Richton Rd	Crete	IL	60417-1541	1/2/2014 14:54
Arthur	Pearson	11348 S Saint Lawrence Ave	Chicago	IL	60628-5112	1/3/2014 14:38
Jennifer	Mui	603 S Race St	Urbana	IL	61801-4130	1/3/2014 14:49

RECEIVED
JAN 08 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Ms. Rose Meyer
2041 Elmwood Ave
Wilmette, IL 60091-1431

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

As you know, fracking can threaten drinking water and public health. That's why it's necessary for IDNR to get the rules right on Illinois' fracking law. I am an Illinois resident, and the rules proposed by IDNR on Nov. 15 undermine the law in several ways that concern me greatly.

For example, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. A person's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That does not show a depth of value of the person affected.. [Draft Regulations Subpart G, Section 245.730]

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IDNR's rules would exempt existing fracking wells. This is a major concern. Just because the industry moved ahead on fracking doesn't mean that it gets to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on the industry to prove whether or not it polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. [Draft Regulations Subpart F, Section 245.620]

Ms. Carolyn Treadway
712 N School St
Normal, IL 61761-1621

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking is a travesty, an evil travesty to line the pockets go the gas companies (etc) at the cost of destroying the environment and people's health. Not to mention their homes and property values. All to gain a FEW YEARS more of our profligate, wasteful way of living.

Native Americans and other indigenous peoples knew how to live IN HARMONY WITH the land so as to preserve its resources. They had in mind seven generations when they considered the consequences of their actions. We have forgotten that the land is our home, our only home. We are not considering the consequences for next week, let alone for seven generations.

I am particularly concerned about tracking releasing radioactivity from deep within the earth. Damage from radioactivity will last not just seven generations, but more than 700 generations.

STOP FRACKING NOW!! AND FOREVER!!

Furthermore:

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Mr. James Quinn
3414 Clinton Ave
Berwyn, IL 60402-3322

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I agree with the following points, and I want to see Illinois secure and maintain strict control over fracking operations in the state. Low-cost energy is a good thing, but NOT at the expense of environmental and economic hazards that have accompanied these operations in other states.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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013529

Dr. William Bromer
1509 N William St
Joliet, IL 60435-4151
(815) 727-1915

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I am concerned a citizen who votes, an environmental scientist who understands the dangers and person who is striving to create a sustainable world for my children and all future generations. The regulations you propose do not protect citizens but corporations and they are NOT based on sound science only weak information from the energy companies.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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013529

Mrs. Nancy Schietzelt
4419 Walkup Rd
Crystal Lake, IL 60012-1846
(815) 356-1710

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I am very concerned about fracking in our state, due to the high probability of contamination of our groundwater. As a result, I was thrilled when our State Legislature passed a law that mandates the strongest fracking standards in our entire country. But now I'm quite dismayed that the IDNR, in writing up the regulations that will govern fracking, has watered down the standards required in the law.

Please act to raise the regulations to the standards in the law by making the following changes.

1. Trade secret protected information about chemicals used in fracking need to be readily provided to health workers in order to treat patients affected by them most effieciently. Citizens of our state deserve this protection. There should be no diminishment of this requirement.

2. Without question, all wastewater needs to be stored in closed tanks. Allowing use of an open pit for one week provides ample time for fracking companies to deal with an emergency. Protection of public health needs to rise far above any lack of convenience for the fracking companies. No extension should be allowed.

3. The law passed by our legislature applies to all fracking wells regardless of when they were created or what type of process they use. The regulations must follow the law and also apply to all wells. To do otherwise would be breaking the law.

4. The regulations need to hold the fracking companies to the letter of the law that says that any water pollution found within 1,500 feet of a fracking operation was caused by that fracking, unless the company can prove otherwise. The burden of proof must rest with those that are causing the problem, not with the public that are being placed at risk by the company.

5. The regulations need to abide by the law in regard to any significant modifications to a permit needing to undergo a public review process, including notices, comments, and public hearings. To do anything less does not provide adequate protection for the public.

Please make these changes to the draft regulations prepared by the IDNR

Mr. Wallace Winter
1451 Wild Iris Ln
Grayslake, IL 60030-3518
(312) 451-8051

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I have seen first-hand in northern Colorado what unbridled fracking can do to degrade the water, air, and landscape, not to mention the health of people living in that region. I had such hope that Illinois, unlike Colorado, would have the courage to back up its strong statutory standards with correspondingly strong regulatory standards. Instead, you have consistently evisceratated the statutory standards with regulations that, unlike the thousands of fracking wells soon to be drilled throughout Illinois, simply do not hold water.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Mr. Randall Schietzelt
4419 Walkup Rd
Crystal Lake, IL 60012-1846
(815) 356-1710

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I would like to compliment the legislature on their attempt to balance fracking with environmental protections. We want both economic development and environmental protection for the long term. The current regulations appear to be deficient in a few places. I would ask that these be corrected so Illinois has efficient and functioning regulations:

1. Keep all fracking fluids in closed tanks and not open pools. Colorado is regretting their open pools after record flooding this past year.

2. Disclose the contents of fracking fluids.

3. Do not grandfather old wells out of these regulations.

4. Make the burden of proof be on the drillers and not the public.

5. Make sure there is sufficient public notice for all new fracking operations.

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Thank You,

Randall Schietzelt

Sincerely,
Mr. Randall Schietzelt

Ms. Mary Anne McLean
908 E Richton Rd
Crete, IL 60417-1541
(798) 672-5494

Jan 2, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Protecting drinking water and people's health should be overriding concerns as relates to fracking. We have a law that has been praised for addressing those issue. Let's not weaken it in the process of promulgating rules.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Fourth, IDNR's rules have shifted the burden of proof onto the backs of

Mr. Arthur Pearson
11348 S Saint Lawrence Ave
Chicago, IL 60628-5112

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Rachel Carson's Silent Spring remains as poignant today as when it was published 51 years ago - the DDT of then is the fracking of today. "In the entire water-pollution problem, there is probably nothing more disturbing than the threat of widespread contamination of ground water." Before injecting yet more fracking-related toxic soups directly into the earth, let us first, as Carson urges, get "full possession of the facts" rather than rely upon the "little tranquilizing ipills of half truth" offered by industry and politicians alike.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking

Ms. Jennifer Mui
603 S Race St
Urbana, IL 61801-4130

Jan 3, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

While I understand that the fracturing occurs deep within the earth, below the water table, spills of the contaminated fluids used in the process have contributed to surface water pollution. Even people on the pro-fracking side admit that this happens and write it off as the cost of doing business. I understand the stresses on our energy systems and the relative ease of accessing shale gas compared to other methods, but in its current modus operandi, it is a threat to our environment.

Please reconsider the rules that you have proposed regarding storage of waste waters, exempting existing wells, and material safety disclosure.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Illinois Public Health Association

223 South Third Street, Springfield, IL 62701-1144
Phone: 217-522-5687 FAX: 217-522-5689 E-mail: ipha@ipha.com Web Site: www.ipha.com

December 23, 2013

RECEIVED
DEC 23 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Mr. Robert G. Mool
Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Dear Mr. Mool:

I am pleased to present the comments of the Illinois Public Health Association on the Department's proposed rules to implement the Hydraulic Fracturing Regulatory Act.

The Illinois Public Health Association is Illinois' oldest and largest professional association devoted entirely to matters of public health. The Association has more than 7,000 members who practice in a wide variety of settings, including local health departments, state government, primary and specialty care clinics, hospitals, academia and human service agencies.

Our primary concern is that the rules do not fully appreciate the role that local health departments play in the protection of public health through regulation of potable water supplies and in responding to environmental emergencies. Our comments are intended to strengthen the participation of local health departments in the monitoring of hydraulic fracturing.

While most local health departments serve only one county, there are health departments that serve multi-county areas, as well as municipal health departments and special public health districts. To ensure that all affected local health departments are notified of pending, current and completed hydraulic fracturing operations, we have recommended in several places the addition of giving notice to the board of health or the administrator of the local health department, as well as recommending that all documents related to these activities be posted on the Department's website in a database that can be searched by county.

Please do not hesitate to contact me if I can provide additional information or clarify our comments. I can be reached at 217/522-5687 or by electronic mail at thughes@ipha.com.

Sincerely,

Tom K. Hughes

Tom Hughes
Executive Director

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Comments on the Illinois Department of Natural Resources' Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act From the Illinois Public Health Association

Section 245.110 – Definitions

We recommend that you include a definition of "certified local health department" and "local public health jurisdiction:"

- "Certified local health department" means a local governmental agency that has been certified by the Illinois Department of Public Health to meet the requirements set forth in Subparts C and D and Section 600.210 of 77 Il. Adm. Code 600 and has been so designated by the Illinois Department of Public Health.
- "Local public health jurisdiction" means the geographic area over which a local board of health has legal and regulatory authority.

Section 245.200 – Registration Procedures

We recommend adding a requirement that the Department (of Natural Resources) post the information from registration forms on its website within seven days of receipt and that the website present the current disposition of each registration (under review, accepted, not accepted) in a database that can be searched by county.

Section 245.210 – Permit Application Requirement

In recognition of the burden born by local health departments as local regulators and first responders, we recommend that the Department modify the Section to include that each application for a permit include payment of a non-refundable fee of $5,000 to each certified local health department whose local public health jurisdiction will be affected by the proposed hydraulic fracturing operation, in addition to the fee to be paid to the Department.

Section 245.230 – Permit Application Receipt and Department Review

We recommend adding a requirement that the Department post the status of each application (under review, approved, rejected, under appeal) on its website in a database that can be searched by county.

Section 245.240 – Public and Governmental Notice by the Department

To ensure that local health departments have access to the entire permit application, we recommend that a copy of the entire permit application be provided to the administrator of each certified local health department whose local public health jurisdiction will be affected by hydraulic fracturing operations. This will also ensure that local health departments, as agencies of local government, will be eligible to participate in public hearings as specified in proposed rule 245.270(a)(1)(B).

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We recommend that the Department modify proposed rule 245.240(f)(6) to include "the board of health of any local public health jurisdiction" among the entities that may file a request for a public hearing on the permit application.

Section 245.250 – Public and Governmental Notice by the Permit Applicant

We recommend that the Department modify proposed rule 245.250(a)(1) to include:

"F) the board of health of each local public health jurisdiction in which the well is proposed to be located."

Section 245.260 – Public Comment Periods

We recommend that the Department modify proposed rule 245.270(a) by inserting "the board of health of any local public health jurisdiction that is or may be affected" after "the county board of a county to be affected…"

We recommend that the Department add a rule requiring that the Department post all public comments on a permit application on its web site within two business days after the end of the public comment period.

We recommend that the Department add a rule similar to rule 245.270(a)(1)(B) for local boards of health, such as:

"D) to qualify as a board of health whose local public health jurisdiction to be affected under a proposed permit, a local board of health must represent a local public health jurisdiction:

i) In which the well site or the well that is the subject of the permit application, in whole or in part, is proposed to be located; or

ii) Identified as receiving specific notice in Section 245.240 or 245.250."

Section 245.300 – Permit Decision

We recommend that the Department add a rule requiring that the permit, with any conditions, be posted on the Department's website in a database that can be searched by county, or clarify that rule 245.300(g) include the permit and any conditions.

Section 245.320 – Permit Conditions

We recommend that the Department modify proposed rule 245.320(e) to require that, in addition to notifying the Department, the permittee shall be required to report any actions that it takes to adjust to field conditions to the administrator of the local health departments whose local public health jurisdictions are affected by the hydraulic fracturing operation.

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Section 245.330 – Permit Modifications

We recommend that the Department modify proposed rules (c) and (d) or add a rule which requires that, in addition to the fee payable to the Department, an application for a significant permit modification or a modification that presents a serious risk to public health be accompanied by a non-refundable fee of $5,000 to each certified local health department whose local public health jurisdiction will be affected by the proposed hydraulic fracturing operation.

We recommend that the Department modify proposed rule (e) or add a rule which requires that, in addition to the fee payable to the Department, an application for a permit modification for an insignificant deviation be accompanied by a non-refundable fee of $1,000 to each certified local health department whose local public health jurisdiction will be affected by the proposed hydraulic fracturing operation.

Section 245.340 – Permit Transfers

We recommend that the Department modify proposed rule (c) or add a rule which requires that, in addition to the fee payable to the Department, a request for permit transfer be accompanied by a non-refundable fee of $500 to each certified local health department whose local public health jurisdiction will be affected by the proposed hydraulic fracturing operation.

Section 245.540 – Mechanical Integrity

We recommend that the Department modify proposed rule (d) by adding a requirement that the results of mechanical integrity testing be posted on the Department's website within 30 days of receipt by the Department and that the information be placed in a database that can be searched by county.

Section 245.550 – Installation and Testing of Blowout Prevention Equipment

We recommend that the department add a rule requiring that the permittee submit the results of testing the blowout prevention equipment to the Department through the Department's website and that the test results be posted on the Department's website in a database that can be searched by county.

Section 245.560 – Intermediate Casing Requirements

We recommend that the Department modify proposed rule (c) to add a requirement that, in addition to notifying the Department, the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation be notified of the location and depth of any hydrocarbon-bearing zones or fresh water zones.

Section 245.570 – Production Casing Requirements

We recommend that the Department modify this section by adding a requirement that the results of inspecting the production casing be reported to the Department through its website and that

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the inspection results be posted on the Department's website in a database that can be searched by county.

Section 245.580 – Establishment of Formation Integrity

We recommend that the Department modify this section by adding a requirement that the results of all formation integrity testing be reported to the Department through its website and that the inspection results be posted on the Department's website in a database that can be searched by county.

Section 245.600 – Water Quality Monitoring

We recommend that the Department modify this Section as follows:

- modify rule (a) by adding a requirement that the applicant to provide a copy of the water quality monitoring plan to the administrator of each local public health department whose local public health jurisdiction is or may be affected by the proposed hydraulic fracturing operation;

- (note that the reference to subsection (a)(7)(D) in rule (a)(8)(C) may be incorrect; the correct reference may be (a)(8)(D));

- modify rule (a)(8)(D) to include notification to the administrator of each local public health department whose local public health jurisdiction is or may be affected by the proposed hydraulic fracturing operation, in addition to the Department and the Agency; and

- prior to section (d), insert a new section requiring routine testing of all water sources within 1,500 feet of the well site every 30 days, and the reporting of testing results to the Department and to the administrator of the local public health department whose local public health jurisdiction includes the testing location.

Section 245.610 – Water pollution investigations

We recommend that the Department modify proposed rule (b) by including a requirement that the Department inform the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation and that the Department adopt a more aggressive timeline for initiating and completing investigations.

We recommend that the Department modify proposed rule (c) by adding a requirement that the Department provide the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation with results of water quality sampling conducted during an investigation of alleged water pollution or diminution.

We recommend that the Department modify proposed rule (e) by including a requirement that, in addition to consulting with the Agency as the Department deems necessary, that the Department

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consult with each local health department administrator whose local public health jurisdiction is affected by the alleged water pollution or diminution as it deems necessary in making a determination of pollution or diminution.

Section 245.615 – Procedures

We recommend that the Department modify proposed rule (b) by adding a requirement that the Department notify the administrator of each local health department whose local public health jurisdiction is affected by the determination of water pollution or diminution.

Section 245.720 – Department Publication of Chemical Disclosures and Claims of Trade Secret

We recommend that the Department add a rule requiring that an unredacted copy of the documents identifying the specific information on the master list of chemicals, including those claimed to be protected by trade secret, to the Illinois Department of Public Health's Duty Officer, the Illinois Poison Control Center, or another central resource that is available 24 hours a day, seven days a week.

Section 245.730 – Trade Secret Disclosure to Health Professional

We recommend that the Department provide another, more responsive method for giving health professionals access to information in an emergency situation about chemicals used in hydraulic fracturing operations. The Department may consider use of the Illinois Department of Public Health's Duty Officer, the Illinois Poison Control Center, or another resource available 24 hours a day, seven days a week.

Section 245.805 – Hydraulic Fracturing String Requirements and Pressure Testing

We recommend that the Department add a requirement that the results of pressure testing reported to the Department be posted on the Department's website in a database that can be searched by county.

We recommend that the Department modify proposed rule (e) by adding a requirement that the permittee to make its pressure testing records available to the local health department (as well as the Department) upon request.

Section 245.810 – Surface Equipment Pressure Testing

We recommend that the Department add a requirement that the results of surface equipment pressure testing reported to the Department be posted on the Department's website in a database that can be searched by county.

We recommend that the Department modify proposed rule (e) by adding a requirement that the permittee make its surface equipment pressure testing records available to the local health department (as well as the Department) upon request.

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Section 245.815 – Notification and Approval Before Commencement of High Volume Horizontal Hydraulic Fracturing Operations.

We recommend that the Department modify this Section by adding a requirement that the Department post its approval of commencement of a high volume horizontal hydraulic fracturing operation on its website in a database that can be searched by county.

Section 245.820 – Secondary Containment Inspections

We recommend that the Department modify this proposed rule by requiring the permittee to make the results of this inspection available to the local health department as well as the Department.

Section 245.835 – Mechanical Integrity Monitoring

We recommend that the Department modify proposed rule (a) by requiring the permittee to make its mechanical integrity monitoring records available to each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation, in addition to the Department, upon request.

We recommend that the Department modify proposed rule (d) to include notification of each local health department administrator whose local public health jurisdiction is affected by the hydraulic fracturing operation of the suspension and resumption of operations, in addition to notifying the Department.

Section 245.840 – Hydraulic Fracturing Fluid and Flowback Confinement

We recommend that the Department modify proposed rule (b) to include notification of each local health department administrator whose local public health jurisdiction is affected by the hydraulic fracturing operation of the migration of hydraulic fracturing fluid or hydraulic fracturing flowback into a freshwater zone or to the surface, in addition to notifying the Department.

Section 245.850 – Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal, Recycling, Transportation and Reporting Requirements.

We recommend that the Department modify the proposed rule by requiring the permittee to notify the administrator of the local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation of the completion of operations, in addition to notifying the Department.

We recommend that the Department modify proposed rule (d)(4) to require that the permittee file the results of testing hydraulic fracturing flowback with the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation, in addition to filing with the Department.

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We recommend that the Department modify proposed rule (k)(2) by adding a copy (for a total of five) and filing the additional copy with the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation.

Section 245.855 – Spills and Remediation

We recommend that the Department modify proposed rules (b) and (d) by requiring reporting of spills to the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation, in addition to notifying the Department.

Section 245.920 – Flaring Waiver

There may be a typographical error in rule (a); we believe that the Department intended to say that a waiver may be granted if the permittee demonstrates to the Department's satisfaction that the use of a flare will not pose significant risk of injury or property damage.

Section 245.930 – Annual Flaring Reports

We recommend that the Department add a rule requiring it to make the flaring reports available on its website in a database that can be searched by county.

Section 245.940 – Produced Water Disposal or Recycling, Transportation and Reporting Requirements

We recommend that the Department modify the Section by adding a rule requiring the Department to make the produced water report available on its website in a database that can be searched by county.

Section 245.1010 – Plugging Previously Abandoned Unplugged or Insufficiently Plugged Wells

We recommend that the Department modify proposed rule (d) by requiring the Department to provide a copy of its certification that the wells addressed by the rule have been plugged (or that the plugging requirements have been met) to the administrator of each local health department whose local public health jurisdiction is affected by the hydraulic fracturing operation.

We recommend that the Department modify proposed rule (e)(1) by requiring the permittee to notify the administrator of each local health department whose local public health jurisdiction is affected by the leaking of fluids in addition to notifying the Department.

Section 245.1110 – Notice of Violation

We recommend that the Department modify the proposed Section by including a rule that requires the Department to post the notice and related materials on its website in a database that can be searched by county.

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Section 245.1120 – Director's Decision

We recommend that the Department modify proposed Section by including a rule that requires the Department to post the Director's Decision and related materials on its website in a database that can be searched by county.

Section 245.1130 – Director's Decision Hearings

We recommend that the Department modify the proposed Section by including a rule that requires the Department to post the hearing record and related materials on its website in a database that can be searched by county.

Section 245.1200 – Medium Volume Horizontal Fracturing Completion Reports

We recommend that the Department modify the proposed Section by including a rule that requires the Department to post the completion report on its website in a database that can be searched by county.

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BlackRidge

January 2, 2014

Mr. Robert G. Mool
ILLINOIS DEPARTMENT OF NATURAL RESOURCES
One Natural Resources Way
Springfield, IL 62702 – 1271

IN RE: Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act
IOGA Letter from Mr. Brad Richards dated December 28, 2013

Dear Mr. Mool:

As an Illinois oil and gas well operator, and member of the Illinois Oil and Gas Association, BlackRidge fully endorses the comments and recommendations made by Mr. Brad Richards in the above-referenced letter regarding the Proposed Rules to implement the Hydraulic Fracturing Regulatory Act.

Over the past 24 months BlackRidge has made material capital investments in oil and gas leases and operations in Illinois. Our development of these investments may be subject to the Proposed Rules. Consequently, BlackRidge has a tangible, demonstrable economic interest in the outcome of the proposed rulemaking.

BlackRidge respectfully requests that the Department adopt the recommendations and revisions of the Proposed Rules made on behalf of the Illinois Oil and Gas Association by Mr. Richards. In particular, where there are material differences between SB 1715 and the Proposed Rules, we ask that the Proposed Rules be revised to unambiguously conform to the spirit and express language of SB 1715. Any such "de-coupling" and/or introduction of issues beyond the scope of SB 1715 would demean the lengthy, good-faith negotiations that resulted in the Hydraulic Fracturing Regulatory Act.

Thank you for your consideration of our comments and recommendations.

Very truly yours,

BLACKRIDGE RESOURCE PARTNERS, LLC

Brent McDaniel
Executive Vice President

RECEIVED
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

January 3, 2014

In re: Public Comment on the proposed Hydraulic Fracturing Regulatory Act (62 Ill. Adm. Code 245)

Dear Robert G. Mool,

On behalf of the Illinois EPA, I would like to provide the following comment and recommendation with respect to the proposed rule for the Hydraulic Fracking Regulatory Act proposed by IDNR.

The proposed ruled states, "Each application for a permit under this Part shall include payment of a non-refundable fee of $13,500. [Section 1-35(e) of the Act] Checks shall be made payable to the Illinois Department of Natural Resources." Section 245.210 (d).

The Illinois EPA is concerned that the current language, as compared with the statutory language, does not clearly state that a portion of the total fee is to be directed to our Agency.

Therefore, Illinois EPA respectfully requests that the following language be added at the end of the existing provision found in Section 245.210(d):

> "Not less than quarterly the Department shall remit to the Agency $2,500 times the number of permit applications received for the reporting period. The remittance shall be deposited into the Illinois Clean Water Fund for the Agency to use to carry out its functions."

Illinois EPA appreciates your consideration of this comment.

Sincerely,

Stefanie N. Diers
Assistant Counsel

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OFFICE OF LEGAL COUNSEL

Comment on

High Volume Hydraulic Fracturing

Proposed Rules under Section 245.210 (a) (15) "Traffic Management Plan"

Fulton County

I would like to recommend a change in the proposed rules under Section 245.210 (a) (15) "Traffic Management Plan". As Acting County Engineer of Fulton County, I feel that another requirement should be added that will ensure the protection and maintenance of roadways used during the High Volume Hydraulic Fracturing operations. In other areas of the nation where this type of activity is taking place, a fully executed "Road Upgrade and Maintenance Agreement" is required before a permit for High Volume Hydraulic Fracturing will be issued. I consider this to be an essential step to the permit process and feel that this important tool should be used in order to ensure our roadways are protected from the damage that will be caused by the large drilling rigs and numerous repetitive loads that are required to carry out the Hydraulic Fracturing operations.

I am also requesting the term "preferably" be struck from the initial paragraph under the "Traffic Management Plan" section. Removing this word will ensure that the proper highway authorities are contacted prior to a permit being issued and any damages caused by the High Volume Hydraulic Fracturing operations.

I propose the following language to be included within the rules of the Hydraulic Fracturing Regulatory Act Administrative Rules:

Section 245.210 Permit Application Requirements

(a) (15) Traffic Management Plan

A traffic management plan that is developed by the applicant, in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to identify the anticipated, roads, streets and highways that will be used (Section 1 – 35(b)(15) of the Act) to facilitate the well site construction, drilling operation, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) A scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a 10 mile radius around the well site, identifying all the different highway jurisdictions;

B) Anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;

C) *An executed Road Upgrade and Maintenance Agreement (RUMA), established with all affected county, township, road district system or municipal street system authorities which includes;*

a.) *provisions for needed geometric or structural upgrades to local roads and intersections that are not wide enough to accommodate the anticipated traffic,*
b.) *modifications to drainage ditches, culverts and related structures to accommodate the above noted road upgrades,*

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c.) *structural evaluation/inspection of all bridge and drainage structures along the route for anticipated overweight loads before and after movement of the load,*
d.) *supplemental maintenance of affected routes to accommodate operator transport activities during the drilling, completion and operation phases of development,*
e.) *identify the arrangements for undertaking such upgrades or supplemental maintenance*
f.) *provisions for timely repair of damages by the operator*
g.) *arrangements for coverage of costs, such as bonds or surety*
h.) *consequences for failure to repair in a timely manner;*

D) Contact information for the applicant's representative with knowledge of the traffic management plan; and

E) Contact information for a representative of each impacted highway authority;

Thank you for your consideration with this matter. Should you have any questions, concerns, or comments with my request, please don't hesitate to contact me at (309) 647-0351.

Sincerely,

Nicole L. Grube, P.E.
Acting County Engineer
Fulton County

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

January 2, 2014

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Robert G. Mool
Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
bob.mool@illinois.gov

Re: First Notice Comments on the Proposed Administrative Rules for the Hydraulic Fracturing Regulatory Act (62 Ill. Adm. Code 245 and 240.796)

Dear Mr. Mool:

On behalf of the Office of the Illinois Attorney General, we are writing to provide our comments on the proposed administrative rules to implement the Hydraulic Fracturing Regulatory Act of 2013 (P.A. 98-0022) ("the Act").

There are numerous areas in need of revision to ensure that the proposed rules properly reflect the language and intent of the Act. While our comments are provided below in the order they appear in the proposed rules, we wish to call particular attention to the following four issue areas:

> **Public hearings.** First, the proposed rules fundamentally misconstrue the purpose of public hearings under the Act, which is to establish an evidentiary record, not to adjudicate any issues. As a result, several portions of the proposed rules should be stricken as inconsistent with the Act and unnecessary. *See infra* Comment No. 10. Second, the rules need to clarify that the failure to "serve" a hearing request or to address one of the items listed in Section 245.270(a)(3) shall not be grounds for denying a hearing request. *See infra* Comment No. 8. Third, the Department should not wait until the beginning of a hearing to determine whether a request is frivolous or whether it fails to meet the threshold for "adversely affected." *See infra* Comment No. 11. Fourth, the Department should commit to holding public hearings in the county where the well site is proposed to be located unless it is not possible to find suitable space. *See infra* Comment No. 9.

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Rebuttable presumption. The Act contains an important tool for citizens, municipalities, and enforcement agencies to use in the event that water contamination occurs. Referred to as a rebuttable presumption, Section 1-85 of the Act places the burden on the hydraulic fracturing operator to establish that water pollution to nearby wells was not caused by its drilling activities. The proposed rules, however, attempt to add limitations on the rebuttable presumption of water pollution that do not appear in the Act, such as restricting the types of water quality data and testing parameters that may be used to establish the presumption. As a result, the proposed rules conflict with the Act and undermine the legislature's clear intent by restricting the ability of citizens to obtain relief if their waters wells are contaminated. *See infra* Comment No. 15.

Use of reserve pits. A key part of the Act prohibits the use of open pits to store fracking wastewater due to the risk of overflow and volatilization of constituents. In the event of unanticipated or unexpected flowback conditions, the Act does allow the use of properly constructed, lined reserve pits to capture flowback—but only on a temporary basis. Section 1-75(c) of the Act requires that any flowback captured in the pits must be removed from the site within 7 days. The proposed regulations are inconsistent with the Act in that they would allow the 7-day time-period for removal to begin when the hydraulic fracturing operations are completed instead of 7 days from when flowback is captured in the pits. This defect must be corrected. *See infra* Comment No. 20.

Health professionals and chemical disclosure. The Act contains an important provision allowing disclosure of trade secret protected chemical information to health professionals for purposes of medical treatment. The proposed regulations must be changed so that, in the event of an emergency, medical personnel have one central point of contact, available 24 hours a day, seven days a week, from which to obtain information to aid a patient exposed to chemicals from hydraulic fracturing, trade-secret protected or otherwise. *See infra* Comment No. 17.

We also note that many of our comments below identify inconsistencies between the proposed rules and the Act that must be rectified. Under Illinois law, "an agency may not issue regulations which exceed or alter its statutory power or which are contrary to the legislative purpose and intent of the statute." *Eastman Kodak Co. v. Fair Employment Practices Commission*, 86 Ill.2d 60, 70 (1981) (internal citations omitted). The courts have repeatedly stated that, "[i]f a regulation does not follow the statute that authorized its creation, it is invalid." *People v. Henry*, 398 Ill.App.3d 1019, 1023 (3rd Dist. 2010); *see also Schmidt v. Illinois Dept. of Revenue*, 163 Ill.App.3d 269, 273 (5th Dist. 1987) (explaining that "rules and regulations adopted pursuant to statute may not alter, limit or extend the statute"). As set forth in more detail below, a number of the proposed rules conflict with the specific provisions of the Act. The Department, therefore, must revise its proposed rules to follow the language, purpose, and intent of the Act.

* * * *

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Comment No. 1: **The proposed rules need to include a conversion factor for nitrogen foam and other non-water components to the base fluid (Section 245.100).**

The Act applies to "high volume horizontal hydraulic fracturing operations" that use "80,000 gallons per stage or more than 300,000 gallons total of hydraulic fracturing fluid." Section 1-5. The intent of this applicability level was to set a threshold for the size of operation to be governed by the Act. While this threshold level is based on operators using water as the base fluid, the Act expressly contemplates the use of fluid types other than water. *Id.* ("Base fluid" defined as "the continuous phase fluid type, including, but not limited to, water used in a high volume horizontal hydraulic fracturing operation.") (emphasis added).

As a result, the Department must provide a conversion factor, equation, or formula for non-water components in the base fluid (such as nitrogen foam). This is the only way to ensure that large operations cannot easily escape the intended regulation under the Act by using fluids other than water in the base fluid and falling below the 80,000 or 300,000 gallon thresholds in the Act.

Comment No. 2: **The regulations must apply to all high-volume, horizontal hydraulic fracturing activities that have occurred, not just those since June 17, 2013 (Section 245.100).**

The proposed rules state that they will apply to high-volume, horizontal hydraulic fracturing activities that "are planned, have occurred since June 17, 2013, or are occurring in this State." Sections 245.100(a) and (b) (emphasis added). The phrase "since June 17, 2013" must be deleted because it is inconsistent with the Act, which "applies to all wells where high volume horizontal hydraulic fracturing operations are planned, have occurred, or are occurring in this State." Section 1-20 (emphasis added). Although it may be difficult to identify which parts of the Act and the implementing regulations historical high volume, horizontal fracking sites must comply with, the clear applicability provisions of the Act cannot be ignored. Consequently, the Department must identify the previous well sites that would be encompassed by the Act, determine their status, and define what provisions must be met.

Comment No. 3: **Permittees should be required to update their registration information within 14 days (Section 245.200(f)).**

The proposed regulations appropriately require that a registered operator keep its registration information current at all times while it holds a permit; however, the regulations also allow the operator to wait for 60 days before providing the updated information. *See* Section 245.200(f). Because the registration form contains important information, such as the name and address of the registrant (and permittee); disclosure of all findings of a serious violation or an equivalent violation under, federal, Illinois, or other state laws; and proof of insurance, the registrant-permittees should be required to provide the updated information in a more timely fashion. Fourteen days is sufficient time to prepare the update and send it to the Department.

Comment No. 4: **Permit applicants should provide an estimate of the amount of flowback anticipated (Section 245.210(a)(11).**

Section 1-35(a) of the Act requires permit applications to include a plan for hydraulic fluid and flowback that "shall describe the capacity of the tanks to be used for the capture and storage of

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flowback and of the lined reserve pit to be used, if necessary, to temporarily store any flowback in excess of the capacity of the tanks." In order to evaluate whether the capacity of the tanks and reserve pits are appropriate, the proposed rules at Section 245.210(a)(11) should require that permit applicants also provide an estimate of the amount of hydraulic fracturing fluid and flowback that is anticipated from the well, along with supporting documentation.

Comment No. 5: **The well site safety plan should have a required emergency response plan component (Section 245.210(a)(12)).**

Section 1-35(b)(12) of the Act requires permit applicants to provide a well site safety plan. The administrative rules should require that, as an important part of the overall well safety plan, applicants include an emergency response section that details the steps for operators to take to prepare for and respond to situations in the event that safety measures fail or are overwhelmed. The Center for Sustainable Shale Development (CSSD), in its set of recommended performance standards for hydraulic fracturing operations, addresses emergency response requirements as follows:

> In preparation for any spill or release event, [o]perators shall, prior to commencement of drilling, develop and implement an emergency response plan, ensure local responders have appropriate training in the event of an emergency, and work with the local governing body, in which the well is located, to verify that local responders have appropriate equipment to respond to an emergency at a well.

CSSD Performance Standards, March 2013, *available at* http://037186e.netsolhost.com/site/wp-content/uploads/2013/03/CSSD-Performance-Standards-3-27-GPX.pdf. One specific example of the types of information emergency response plans should include is a requirement that up-to-date copies of material safety data sheets (MSDS) be maintained in designated folders that can be immediately provided to responders in the event of an explosion or fire.

Comment No. 6: **The proposed rules need to address the scenario of additional information being provided during the permit application review period (Section 245.230(e)).**

Section 1-35(j) of the Act provides:

> If at any time during the review period the Department determines that the permit application is not complete under this Act, does not meet the requirements of this Section, or requires additional information, the Department shall notify the applicant in writing of the application's deficiencies and allow the applicant to correct the deficiencies and provide the Department any information requested to complete the application.

(Emphasis added.)

Thus, it is possible that the Department could determine at any time during the 60-day review period (*e.g.*, one week into it, halfway through it, or perhaps very close to the end) that additional information is needed. Depending on how substantial the additional information is and when it is provided, the Department may not have sufficient time to review it. Material that comes in late could also prevent the public from reviewing it, commenting upon it, or examining it as part of a public hearing. The proposed rules do not acknowledge or address this scenario at all. *See* Section 245.230(e).

013552

The rules should spell out for applicants the possible effects of providing incomplete information in an application. Some errors may be purely administrative or ministerial—such as correcting typos, changing a business address, etc. That type of additional information could be processed by the Department and posted on the Department's website with the application. Other types of additional information may be more significant, such that it could affect the substantive determinations that the Department must make and could have a significant impact on the views of members of the public. In that case, the administrative rules should acknowledge that the Department may request that the applicant agree to waive the 60-day deadline (such waiver is allowed under Section 1-35(i) of the Act) to provide for additional public comment and time to review the supplemental information.

The administrative rules should also acknowledge that, if the applicant refuses to waive the 60-day deadline, the Department has the discretion to deny the application under Section 1-60(a)(1) of the Act, which gives the Department the authority to refuse to issue permits for "providing incorrect, misleading, incomplete, or materially untrue information in a permit application" (emphasis added). Lastly, the administrative rules should state that if the Department uses Section 1-60(a)(1) to deny an application in this scenario, the Department shall allow the applicant to reapply with a revised application if it chooses to do so and that the Department shall also have the discretion to waive collection of another permit fee for the revised application.

The following suggested language is one example for addressing the issue of supplementing the permit application (note that the italicized language is from the Act, and the bolded language is our proposed additions to the rules):

e) *If, during the review period, the Department determines that the permit application is not complete under* the *Act, does not meet the requirements of Section* 245.210, *or requires additional information, the Department shall notify the applicant in writing of the application's deficiencies and allow the applicant to correct the deficiencies and provide the Department any information requested to complete the application.*

1) ***If the applicant fails to provide adequate supplemental information, the Department may reject the application.*** **(Section 1-35(j) of the Act)**

2) **If the deficiency identified by the Department is of an administrative or ministerial nature (*e.g.*, a revised business address for the applicant or correction of typographical errors), notice of the corrected information that is provided by the applicant shall be posted on the Department's website along with the application.**

3) **If the deficiency identified by the Department is of a substantive nature that may affect determinations the Department must make or that could be of interest to the public, the Department may accept supplemental information provided by the applicant and post it on the Department's website if the information is provided within the first 30 days**

013553

of the 60-day review period and no less than 7 days prior to a public hearing on the permit application.

A) **If the supplemental information is not provided within the timeframe set forth in subsection (e)(3), the Department must either deny the permit for providing incomplete information in a permit application or request that the applicant waive the 60-day deadline. (Sections 1-60(a)(1) and 1-35(i) of the Act.)**

B) **If the applicant refuses to waive the deadline, the Department shall deny the permit application.**

Comment No. 7: **The proposed rules should specify how the Department will handle cash submitted in lieu of a bond (Section 245.220(c)(1)).**

Section 1-65(a) of the Act requires that applicants for high volume horizontal hydraulic fracturing permits provide a bond or that, "[i]n lieu of a bond, the applicant may provide other collateral securities such as cash, certificates of deposit, or irrevocable letters of credit under the terms and conditions as the Department may provide by rule."

The proposed rules provide that a permit applicant can provide cash in lieu of a bond and that the "[c]ash shall be placed in the Department's possession." The proposed rules should specify how the cash should be handled by the Department (*e.g.*, deposited in a separate fund in the state treasury).

Comment No. 8: **The proposed rules should clarify that failure to "serve" a hearing request under Section 245.270(a)(2) or to address one of the items in Section 245.270(a)(3) are not grounds for denying a hearing request.**

First, Section 245.270(a)(2) of the proposed rules states that "[t]he request for hearing shall be served by electronic mail or certified mail, return receipt requested, upon the Hearing Officer, the Department, and the applicant." This section should be deleted. There is no requirement in the Act and no need for citizens or other entities to send hearing requests to anyone other than the Department. If this section is not deleted, then it should be changed to explicitly provide that failure to comply with the service "requirements" is not a basis to reject a hearing request. That is because, under the Act, a person requesting a public hearing need only demonstrate that he or she has an interest that may be adversely affected and that his or her request for a hearing is not frivolous. *See* Section 1-50(a). It is only on the grounds set forth in Section 245.270(a)(5) of the proposed rules that a request for hearing may be denied.

Similarly, Section 1-50(a) of the Act states that requests for hearing "shall contain a short and plain statement identifying the person and stating facts demonstrating that the person has an interest that is or may be adversely affected." The proposed rules, however, add numerous other items to be included in requests for public hearings (such as identifying each objection and the facts upon which each objection is based, the statute sections or regulations upon which each objection is based, witnesses that may be called, and documents supporting each objection). *See* Section 245.270(a)(3). The proposed rules should clarify that a request for hearing cannot be denied simply because the person

requesting the hearing failed to address one or more of the items in Section 245.270(a)(3). Without such a clarification, the proposed rules are clearly inconsistent with Section 1-50(a) of the Act.

Comment No. 9: Public hearings should be held in the county where the well site is proposed to be located (Section 245.270 (b)(2)).

The proposed rules state that "[a]ll public hearings under this Part will be held in the county where the well site is located or such other location as the Department deems appropriate." Section 245.270(b)(2). While this provides flexibility to the Department, it unnecessarily leaves open the possibility that hearings could be held in locations far away from the proposed well site and concerned local citizens. The Department should commit to holding hearings in the county where the well site is proposed to be located. If the Department, after diligent efforts, is unable to identify an appropriate hearing venue in the county where the well site will be located, the Department should commit to hold the hearing at the nearest available location.

Comment No. 10: The proposed rules should be consistent with the purpose of a public hearing under the Act, which is to establish an evidentiary record, not to adjudicate issues (Section 245.270).

There are several portions of the proposed rules regarding public hearings that are fundamentally at odds with the purpose of the hearing as provided in the Act, which is to establish an evidentiary record and not to adjudicate whether claims are valid.

In Section 245.270(c)(2), the proposed rules state that the hearing officer shall have the power to "issue a hearing decision addressing issues raised by requests for public hearings and petitions for participation or, alternatively, to dispose of any case by dismissal, stipulation, agreed settlement, consent order or default." Also, in Section 245.270(h), the proposed rules state that the hearing officer shall "determin[e] whether an objection to or concern with a permit application is valid," and in (i), that the burden of proof is on the hearing requestor or petitioner. In subsection (l), the proposed rules refer to "settlement discussions." Finally, in subsections (m) and (n), the proposed rules refer to the "hearing decision."

All of these provisions are both unnecessary and inconsistent with the Act and should be stricken from the proposed rules.

Section 1-50(c) of the Act states that public hearings on permit applications "shall comply with the contested case requirements of the Illinois Administrative Procedure Act" ("APA"). These requirements are imposed for administrative hearings by Article 10 of the APA (5 ILCS 100/10-10) and have been held to apply to any statutory program where notice and opportunity for hearing are afforded. *See Pioneer Processing, Inc. v. EPA*, 102 Ill. 2d 119, 142 (1984).

The contested case requirements in Article 10 provide for administrative and procedural due process. They are mandatory as to certain components: reasonable notice of the hearing in accordance with administrative rules (5 ILCS 100/10-25), with the hearing to be conducted by an administrative law judge whose qualifications must be set forth in administrative rules (5 ILCS 100/10-20) and who is subject to mandatory disqualification procedures (5 ILCS 100/10-30). The other mandatory procedures govern the creation of the record through admission of evidence and cross-examination,

013555

with the parties allowed to be represented by counsel if they wish, and the transcript of testimony and other evidence being reviewed by an impartial fact finder (5 ILCS 100/10-25, 10-35, and 10-40).

The general purpose of the public hearing conducted as a contested case is to generate an evidentiary record; its particular purpose is dictated by the statutory program that requires the agency to notify the public and allow the opportunity for the hearing. Here, the public hearing on a permit application under the Act is not intended to decide or adjudicate any claim of error. Rather, the purpose is to establish a record that is then included in the overall record of decision which the Department must consider when deciding whether to grant the permit application. *See* Section 1-53(b) ("For the purpose of determining whether to issue a permit, the Department shall consider and the Department's record of decision shall include . . . , if applicable, the complete record from the public hearing held under Section 1-50 of this Act.").

Thus, given the purpose of the public hearing under the Act, there is no need for the hearing officer to rule on the validity of any objections or concerns raised during the course of the proceeding. His or her role is to conduct the hearing, maintain decorum, and take evidence and public comment into the record. If there is a question raised at the hearing about whether certain testimony or evidence should be allowed, the hearing officer should allow the evidence (noting any objections), and the Department can decide later what weight, if any, to assign to the testimony or evidence.

If requested, the hearing is one step in the agency process of reviewing and acting upon a permit application. The only burden found in the Act is placed, correctly, upon the applicant to demonstrate that it has met the statutory requirements for permit issuance. The proposed rules, however, inappropriately create an entirely new burden on a person who seeks to be heard on a permit application's possible deficiencies. The public hearing under the Act is not a mini-trial to adjudicate all issues of concern raised with respect to the application. The General Assembly specified no such undertaking, and the basic requirement that any hearing comply with the APA is limited to ensuring that anyone requesting a hearing receives due process. *See Pioneer Processing*, 102 Ill. 2d at 142.

Accordingly, the following portions of the proposed rules should be deleted because they conflict with the statutory purpose of the public hearing and are irrelevant and unnecessary (note that italicized language is from the Act, and the strikethrough text is our proposed deletions):

Section 245.270(c)(2)

2) The Hearing Officer shall take all necessary action and shall have all powers necessary to ~~render a decision on requests for public hearings and on petitions for participation, to~~ avoid delay, to maintain order, to develop a clear and complete record, to conduct a fair hearing ~~and to issue a hearing decision addressing issues raised by requests for public hearings and petitions for participation or, alternatively, to dispose of any case by dismissal, stipulation, agreed settlement, consent order or default~~, including the following:

Section 245.270(h), (i):

~~h) Issues Presented~~

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~~The issues presented to the Hearing Officer at the public hearing are the validity of objections and concerns set forth in requests for hearing or petitions for participation. In determining whether an objection to or concern with a permit application is valid, the issue presented is whether the permit application or any portion of the permit application fails to comply with the identified requirements of the Act or this Part.~~

~~i) Burden and Standard of Proof~~

~~Parties requesting the public hearing and, if applicable, petitioning to participate in the public hearing shall have the burden of establishing the validity of their objections and concerns through the introduction of credible evidence. The standard of proof is the preponderance of the evidence.~~

Section 245.270(l), (m), (n):

~~l) Settlement Discussions~~

~~The Hearing Officer may provide an opportunity for the parties to enter into settlement discussions before issuing the hearing decision within such time as the Hearing Officer shall determine taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application.~~

~~m) Hearing Decision~~

~~1) After the close of evidence at any public hearing held under this Section, the Hearing Officer, after consultation with the Department staff regarding any technical issues as necessary, shall prepare a hearing decision determining the validity of the objections and concerns set forth in the request for hearing and petitions for participation and identifying any potential impacts on the pending permit application based on the evidence and testimony presented at the hearing. The hearing decision shall provide necessary findings of fact and conclusions of law in making this determination.~~

~~2) If applicable, the hearing decision shall also report any settlement agreement reached between parties along with a determination whether the settlement agreement is consistent with the requirements of this Part and the Act.~~

~~3) The Hearing Officer shall issue and serve on all parties the hearing decision within 7 days after the close of evidence taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application.~~

~~4) The Department shall incorporate the Hearing Officer's hearing decision into the permit application process for consideration consistent with Section 245.300.~~

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~~n) Post Hearing~~

~~If the hearing decision determines that a valid objection or concern with the permit application exists such that there is a potential impact to the pending permit application, the applicant may attempt to correct the deficiencies and provide the Department any information required to address the valid objection or concern. If the applicant fails to provide adequate supplemental information to address a valid objection or concern, the Department may reject the application or condition the permit accordingly. (Section 1-35(j) of the Act)~~

Section 245.300(b)(2), (3):

2) *all written comments received during the public comment periods and, if applicable, the complete record from the public hearing held under Section* 245.270 (Section 1-53(b)(2) of the Act)~~, and specifically including the hearing decision~~;

3) *all* supplemental *information provided by the applicant in response to*:

A) *any public comments* (Section 1-53(b)(3) of the Act);

~~B) the hearing decision;~~

B~~C~~) the requirements of this Part; and

C~~D~~) Department requests for information;

Comment No. 11: To prevent unnecessary effort and expense, the Department should not wait until the beginning of a hearing to determine whether a request is frivolous or fails to meet the threshold for "adversely affected" (Section 245.270(g)(7)).

Under the Act, any person having an interest that is or may be adversely affected may request a public hearing on a permit application. Section 1-50(a). The Department must then hold a hearing unless it determines that the request "(i) lack[s] an adequate factual statement that the person is or may be adversely affected or (ii) [is] frivolous." *Id.* Under the proposed rules, this determination would not be made until the beginning of the hearing itself. *See* Section 245.270(g)(7). The consequence of this timing is that citizens will have prepared for the hearing, including potentially arranging for witnesses to attend and testify, having documents prepared, and taking off work to participate in the proceeding, only to be told at the beginning of the hearing that the request for the hearing has been denied. This will result in unnecessary effort and expense by everyone involved in the hearing (including the permit applicant and the Department). The proposed rules should be revised to provide that a request for hearing will be accepted or rejected within a reasonable time period (such as 7 days) after being received by the Department.

013553

Comment No. 12: The proposed rules mischaracterize what the record of decision must show regarding protection of public health and safety and prevention of pollution or diminution of water sources (Section 245.300(c)(4)).

Pursuant to the Act, the Department has the authority to grant a permit only if the record demonstrates that, among other things, "the proposed hydraulic fracturing operations will be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." Section 1-53(a)(4) (emphasis added). Yet, Section 245.300(c) of the proposed rules, state that the Department may only approve a permit if, in part, "the high volume horizontal hydraulic fracturing operations, as proposed, are reasonably expected to be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." The phrase "are reasonably expected to" is inconsistent with the Act and should be replaced with "will."

Comment No. 13: The proposed rules should specify additional types of permit modifications that will be considered "significant deviations" (Section 245.330).

Section 1-55 of the Act deals with permit modification requests. Pursuant to Section 1-55(c), "[i]f the Department determines that the proposed modifications constitute a significant deviation from the terms of the original application and permit approval, or present[] a serious risk to public health, life, property, aquatic life, or wildlife, the Department shall provide the opportunities for notice, comment, and hearing."

The proposed rules specify two instances in which a permit modification would constitute a "significant deviation": (1) when the well is proposed to be moved and (2) when the modification would present a serious risk to public health, life, property, aquatic life, or wildlife. Section 245.330(c), (d). In all other cases, the rules state that the "Department has the discretion to determine that the permit modification is a significant deviation based on the content of the application." *Id.* at (e). The proposed rules should identify additional instances of permit changes that would qualify as "significant" or "present[ing] a serious risk," such as, for example, overhauling or making substantial changes to the water source management, hydraulic fracturing fluids and flowback, and traffic management plans, switching to a different type of base fluid, or reducing setback amounts. The rules should also clarify that the two current instances already identified, as well as any others that may be included, are not exclusive (*i.e.*, "including but not limited to").

Comment No. 14: The proposed rules should require use of a standardized form for setback waivers (Section 245.400).

The Act allows operators to obtain waivers from various types of landowners for certain well site setback requirements if the landowner "expressly agrees in writing." Sections 1-25(a)(1), (3) and (b). The proposed rules state that "[t]his agreement shall be signed and dated" by the landowners and that "[a] copy of the agreement shall be submitted to the Department as part of the permit application." Sections 245.400(a)(1), (3), and (4).

The Act requires landowners to expressly agree in writing because of the concern that operators could "bury" the setback waiver notification in a lengthy, legalistic lease agreement. Landowners could sign the lease without being aware that they were waiving the setback requirements. Under the language in the proposed rules, it is still possible that an operator could do this, provide the lease as part of its permit application, and still claim that the agreement was "signed and dated" and provided to the

Department. The proposed rules should be revised to state that the Department will provide a standardized, stand-alone waiver form that must be used in order to waive the Act's setback requirements.

Comment No. 15: The proposed rules improperly infringe on the scope of the rebuttable presumption (Section 245.620) as set forth in the Act.

The rebuttable presumption of water pollution contained in Section 1-85 of the Act is an important tool for citizens, municipalities, and enforcement agencies to use in the event of water contamination. The proposed rules, however, severely limit the rebuttable presumption system contrary to the Act and must be revised.

Sections 1-85(a) and (b) of the Act provide as follows:

> (a) This Section establishes a rebuttable presumption for the purposes of evidence and liability under State law regarding claims of pollution or diminution of a water source and for use regarding the investigation and order authority under Section 1-83.
>
> (b) Unless rebutted by a defense established in subsection (c) of this Section, it shall be presumed that any person conducting or who has conducted high volume horizontal hydraulic fracturing operations shall be liable for pollution or diminution of a water supply if: (1) the water source is within 1,500 feet of the well site; (2) water quality data showed no pollution or diminution prior to the start of high volume horizontal hydraulic fracturing operations; and (3) the pollution or diminution occurred during high volume horizontal hydraulic fracturing operations or no more than 30 months after the completion of the high volume horizontal hydraulic fracturing operations.

(Emphasis added).

The proposed rules would improperly limit the availability of the presumption in two ways. First, Section 245.620(b) would only allow usage of a very specific type of water quality data to establish the non-existence and existence of pollution or diminution.

Specifically, Sections 245.620(b)(2) and (b)(4) would only allow the presumption to be established by "the baseline" and "the follow-up" water quality testing and monitoring mandated under Sections 1-80(b) and (c) of the Act. While this specific data may certainly be used for purposes of establishing the rebuttable presumption, nothing in the Act supports the conclusion that it is the only data that may be used. On the contrary, in Section 1-85(b)(2), the Act does not restrict the type of water quality data that may be used to establish the presumption. In addition to the plain language of Section 1-85(b)(2), other parts of the Act provide further evidence that the rebuttable presumption is not limited to "the baseline" and "the follow-up" testing as proposed in the rules: Section 1-85(a) of the Act states that the rebuttable presumption can be used in the investigation and order authority provided in Section 1-83. Section 1-83(d) refers to the baseline water testing under Section 1-80(c), but it also refers to "sampling results or other information obtained as part of the investigation." If the rebuttable presumption was meant to be limited to the required baseline testing, then the Act would have prevented the government agencies from using other sampling results or information to establish the presumption.

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Second, the proposed rules would allow the presumption only if one of the enumerated items in Section 245.620(b)(4) were detected in the follow-up monitoring. The enumerated list comes from the sampling requirements in Section 1-80(e). But Section 1-85(a) of the Act, as set forth above, clearly makes the presumption available for use in all claims of pollution or diminution. The Act also contains an extensive definition of "pollution and diminution" in Section 1-5 that is not restricted to the list in Section 1-80(e).

Accordingly, the phrases "the baseline" in Section 245.620(b)(2) and all of Sections 245.620(b)(4) and (c)(4) (including the phrase "the follow-up") should be deleted from the proposed rules.

Comment No. 16: The proposed rules should ensure that master lists of chemicals are posted on the Department's website prior to the commencement of hydraulic fracturing operations (Section 245.720(a)).

Section 1-77(e) of the Act requires the Department to "assemble and post up-to-date copies of the master [chemical] lists it receives . . . on its website." In the proposed rules, the Department allows itself 21 business days to post the lists. *See* Section 245.720(a). This subsection should be revised to state that the Department will post the lists "within 14 calendar days." This revision is needed because, under the proposed rules as currently written, a permittee or contractor may provide its master list to the Department as late as 21 calendar days before beginning hydraulic fracturing operations. Because the propose rules would allow the Department another 21 business days to post the master list, there would be no guarantee that the public would be aware of the potential chemicals to be used until after the well stimulation has begun (or even finished).

To illustrate, if a permittee or contractor submitted its master list on January 3, 2014, and planned to begin hydraulic fracturing operations 21 calendar days later (January 24, 2014), the Department would not have to post the master list until early February. Under the revision suggested above, the master list would have to be posted on January 17th, giving the public and other interested parties at least a week to review it prior to hydraulic fracturing operations.

Comment No. 17: The proposed rules should ensure that health professionals have access to trade secret information in an emergency (Section 245.730).

Section 1-77(l) of the Act provides that "[t]he Department shall adopt rules for the provision of information furnished under a claim of trade secret to a health professional who states a need for the information and articulates why the information is needed." It goes on to state that "[t]he rules adopted by the Department shall also establish procedures for providing the information in both emergency and non-emergency situations."

First, the proposed rules should be edited so that the Department "shall" disclose trade secret information to a qualified health professional. The proposed language says "may" in Section 245.730, which is inconsistent with the Act.

Second, in the proposed rules, the disclosure of trade secret information to health professionals needs to be changed so that emergency medical personnel have one central point of contact, available 24 hours a day, seven days a week to obtain information in the event emergency medical treatment is necessary for a patient exposed to a trade-secret protected chemical.

One option may be for the Department to contract with the Illinois Poison Center ("IPC"), a non-profit health information service that operates a hot line available 24 hours a day, 365 days a year. The proposed rules could require that chemical information also be submitted to the IPC when it is submitted to the Department. The IPC would sign a non-disclosure agreement with the Department and would maintain the information in a confidential database. It would also assign a dedicated hot line number for the Department. This number could be posted at the well sites, posted on the Department's website, included in the Department's main number greeting system, and provided by Department employees during business hours.

Comment No. 18: Health professionals should not have the burden of providing names of other health professionals to whom information is disclosed, although trade secret holders may be allowed to request the names (Section 245.730(e)).

Section 245.730(e) should be modified to state that the trade secret holder may request the names of all other health professionals to whom the information is disclosed. This formulation is more consistent with the Act, which allows the trade secret holder to request confidentiality agreements from health professionals but does not require the health professionals to sign them. *See* Section 1-77(l). The proposed rules should therefore place the affirmative obligation on the trade secret holder to seek out the additional health professionals if it feels the need to do so.

Comment No. 19: The proposed rules should define what constitutes "routinely" for tank inspections (Section 245.825(a)(5)).

Consistent with Section 1-75(c)(4) of the Act, the proposed rules state that above-ground tanks must be "routinely inspected for corrosion." Section 245.825(a)(5). To provide clarity and enhance enforcement, the rules should set forth a specific time frame for what constitutes "routinely" (*e.g.*, monthly, every six months, etc.) and require the permittee to keep records of those periodic inspections.

Comment No. 20: The proposed rules should provide that flowback entering reserve pits must be removed within 7 days of entering the pit (Section 245.850(c)).

The proposed regulation (Section 245.850(c)) regarding the temporary use of reserve pits is inconsistent with Section 1-75(c) of the Act. The Act is explicit that properly constructed, lined reserve pits should only be used for temporary storage in the event of unanticipated or unexpected flowback and that any flowback captured in the reserve pits must be removed from the site within 7 days. The Act requires that the 7-day time-period for removal should begin when the flowback is captured in the pits, not when the hydraulic fracturing operations are completed. In contrast, the proposed regulations would allow the 7-day time-period for removal to begin when the hydraulic fracturing operations are completed instead of 7 days from when flowback is captured in the pits. This inconsistency must be corrected.

Based on their experience, permittees can and should insure that they have sufficient tank capacity to render the use of pits unnecessary. Further, the rules should require permittees to maintain a log documenting the use of reserve pits (including timeframes of their usage and volumes held) and provide that to the Department as part of the well completion report.

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Comment No. 21: More definition should be added to "technically infeasible and economically unreasonable" (Section 245.845 and 900).

The Act requires that operators capture all natural gas during the flowback and production phases, unless the operator establishes that it is "technically infeasible or economically unreasonable" to do so. *See* Section 1-75(e). To make this demonstration for the production phase, the operator must show that the actions needed to capture the gas "are not cost effective based on a site-specific analysis." Section 1-75(e)(5).

The proposed rules provide no additional guidance on what operators need to provide to establish technical infeasibility, economic unreasonableness, or cost ineffectiveness. *See* Section 245.845(c) and 245.900(e). The Department should include a section setting forth the types of information that operators must provide. For example, North Dakota has the following regulation defining what it means for collection of gas to be "economically infeasible":

> The connection of a well to a natural gas gathering line is "economically infeasible" under North Dakota Century Code section 38-08-06.4, if the direct costs of connecting the well to the line and the direct costs of operating the facilities connecting the well to the line during the life of the well, are greater than the amount of money the operator is likely to receive for the gas, less production taxes and royalties, should the well be connected. In making this calculation, the applicant may add ten percent to the amount of the cost of connecting the well and of operating the connection facilities used to determine whether a connection is economically infeasible. This ten percent may be added in consideration of the cost of money and other overhead costs that are not figured in the direct costs of connecting the well and operating the connecting facilities.
>
> An applicant for an exemption under North Dakota Century Code section 38-08-06.4 must, at the minimum, present evidence covering the following areas:
>
> 1. Basis for the gas price used to determine whether it is economically infeasible to connect the well to a natural gas gathering line;
> 2. Cost of connecting the well to the line and operating the facilities connecting the well to the line;
> 3. Current daily rate of the amount of gas flared; and
> 4. The amount of gas reserves and the amount of gas available for sale.

N.D. Admin. Code § 43-02-03-60.2.

Comment No. 22: The proposed rules should require permittees to keep track of the amount of gas flared or vented on an ongoing basis (Section 245.930).

Section 1-75(e)(11) of the Act requires operators to "record and report to the Department on an annual basis the amount of gas flared or vented from each high volume horizontal hydraulic fracturing well." The proposed rules should clarify that, while operators need not report it to the Department, they must keep track of how much gas they are flaring or venting on an ongoing basis so that the total annual amounts can be calculated accurately and reported each year. The current Section 245.930 of the

proposed rules could be misinterpreted to mean that operators need only create one "record" per year. The following is a suggested revision (note that the bold text is our proposed addition, and the strikethrough is our proposed deletion):

> Pursuant to Sections 245.900 and 245.910, permittees shall record the amount of gas flared or vented from each high volume horizontal hydraulic fracturing well on an ~~annual~~ **ongoing** basis. **Every 12 months from the date of permit issuance under this Part, permittees shall** ~~and~~ report **the total amount of gas flared or vented from each well during the previous 12 months** to the Department ~~on an annual basis~~ (Section 1-75(e)(11) of the Act).

Comment No. 23: The proposed rules should reflect that landowners and operators are not allowed to contractually waive the requirement to restore lands other than the well site and production facility (Section 245.1020).

Section 1-95(d) of the Act allows a landowner to contractually waive the requirement for an operator to restore the well site and production facility. For lands other than the well site and production facility that are used by the operator, there is no contractual waiver ability contained in the Act. Section 1-95(c) requires that they be restored. Therefore, the draft rules at Section 245.1020 should not include the "[u]nless contractually agreed to the contrary" language.

Comment No. 24: The administrative fines should be raised substantially (Section 245.1120).

The dollar amounts set forth in the proposed administrative penalty section (Section 245.1120) should be set much higher to have a meaningful deterrent effect and to encourage high compliance levels by operators. The current levels in the proposed rules are so low that an operator could consider them to be merely the cost of doing business.

Comment No. 25: Clarifying edits need to be made to the administrative penalty section (Section 245.1120(c)).

Section 245.1120 provides the authority for the Department to impose monetary sanctions for various violations of the Act, the administrative rules, and a permit issued for high volume hydraulic fracturing. Section 245.1120(c) provides that an administrative penalty "shall not exceed $1,000 per day for each and every act of violation" (emphasis added). Setting aside whether $1,000 is an adequate penalty amount, this language should be changed to "per day, per violation" to avoid a potential reading of this language as limiting the total maximum penalty to $1,000 per day, no matter how many violations were committed that day. If an operator committed ten violations in a particular day, that operator should be subject to $10,000 in fines (at the $1,000 level) not just $1,000.

Changing the language to ensure it cannot be construed as creating a $1,000 per day cap on penalties would also help to address inconsistencies in the proposed rules. Specifically, Section 245.1120(c)(2)(A)(vi) provides a penalty of $2,500 for a site that has "five or more previous violations of the same rule." This appears to conflict with the $1,000 cap. Similarly, Sections 245.1120(c)(2)(B) and (C) allow the factors of "[s]eriousness" and "[p]ermittee's [a]ctions" to be factored into penalty assessment calculations. Section 245.1120(c)(2)(B)(ii) allows an additional $2,000 to be added to an administrative penalty. It is not clear how the $2,000 could be added to the penalty when the introduction to Section 245.1120(c) appears to limit the penalty to $1,000.

Comment No. 26: The proposed rules should allow determinations of pollution or diminution to be eligible for administrative penalties (Section 245.1120).

Section 245.1120(c) states that "[a]dministrative penalties shall not be assessed for a violation of Section 1100(g)." Section 1100 sets forth the causes for which the Department may "suspend or revoke a high volume horizontal hydraulic fracturing permit, order actions to remediate, or issue administrative penalties." Subsection (g) refers to "a determination of pollution or diminution made pursuant to an investigation under Section 245.610 (Section 1-83(d) of the Act)." It is unclear why Subsection (g) cannot be the basis for administrative penalties.

Comment No. 27: The proposed rules should ensure that serious violations cannot be cognizable as administrative violations (Section 245.1120(c)).

The Act clearly demonstrates the legislature intended to treat lying or making other types of misrepresentations to the Department or to the Illinois EPA very seriously. Section 1-100(c) of the Act provides that "[a]ny person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Department or Agency as required by this Act, its rules, or any permit, term, or condition of a permit, commits a Class 4 felony." The proposed rules, however, take a completely inconsistent approach and state that "providing incorrect, misleading, incomplete or materially untrue information" can be treated as an administrative violation and subject to a fine as low as $50. Section 245.1120(c)(1). That type of violation should be pursued under the civil or criminal enforcement sections of the Act. Language should be deleted from the proposed rules as follows:

Section 245.1120(c)(1):

> Administrative violations are violations of any submission, reporting or notification requirements of this Part, including, but not limited to, ~~providing incorrect, misleading, incomplete or materially untrue information regarding permittee registration, permit application, permit modification, permit transfer, or permit bonding, and~~ failing to properly comply with the reporting and Department notification requirements set forth in the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit, and shall be assessed on a permittee-specific basis.

Similarly, Section 1-30(a) of the Act provides that:

> [A] person may not drill, deepen, or convert a horizontal well where high volume horizontal hydraulic fracturing operations are planned or occurring or convert a vertical well into a horizontal well where high volume horizontal hydraulic fracturing operations are planned in this State, unless the person has been issued a permit by the Department under this Act and has obtained all applicable authorizations required by the Illinois Oil and Gas Act.

A knowing violation of Section 1-30(a) is a Class 4 felony subject to a fine not to exceed $25,000 for each day of violation; a second or subsequent violation rises to a Class 3 felony and fines of $50,000. Section 1-100(b). Violations of Section 1-30(a) are also subject to elevated civil penalties not to exceed $100,000 and an additional penalty not to exceed $20,000 for each day during which the violation continues. Section 1-101(b).

013565

Yet, the proposed rules would recognize the operation of a well without a permit as an administrative violation subject to a penalty as low as $100. Again, given the seriousness with which the Act views operation of a well without a permit, the rules should require that such a violation must be pursued as a civil or criminal enforcement matter under the Act. The language should be deleted from the proposed rules as follows:

Section 245.1120(c)(2):

> Operating violations are violations of all other requirements of this Part not covered by subsection (c)(1), including, but not limited to, ~~operating a well required to be permitted under the Act without first obtaining a proper permit from the Department,~~ constructing or operating a well in violation of the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit.

Comment No. 28: The proposed rules should specify the criteria for deciding whether to enter a settlement agreement or issue an amended Director's Decision (Section 245.1120(i)).

Section 245.1120(i) states that, "[u]pon further investigation," the Director may enter into a settlement agreement or issue an amended Director's Decision that could, in part, extend the amount of time provided to complete remedial action and reduce the assessed civil penalty. There should be some additional criteria included for deciding whether to take these actions (*i.e.*, "upon good cause shown" or some other standard that puts the burden on the violator to make the case).

Comment No. 29: The proposed rules implementing the "traffic light" system for induced seismicity from Class II injection wells must be improved (Section 240.796).

Section 1-96 of the Act requires rules adopted under that section "shall employ a 'traffic light' control system allowing for low levels of seismicity while including additional monitoring and mitigation requirements when seismic events are of sufficient intensity to result in a concern for public health and safety."

The traffic light system is a risk-based mitigation plan. "[T]he "green-yellow-red light" system provides the flexibility to respond to changing seismic conditions and to modify injection rates in response to evidence [of] increased seismic hazard." Dr. Michael W. Hamburger, Professor of Geophysics, Indiana University, comment letter dated Nov. 25, 2013. The goal is to identify problems before they escalate into induced seismic events that people can feel and that can potentially cause damage similar to what has occurred near injection wells in Ohio, Arkansas, and Oklahoma.

According to the Illinois State Geological Survey ("ISGS"), natural earthquakes begin to be felt around magnitude 2.0 and can begin to cause cosmetic damage in the upper magnitude 4s and lower 5s. However, shallower earthquakes cause more shaking at the ground surface and can be felt at even lower magnitudes (such as the extreme upper magnitude 1s) in quiet places and times of the day. Also, lower magnitude events, such as the magnitude 3.4 earthquake on September 23, 2013, in Oklahoma that is believed to be associated with subsurface fluid injection, can cause damage to chimneys, columns, and brick facades, as well as causing broken windows and objects to fall from walls and cabinets.

013566

Therefore, to provide a margin of safety, the trigger point for moving from Green to Yellow should be 2.0 instead of 3.0, so that the situation may be investigated prior to it escalating into felt events (ISGS states that USGS seismograph stations in Illinois can detect earthquakes as small as magnitude 1.5 to 2.0). Similarly, to trigger additional steps before potentially damaging events occur, the alerts should move from Yellow to Red at magnitude 4.0 instead of 5.0.

The proposed rules should also be revised to require a reduction of injection volume and consultation between the Class II UIC well permittee, the Department, and the ISGS if the permittee receives a third Yellow Light Alert within one year. Accordingly, assuming neither of the special situations in Sections 240.796(e)(1) and (2) apply, a Class II UIC well permittee receiving the following number of Yellow Light Alerts within the previous year would be treated as follows:

1-2 YLAs:	Permittee has the option to do nothing, to reduce the volume of fluid injection, or consult with the Department and the ISGS, all pursuant to Section 240.796(d)(1).
3-4 YLAs:	Permittee must immediately reduce injection volume and consult with the Department and the ISGS per the recommendation above.
5 YLAs:	Permittee receives cessation order pursuant to Section 240.796(e)(3).

Finally, the proposed rules should also be revised to incorporate the following additional recommendations from Dr. Hamburger in his November 25th letter:

- Yellow Light Alerts should be reported to all Class II UIC well permittees within 6.2 miles (10km) instead of 3 miles (5km) "because induced seismic activity has routinely been identified at distances greater than the 3 miles."

- Red Light Alerts should be reported to all Class II UIC well permittees within 10 miles (15km) instead of 6 miles (10km).

- The Department should require "one or more (ideally three) seismic monitoring stations in the vicinity of a well suspected of triggering induced seismic activity."

Comment No. 30: Typographical errors and corrections.

Section 245.330(a):	Should be "any" instead of "an."
Section 245.600 (a)(8)(C):	Should this reference be to (a)(8)(d) not (a)(7)(d)?
Section 245.845(a) and (b):	Appears cross-reference should be to (f) not (e).
Section 240.796(b):	There is a spelling error in the second sentence.

* * * *

Thank you for your consideration of these comments. We can be reached at the telephone numbers and email addresses listed below should you have any questions or wish to discuss our comments.

IL 3567

Sincerely,

Matthew Dunn /JPG

Matthew J. Dunn, Chief
Environmental Enforcement/Asbestos
Litigation Division
(217) 524-1503
mdunn@atg.state.il.us

James Gignac

James P. Gignac
Environmental and Energy Counsel
(312) 814-0660
jgignac@atg.state.il.us

Date: December 26, 2013

To: Robert G. Mool, Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

From: Anna Sophia Johnson
695 Hoop Road 2000 N
Watseka IL 61962

RECEIVED
JAN 03 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Subject: Comments on Rules for
Hydraulic Fracturing Regulatory Act

☆ ☆ ☆

Hydraulic Fracturing Regulatory Act 225 ILCS 732/1-120
requires compliance with
Illinois Oil & Gas Act 225 ILCS 725

225 ILCS 725/8c(i)(1) reads.
"Liquid Oil field waste are now & hereafter
exempt from provisions of Subtitle C of the
Federal Resource Conservation & Recovery Act of 1976"

PL3569

Please explain how this exemption occurred.

Please explain how you will or will not reverse this exemption, and why or why not, you will or will not.

* * *

225 ILCS 725/13 requires

"official consent of municipal authorities

Why or why not "official Consent of County authorities"

* * *

225 ILCS 725/12.2 (b-5)

"when one of the owners is Department of Natural Resources"

Question: Under what circumstances can IDNR own "tracts of land"?

* * *

225 ILCS 732/1-35 (c)

Why are County Boards omitted?

* * *

225 ILCS 732/1-40 Public Notice

Yes, put Complete Permit Application on IDNR Website

But everyone is NOT computer friendly

Therefore put complete permit application in the County Courthouse.

* * *

225 ILCS 732/1-40 (c)(6)

County Board is included!

Thank you!

* * *

225 ILCS 732/1-50 (a)

Again, thank you for including County Board!

(Note to IDNR: County Boards are never "frivolous"

* * *

225 ILCS 732/1-50 (d)

Once a week for three weeks
in press and on radio
should be required
for Notice of Hearing Date

* * *

225 ILCS 732/1-120

Applicable Federal, State, and Local Laws

Compliance with this Act
does not relieve responsibility
for compliance with:

- Ill Oil and Gas Act
- Ill Environmental Protection Act
- and other applicable
  - federal
  - State
  - local laws

* * *

62 Ill Adm Code 245.110 Definitions

"API" means American Petroleum Institute

Please identify the Rule or Rules in which API is involved in Illinois Legislation.

* * *

62 Ill Adm Code 245.260 (b)

In these rules there is a repetitive emphasis on the idea that "60 days" is the allotted time between IDNR receiving a Permit Application by IDNR issuing or denying a Permit.

As a consequence you are trying to compact public participation within the boundaries of "60 days!"

Why are you doing this?

* * *

013573

62 Ill Adm Code 245.270 (a)(1) A) i)

"a person of interest" is identified

by exceedingly strict requirements

As only: Land owners
: tenants
: lessees

on land within 1500 ft of the proposed well site

That definition includes

Only persons with a royalty interest in the well

And excludes everyone else.

Also, a County Board:

- may REQUEST a Hearing

But is excluded from participation in a Hearing.

* * *

Brown, Ronda

From: Cohen, Mitchell
Sent: Friday, November 22, 2013 12:50 PM
To: DNR.Lawreception
Cc: Brown, Ronda
Subject: RE: Webuser Feedback (ID): Hydraulic Fracturing - public comment

The Department will accept this email as a public comment for consideration with all other public comments during the first notice period of the rulemaking process.

From: DNR.Lawreception
Sent: Friday, November 22, 2013 10:11 AM
To: Cohen, Mitchell
Subject: FW: Webuser Feedback (ID): Licenses, Hunting

Mitch,

Can you have the appropriate person respond.

Thanks.

From: Illinois DNR [mailto:ilext.moss.farm@illinois.gov]
Sent: Thursday, November 21, 2013 7:13 PM
To: DNR.Lawreception
Subject: Webuser Feedback (ID): Licenses, Hunting

Webuser Feedback ID 119493 has been submitted by Robert Crain, resident of Illinois (affiliation Concerned Citizen).

Email: crainrf@aol.com

Phone:

Primary area of interest: Law/Regulations

Question/comment: Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident. First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730] Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830

013575

245.850] Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100] Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620] Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330] I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

I need a reply

013576

Rachel V. Tompkins, PhD
Clinical Psychologist
Licensed in Illinois and Missouri

118 So. Main St. — Edwardsville, IL 62025 — (618) 656-0696

RECEIVED
NOV 22 2013
Dept. of Natural Resources
LEGAL COUNSEL

Robert G Mool
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

I was concerned about several sections of the newly written rules for 'fracking' in Illinois. Under section 254.630, "Prohibitions", radioactive water discharge into fresh water should be added to the discharge which is prohibited.

Under section 245.700 b), permission to any alteration of the contents of fluid used in the 'fracking' process should be required prior to the alteration, not after.

Under 245.845, "Management of Gas and Produced Hydrocarbons During Flowback", the exception d) leaves a wide open gap for expense to outweigh the pubic good in terms of air pollution and ozone damage and its effects on global climate

Under 245.920, the existence of a flaring waver should clearly only be applicable to situations in which an alternate means of methane capture is in place.

Under 245.930, should there be an allowance for gas vented? Is there any independent means to monitor this other than self-report?

Under 245.1120 a) 3) A), why is a violation counted for only two years. A violation should stand, as it means a company is not using proper care and should raise a red flag for those monitoring this process.
Under b) 2) of that same section, administrative fees assessed should not be limited to $1000 per day when a violation has occurred. This allows violations with insignificant costs, when compliance with regulations may result in a greater cost, setting up an incentive to violate regulations.

Under 245.1120 "Director's Decision" c) No fees when a determination of pollution or diminution made pursuant to an investigation does not represent a good policy for guaranteeing compliance. Neither does administrative penalty fees set at not exceeding $1000 per day for each act of violation. The resulting costs from these violation may be very high for the affected communities The fee for the violation of a rule, such as giving false information on an application, set at $50, less than a parking ticket, definitely gives a green light to those who would falsify an application. Under section 2), the operator of a non-permitted well facing a fine of $200 begs the question why any company would choose to comply with a costly and detailed permitting process. Add to that backward incentive that the fine is $200 if environmental damage is caused and only $1000 if groundwater is fouled, and it makes economic sense for a company to ignore all regulation.

Sincerely,
Rachel V. Tompkins, Ph.D.
425 West Fourth St. Edwardsville, Il 62025

#13577

RECEIVED
NOV 2 1 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Nov. 20, 13

Dear Mr. Mo

I am writting to comment on the proposed rules for hydraulic fracturing. My comment deals with section 4-5 of the proposed rules whic deals with the definition of a "well site"

Since fracking is "not your grandfathers drilling", I find the provisions definition of a "well site" to be inadequate. The "well site" definition should be expanded to include the surface area above any and all horizontal or vertical legs of the well.

As a rural resident I want to know whats happening under my property. Since the proposed setbac requirements are not based on all underground horizontal legs of the well then I believe that the proposed rules do not protect my water well and ground water from contamination

No Illinois citizens health and quality of life should be diminished by fracking. Because of the inadequate set back requirements

01357

that will result from the current narrow definition of a "well site" I believe that the health, safety, and welfare of Illinois citizens will be put at risk.

We should learn from the problems that have occurred in other states where fracturing is currently happening. Instead the IDNR has chose to ignore the problems associated with fracking and as a result we are sadly doomed to repeat them.

Sincerely,
Ron Wojtanowski

Mr. Ron Wojtanowski
18870 N 350 East Rd.
Danvers, IL 61732

013579

RECEIVED
NOV 2 1 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Nov 19, 13

Dear Mr Neal

I am writting to comment on the newly released rules for the regulation of Hydraulic Fracturing.

On page 3, paragraph 6 of the proposed rules it states: "Publish studies or reports, and sources of underlying data, used to compose the rulemaking: None."

My question is: How can the state of Illinois say we have the strictest fracking regulations in the country when the many accidents and violations that other states continue to experience have been ignored in the writting of the rules?

To leave these regulations as they are presently written without consulting the many sources of data, the many studies and reports and the many problems that have occurred in other states is a violation of the intention of the legislature and the governor when they signed Public Act 98-0022 into law.

01358

As stated at the time when the fracking bill was passed the intent of the legislature and the governor was to pass "the strictest fracking bill in the nation". This is not possible if the IDNR has not used all possible sources of data studies and reports when writting the rules.

By ignoring the problems that have occurred with fracking in other states the IDNR has paved the road for those same problems to happen here.

If we want our state to have the strictest fracking rules in the nation then we have to employ the "best practices" that are currently available.

Sincerely,
Ron Wojtanowski

Mr. Ron Wojtanowski
18870 N 350 East Rd.
Danvers, IL 61732

IL 358

Dec. 19, 13

I am writting to comment on the proposed rules for the regulation of Hydraulic Fracturing. When I attended the recent hearing on the proposed rules in Decatur on Dec. 17 I noticed that many of the people that commented based their comments on recent studies, reports, and scientific information. Yet by IDNR's own admission on Page 3 paragraph 6 you have decided to use none of the most recent science to compose these rules. I find that to be shameful. Your failure to utilize the latest scientific information weakens all of the rules and leaves the wellfare of Illinois citizens at risk. Again and again IDNR ignores the latest science pertaining to Seismicity, Radioactivity, Wastewater, produced water testing, water contamination, air pollution, and on and on.

I will admit that I am against fracking.

DEC 23 2013
Dept. of Natural Resources
CHIEF LEGAL COUNSEL

However as a rural property owner if I wanted to lease my land for fracking I would have to have deep concerns about these rules. The rules would fail to protect my health and the health of my family. The rules would fail to protect my land and my drinking water from contamination by fracking chemicals and gases. These rules would fail to protect the air around my home that my family breathes. In the end the value of my property would plumet.

These rules as proposed must be rejected and be sent back to the drawing board. Competent people utilizing the best information must be used to re-write them. We can not ignore what's happened in other states. IDNR's job is to do better here in Illinois and protect the people of Illinois from the pit-falls of this very dangerous kind of drilling.

Ron Wytanowski

COOK COUNTY FARM BUREAU
Farm. Family. Food.™
6438 Joliet Rd
Countryside IL 60525

RECEIVED
DEC 23 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

December 18, 2013

Robert G. Mool
Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Re: IDNR High Volume Horizontal
Hydraulic Fracturing Rule Proposal

Dear Mr. Mool,

The purpose of this communication is to comment on IDNR's proposed high volume horizontal hydraulic fracturing rule, which is designed to implement the regulations authorized by the legislation recently approved by the Illinois General Assembly.

Overall, the proposed rules effectively implements the regulations outlined in the legislation, which have been described as the most protective regulations in the nation. The regulations also help protect land and water.

In regards to Subpart J: Plugging and Restoration, Section 245.1020 Restoration of Lands Other than the Well Site and Production Facility provides a list of items that must be repaired and restored following the completion of the well. However, this section does not include specific standards as to how items like tile lines should be repaired or how soil fertility or compaction should be restored.

Repairs to drain tiles must be made properly to assure that farmland continues to drain and that farmland continues to produce at a level consistent with production before site preparation and drilling. Drain tile that is damaged during construction must be repaired and additional tile lines must be installed, if necessary, to properly drain wet areas caused by construction or drilling operations. If construction occurs at a time when water is flowing through tile lines and damage occurs then, temporary repairs should be made immediately to assure that the drainage of the surrounding land is not impacted and until such time that permanent repairs can be made.

Improper repair of drain tiles by permittees may not be known for some time after the restoration process is complete. If repairs occur during dry periods or droughts, it may not be known if the repair of tile is sufficient until enough rainfall occurs to activate the drain tile. Because the repair

of drain tiles can be complex and proper repair may not be known until after restoration, including specific standards for the repairs will help avoid conflict about achieving proper restoration among permittees, surface landowners, and IDNR.

Adding specifications to the items included in the restoration of disturbed lands will reassure surface landowners that restoration will be done correctly. We urge the Department to include specific restoration standards in Section 245.1020.

If you have any questions, please feel free to contact me at (708) 354-3276 or via email at bona@cookcfb.org.

Sincerely,

Bona J. Heinsohn, Director
Governmental Affairs and Public Relations
Cook County Farm Bureau®

December 19, 2013

Robert G. Mool
Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

RECEIVED
DEC 23 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

To Members of IDNR who are involved with Hydraulic Fracturing:

Thank you for providing this opportunity to share my beliefs about an issue that concerns me – and all of us – deeply.

My name is David E. Christensen. I am a retired Geography professor (SIUC). I received my Masters and PhD degrees from the University of Chicago. For decades I taught geography at universities in the U.S. and for a year at the University of Liverpool in the United Kingdom, another year at Huanghe University in China and summers in Canada and Malaysia.

For your information professional Geographers are concerned with the human use – and misuse – of the surface of the Earth, and that concern includes thousands of feet below the surface and the atmosphere. That concern obviously includes activities that relate to the well-being and survival of humans and other living things with which we share this planet and on which we depend.

For two centuries the amount of CO2 in the atmosphere has steadily increased to the point of endangering living things, including humans. Climate change is real and near an unknown tipping point. That knowledge is based in part on the chemistry of the air going back 800,000 years (Antarctic Ice cores).

As persuasive as are "jobs and profits" arguments for "frack now and worry about it later," my concern with hydraulic fracturing ("fracking") is long term. After our two centuries of "creaming off" the "easy to mine and drill" fossil fuels (coal and oil) we have entered into more and more expensive and controversial modes, the latest being horizontal fracking. Yes, there has been fracking at the bottom of bore holes for decades, but the major change came about only a dozen years ago when horizontal fracturing (out to about 2 miles from the bore hole!) and the rising cost of prospecting and production (and renewed prospects for generous profits) opened the huge reservoir of impregnated oil and gas in shales thousands of feet below Earth's surface.

I need not review with you details about the many controversial aspects of fracking. You know them well:

The use and contamination of vast amounts of limited fresh water resources,

The problem of disposal of the toxic contaminated water that rises with released oil and gas through the bore hole,

The contamination of ground water resources as remaining toxic fluids, oil and gas rise randomly to the surface for miles around the bore hole,

The record of increasing low and mid-level earthquakes causing damage to infrastructure and structures on or near the surface, jeopardizing and disrupting the health and lives of humans at the surface.

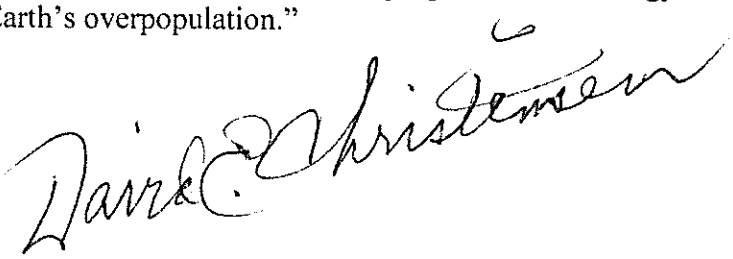
The use of natural gas from fracking over the next decades or century would only exacerbate our already precarious situation in regard to CO2 in the atmosphere and climate change.

Just because the fracking technology has been invented and can increase the production of oil and gas that provides jobs and profits for a while does NOT justify its use if it puts the health, well-being and survival of the human species and our accumulated civilization at risk. (Humans also invented nuclear bombs but must NOT use them for similar reasons!)

We should not be playing games with fracking rules. More stringent rules and nickel and dime fines for environmental damages are part of that game. We should not even be considering a moratorium. Fracking technology very simply should NOT be used.

We SHOULD be intensively researching and developing alternative energy sources and dealing realistically with the Earth's overpopulation."

David E. Christensen
908 Glenview Drive
Carbondale, IL 62901
(618-529-2034)



December 19, 2013

RECEIVED
DEC 23 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool,

I am writing to propose a change to the DNR Rules regarding the Hydraulic Fracking Permitting Process. Please see my comments below.

- SUBPART B- Registration and Permitting Procedures
- Section 245.210- Permit Application Requirements

The proposed administrative rules need to address upgrade, maintenance, or repair of roadways needed to accommodate activities under the Illinois Hydraulic Fracturing Act. These activities will affect traffic flow during and after hydraulic fracturing and drilling activities. Not planning for or undertaking them will have an even greater effect. Traffic management cannot occur without planning for these issues. A provision for the establishment of Road Upgrade and Maintenance Agreements, or RUMAs, within section 245.210 (15) of the proposed administrative rules would ensure these issues are addressed.

The Illinois Hydraulic Fracturing Act (P.A. 098-0022) makes allowances in Section 1-55 (a) that "Each permit issued by the Department under this Act shall require the permittee to comply with all provisions of this Act and all other applicable local, State, and federal laws, rules, and regulations in effect at the time the permit is issued." The language we propose does not hamper the permitting process but rather supports the Act, even making allowances
for delays. It ensures communities can exercise their rights under various Illinois statutes, including; 605 ILCS 5/5 et seq., 605 ILCS 5/6 et seq., 605 ILCS 5/9-113, and 625 ILCS 5/15-316.

The proposed alterations would read as follows:

245.210 – Permit Application Requirements

15) Traffic Management Plan
A traffic management plan that is developed by the applicant, in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to *identify the anticipated, roads, streets and highways that will be used* (Section 1 – 35(b)(15) of the Act) to facilitate the well site construction, drilling operation, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) a scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a
10 mile radius around the well site, identifying all the different highway jurisdictions;

B) anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;

C) an executed or draft Road Upgrade and Maintenance Agreement (RUMA), to be established with affected county, township, road district system or municipal street system authorities and that includes; provisions for needed upgrades and supplemental maintenance of affected routes to accommodate operator transport activities; arrangements for undertaking such upgrades or supplemental
maintenance; provisions for timely repair or damages by the operator; arrangements for coverage of costs, such as bonds or surety; and consequences for failure to repair in a timely manner;

a. In the event that a draft RUMA is submitted, the applicant will outline the current status of negotiations, including whether a mediation/arbitration process is needed and what party will serve as a mediator/arbitrator;

Sincerely,

Bertis Cook

Bertis Cook
Village President
Village of Elizabethtown
PO Box 446
Elizabethtown, IL 62931

Sec 245.5

My comment is about the proposed rules for the regulation of fracking. This comment is about VOC emissions that are generated by the fracking process.

RECEIVED
DEC 23
Dept. of Natural Resources
GENERAL COUNSEL

VOC's have scientifically been shown to cause asthma, cancer, and severe illnesses. There have been many reported causes of ~~respitory~~ respiratory illness in Colorado since the fracking boom began there. Ozone-forming air pollution has been measured in Colorado up to twice the amount that government regulators have calculated should exist. Parts of rural Colorado where fracking is occurring have as much air pollution as big metro areas.

As of now the Rules allow companies to be wholly exempt from runaway natural gas and hydrocarbon fluids if the regulation of these isn't "cost effective" or if it is "economically unreasonable". (Sec 245.900e)

01359?

This rule is not only unfair to the tax payers of Illinois but once again endangers the health of our citizens. This rule protects the profits of the oil companies while placing the costs of the ill effects of VOC emissions on the shoulders of the tax payers, and on local, and state governments.

The Department should quantify the costs of ~~con~~ various kinds of emissions utiliging independent scientific studies on the issue. Included in the qualifications should be the health and environmental costs of emissions relative to the costs of capturing and reducing emissions.

Once again the IDNR has failed to use the best available science in the draughting of this rule and defers the costs of VOC emissions onto the backs of the tax payers. This rule must be rewritten.

Ron Wytanowski

William C. Sasso
9 Pinewood Drive, Carbondale, IL 62901
618-529-7808
bsasso@juno.com

RECEIVED
DEC 24 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

November 25, 2013

Mr. Marc Miller, Director
IDNR Springfield
One Natural Resources Way
Springfield, IL 62702-1271

Dear Director Miller,

As a resident of southern Illinois, as an ordained religious leader who led a congregation here for thirteen years, and as an individual person of faith, I celebrate the beauty of the Earth and feel strongly that we all have significant responsibility to act as stewards of its beauty, bounty, and precious resources.

Further, I believe strongly that the Illinois Department of Natural Resources has both an ethical and a legal obligation to protect our drinking water and public health. I am very concerned that the process of fracking threatens our region's drinking water and public health, both now and well into the future. For these reasons, it's critical that IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath for citizens in Illinois. This matters to me as a person of faith who lives in southern Illinois, where fracking is most likely to be undertaken. Therefore, I submit this letter to insist on the following changes to those proposed rules.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. As currently written, the proposed rules fail to guarantee this potentially life-saving information. They should be amended to guarantee that IDNR staffs a 24-hour hotline accessible to qualified healthcare personnel, with complete information about all chemicals used in any fracking operations conducted within Illinois. The costs of operating the hotline should be funded through fracking licenses or fees. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave way too much room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. This section of the draft regulations should be amended to require that IDNR is notified immediately

upon the onset of any emergency situation, and that any and all "emergency open-pit storage of wastewater" be recaptured in a suitable closed tanks within 2 weeks of the declaration of the emergency. If that two-week deadline is missed, the fracking organization should incur significant fines that escalate daily. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately; cheaters shouldn't prosper. This section of the draft regulations should be revised to apply to all active fracking operations within the State of Illinois. Period. [Draft Regulations Subpart A, Section 245.100]

Fourth, while the law puts the onus on industry to prove whether or not they have polluted specific groundwater resources, IDNR's proposed rules have shifted the burden of proof onto Illinois residents if they believe that pollution has occurred. The industry has a huge amount of resources, as well as knowledge about what chemicals are in active use at a given site; an individual has neither the resources nor the detailed technical knowledge. The draft regulations should be revised to ensure adequate protection of both individual and collective water resources when their quality may have been compromised by nearby fracking operations. One idea might be to have IDNR use tax, license, and/or fee income to maintain a set of independent water quality auditors who can have access to information about chemicals used in specific fracking operations. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's proposed rules significantly narrow the types of permit modifications that would trigger a public comment process. My concern is that this opens the door for fracking permit holders to obtain a permit for one type of operation, and then subsequently to obtain a modification that could allow more problematic activities without public scrutiny of the approval and modification process. The draft regulations should be changed to ensure that every initial permit and every modification is subject to public notice and (perhaps upon request by some number of residents) public hearing prior to approval. [Draft Regulations Subpart C, Section 245.330]

I thank you for your consideration of these five points. In my view, they are essential if we are to honor the spirit and the letter of the law, and if we are to take our role as stewards of the Earth and its bounty seriously. While fracking is risky under the best of circumstances, IDNR's current draft rules increase the risks of fracking very significantly.

PLEASE take personal responsibility to review the draft rules and to strengthen them to protect the beauty and bounty of Illinois, as well as its people and communities, for generations to come.

Sincerely,

William C. Lasso

Ms. Mary Peplinski

545 Woodcrest Dr

Mundelein, IL 60060

RECEIVED
11-26-2013
DEC 24 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Mr. Marc Miller, Director

Illinois Department of Natural Resources

Region 2 Office –Northeastern Illinois

2050 West Stearns Road

Bartlett, IL 60103

Dear Director Miller,

Re: IDNR's Rules Undermine Illinois' Fracking Law

As a person of faith, I believe that IDNR has an ethical obligation to protect drinking water and public health. The process of fracking threatens drinking water and public health for future generations in southern Illinois. That's why it's important for IDNR to get the rules right on Illinois' fracking law. **The rules proposed by IDNR on Nov. 15 undermine the law and do not adequately fulfill IDNR's ethical obligation to protect drinking water and public heath** for citizens in Illinois. This matters to me as a person of faith who lives in Illinois, and **I submit this letter to suggest changes to the rules.**

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the

onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. This kind of loophole is unacceptable and unfair to the citizens of our state. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family, and generations to come.

Sincerely,

Mary Peplinski

URGENT ACTION REQUESTED

Grass-root organizations in Illinois believe that the IDNR should schedule a third hearing on fracking in Central Illinois. We're asking you to send by **U. S. Mail (only!)** a request that a hearing on fracking be held in Central Illinois. It must be in their office by Tuesday, November 26. Therefore, submit your request this week! Please don't delay!

Send to: Robert G. Mool
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Please have a meeting!

RECEIVED
NOV 26 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

0136596

Main Menu | Return

CASE: 497315

Email Case | Return Case | Close Route

Received By	Letter
Name	Joyce Harant
Address	3914 N. Donna Lane, Peoria, IL 61615
Contact	309-648-3035 j.a.harant@gmail.com
Organization	
Citizen Question	FYI, Ms. Harant has sent the Governor's office a copy of her letter to IDNR expressing her dissatisfaction with IDNR issuing the fracking regulations so that the comment period coincides with the year end holiday season. She feels this does not provide adequate time for the public to review and respond. She would like more time to be granted for the public to review these regulations and respond. She would also like there to be more public hearings held. Please see attached.
Citizen Request	
General Subject	Environment / Energy
Citizen Position	None
Specific Issue	CASEWORK
Comment	
Last Updated	11/20/2013 10:02:56 AM by Stephanie.Garrison

ATTACHMENTS

Add Attachment

File Name	Description	Uploaded By	Upload Date
Joyce Harant.PDF		Stephanie.Garrison	11/20/2013

ROUTING

Routed To	Routed On	Emailed To	Closed By	Closed On
DNR	11/20/2013	tami.evans@illinois.gov		

ACTIONS

Add Action

Created	Action	Created By
11/20/2013 09:58 AM	Case created.	Stephanie.Garrison
11/20/2013 09:58 AM	Attachment added: Joyce Harant.PDF	Stephanie.Garrison
11/20/2013 10:03 AM	Routes added: DNR	Stephanie.Garrison

CASE FILE (Last 60 days)

No related cases.

HOLD STRONG FOR JUSTICE

IIRON

RECEIVED

DEC 0 2 2013

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

November 25, 2013

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

Dear Mr. Mool,

IIRON (Illinois-Indiana Regional Organizing Network) is writing to respectfully request an additional public hearing in Chicago on the Proposed Hydraulic Fracturing Rules. IIRON is a grassroots and institutional-based organization located in Illinois and Indiana. We have regular meetings of 100 to 500 members. 1,500 members attended our 2012 King Day Public Meeting in Chicago in January of that year.

The single hearing in Chicago on November 26th does not accommodate all Chicago residents who wish to participate. The two-hour hearing only allows for thirty (30), randomly selected four-minute testimonies. In a city of 2.7 million residents, a single hearing is simply inadequate. Furthermore, it is scheduled for the Tuesday before Thanksgiving, an inconvenient time for many. The announcement of the dates of the hearings on Friday, November 15th, gave Chicagoans less than two weeks notice. IIRON requests an additional public hearing in Chicago after the holiday season (in January or February, 2014) at a time convenient for public participation, such as in the evening after work hours.

Given IDNR's commitment to public participation throughout the rules drafting process, we hope that the Department will arrange an additional public hearing in Chicago. Please contact me at dfloyd@iiron.org as soon as possible regarding this request.

Sincerely,

Don Floyd
IIRON Lead Organizer

6400 S. Kimbark Chicago Illinois 60637

13598

Brown, Ronda

From: DNR.Espb
Sent: Wednesday, December 04, 2013 7:24 AM
To: Williams, Gloria
Cc: Brown, Ronda
Subject: FW: Concerned Student Wanting to Discuss Fracking in southern Illinois
Attachments: Hydraulic Fracturing.docx; ExParteCommunicationsForm_MistakToESPB120313.pdf - Adobe Acrobat.pdf

Gloria:

The email below, with attachment, was received by the Board's webmail. Since the proposed Administrative Rule is in comment period, I am forwarding it to you along with an Ex Parte Communications Form, as possible ex parte communication.

Thank you.

Anne Mankowski
Director
Illinois Endangered Species Protection Board
One Natural Resources Way
Springfield, IL 62702-1271
phone: (217) 785-8687
fax: (217) 785-2438
email: anne.mankowski@illinois.gov

RECEIVED
DEC 04 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

From: Alexandra Mistak [mailto:anmistak11@siu.edu]
Sent: Tuesday, December 03, 2013 11:02 PM
To: DNR.Clearing; DNR.Watercraft; DNR.Parksadmin; Williams, Jay D.; DNR.Teachkids; DNR.Endspec; DNR.Espb; Mick, Lynnette; DNR.Greenway; Renn, James; DNR.Lawreception; DNR.Mmlrd; DNR.INPC; McFall, Don; DNR.Volunteers; DNR.Dwrm
Subject: Concerned Student Wanting to Discuss Fracking in southern Illinois

Dear IDNR,

Attached are my concerns about Hydraulic Fracturing in the southern Illinois area.

Sincerely,
Alex Mistak

013599

Dear Illinois Department of Natural Resources,

Today I am writing you so that you may reconsider implementing hydraulic fracturing policies in southern Illinois. Although hydraulic fracturing has about 50% support in this area, why would another 50% in Illinois be against it, if it is said to benefit them? The answers are rooted in science and experience.

The first reason residents of southern Illinois are against "fracking" is because parents are worried about their children's health. Research on fracking has found that it causes air, water, and soil problems. For instance, studies show that fracking leads to an increase in birth defects, cancer, and neurological disorders near drilling sites due to air pollution. Hydraulic fracturing is also dangerous when well casings fail. Studies show that 60% of cement well casings used for fracking fail within 20 years. When well casings fail in southern Illinois it will put the rich soil in danger of contamination due to toxic fracking chemicals. Moreover, many southern Illinoisans are concerned about the fact that hydraulic fracturing is exempt from important federal regulations that protect public health and safety. Are we willing to hurt resident's well-being, including children, in Illinois so that corporations can make a profit?

Another great concern that many Illinoisans have about fracking in southern Illinois is that it causes earthquakes that can be detrimental to the area. Southern Illinois sits on the verging point of two major fault systems, the New Madrid Seismic Zone and the Wabash Valley Seismic Zone; because of this the chances of Southern Illinois experiencing an earthquake are greater and if and when hydraulic fracturing begins it can cause major problems that will be hard to fix. Although hydraulic fracturing is a fairly new way of getting energy, it has already caused numerous earthquakes in places like Oklahoma and Ohio. Earthquakes in the southern Illinois area are a major concern.

Furthermore, despite promises about an improved economy, we are not so sure that hydraulic fracturing is the best way to "improve" the economy. First, job creation projections in this area are not realistic because southern Illinois does not have as much oil as other states that have seen a boom in their economy like Texas. Additionally, all oil produced by fracking in southern Illinois will be sold overseas and so it will not help our economy by doing things like decreasing gas prices or any prices for that matter locally. More than anything, it seems to undermine southern Illinoisan's economic power, because an important thing to American's-property ownership will be taken away when landowners are forced to lease their land and mineral rights against their will for corporate gain. Also, some resident's will see their property values become devalued when hydraulic fracturing is nearby.

Although I understand that the United States has tremendous energy needs for cars, houses, appliances, businesses, and more, I ask that you reconsider hydraulic fracturing in the Southern Illinois area or to at least hold the corporations in charge of this project more

accountable. It is dangerous to the public and it will not help the economy in the Southern Illinois in a substantial or long lasting way. If it is impossible to reverse legislation though, I suggest some improvements to the current draft of the fracking legislation by the Illinois Department of Natural Resources.

First, do not let industry lobbyists have the authority to be the main writers of the legislation. We need the government's power to overpower the corporation's interests to protect the people. One problem with the current legislation, that is not protecting the people, is HB2615 in which it is stated that trade-secret-protected information about chemicals can only be disclosed to health workers if it is necessary to treat a patient and only during IDNR business hours or through trade secret holders. Emergencies can happen at any time of day and many people may be effected by chemicals without knowing it. This is not only wrong, but *dangerous* to the public. The government is supposed to protect its people, not harm them. Furthermore, it allows fracking operations to set up just 500 feet from water wells, homes, churches, schools, hospitals and nursing homes. Also, the penalty on these corporations is only a slap on the wrist, the fee for environmental degradation is not large enough to hold corporations accountable. I hope that public hearings will help to create a bill which protects the people-because that is all that we want. In addition, if the legislation is done correctly, the mandate can change fracking standards across the nation.

-Sincerely,

A Concerned Student -Alexandra Mistak

REPORT OF EX PARTE COMMUNICATION

DNR OFFICE/DIVISION: IL Endangered Species Protection Board

Name of the DNR employee making report (first, then last name):
ESPB employee Anne Mankowski

Job title: ESPB Executive Director

Other DNR employees present: email was sent to multiple IDNR webmail addresses - see email.

Date of communication: 12/03/2013

Location of communication: received at ESPB webmail address

Mode of communication (Please check all that apply):

☑ E-mail ☐ Fax ☐ In Person ☐ Mail ☐ Telephone

Name, title, and entity of person communicating:
Alexandra Mistak

Nature and substance of all oral communications:
An email with attachment was received at ESPB webmail address by the ESPB Director. The email does not contain comments; the attachment presented multiple statements in opposition to the proposed regulation.

Responses made: No response made by ESPB Director to the sender.

State what action, if any, the person requested or recommended. Provide any other pertinent information (optional): No action requested in the email; ESPB Director forwarded the email with attachment and a copy of this Ex Parte Communication Form to the IDNR Ethics Officer and copied IDNR Legal Counsel.

Note: Please attach all written communications, and all written responses to the communications.

Submit This Form

013602

RECEIVED
Nov 27, 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Dear Mr. Mool,

I'm writting to comment on the proposed regulations for haydraulic fracturing in Illinois. My comment is about 245.210 Permit application Requirements.

This section describes the permit process within municipalities but remains silent about the ability of counties to regulate fracking within their boundaries.

I believe that county governments should have the same rights as city governments to determine the type and quality of energy extraction allowed in their neighborhoods. The citizens residing in counties across Illinois should have no less input regarding fracking permits then the citizens of cities do.

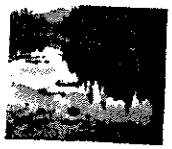
Because of the geographic reality of where fracking wells will be drilled it is the families of rural residents that will bare the load. It will be their roads, their drinking water, their clean air

– in short their quality of life that will be diminished. As a result these citizens should have the right to regulate this industry in their neighborhoods

It is also a fact that the weather in Illinois from north to south can be vastly different. One area can be experiencing a drought while another may not. In central Illinois we've had 2 ~~succes~~ summers of drought in a row. For this reason I believe it is important that local governing bodies maintain control over their water usage. It is not fair to restrict water for agriculture and residential use while allowing fracking to use water at will.

The IDNR's job is to protect the people and property of Illinois, not to protect the profits of the oil and gas industry. Sadly the regulations as they are written fail to protect Illinois' citizens.

Sincerely
Ron Wojtanowski



Mr. Ron Wojtanowski
18870 N 350 East Rd.
Danvers, IL 61732-7501

013694

Nov 25, 2013

Dear Sir:

I would like to urge your department to hold a hearing in Central Illinois in regard to regulations concerning fracking.

This is an important concern to all citizens in Illinois and without hearings in Springfield, Peoria, Champaign or Bloomington many of us would have difficulty joining the discussion.

Thank you,

John W Muirhead

RECEIVED
DEC 02 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

013605

Southsiders Organized for Unity and Liberation

6400 S Kimbark Ave
Chicago, IL 60637
773.363.0199
www.soulinchicago.org

November 25, 2013

RECEIVED
DEC 02 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

Dear Mr. Mool,

Southsiders Organized for Unity and Liberation (SOUL) is writing to respectfully request an additional public hearing in Chicago on the Proposed Hydraulic Fracturing Rules. SOUL is a grassroots and congregational-based organization located on the southside of Chicago. We have twenty member congregations and regular meetings of more than one hundred members. 900 members attended our 2013 King Day Public Meeting in January of this year.

The single hearing in Chicago on November 26th does not accommodate all Chicago residents who wish to participate. The two-hour hearing only allows for thirty (30), randomly selected four-minute testimonies. In a city of 2.7 million residents, a single hearing is simply inadequate. Furthermore, it is scheduled for the Tuesday before Thanksgiving, an inconvenient time for many. The announcement of the dates of the hearings on Friday, November 15th, gave Chicagoans less than two weeks notice. SOUL requests an additional public hearing in Chicago after the holiday season (in January, 2014) at a time convenient for public participation, such as in the evening after work hours.

Given IDNR's commitment to public participation throughout the rules drafting process, we hope that the Department will arrange an additional public hearing in Chicago. Please contact me at wtanzman@soulinchicago.org as soon as possible regarding this request.

Sincerely,

Will Tanzman, Co-Director
Southsiders Organized for Unity and Liberation (SOUL)

013606

12-1-13

DEC 0 3 2013

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Dear Mr. Mosel,

The Hydraulic Fracturing Regulatory Act is a regulatory floor, and in no way makes high-volume hydraulic fracturing safe. The rules developed to better define the Act were to be the foundation to establish baseline minimum protections. Unfortunately the rules developed do not reflect the law that was passed, and until strengthened will not provide baseline protections intended. Strengthen the rules by:

* clarifying chemical disclosure for first responders and medical emergencies. Medical professionals and first responders must be able to access chemical information on a 24-7 basis. [Subpart G, Section 245.730]

* eliminating potential abuse of emergency pits. First, require that drillers anticipate appropriate sized tanks for sufficient storage of flowback and produced water. Second, clarify that wastewater must be removed from the pit within 7 days of the event that triggered the use of the pit rather than 7 days after fracking operations are complete, in accordance with the law. [Subpart H, Sections 245.830 245.850]

* increasing administrative and operational penalties. Failure to comply with the law should not be a cost of doing business, increase the fines to discourage non-compliance. [Subpart K, Section245.1120]

* protecting water resources. The presumption of water pollution should extend to the full range of chemicals used in the frac ing process, and not be arbitrarily limited to select "indicator chemicals". [Subpart F, Section 245.620]

* defining threshold questions. Use of foams and gases in base fluids reduce the total gallons of fluid used in the fracking process, which will limit the number of fracking operations to which the law applies. Multipliers for foams and gases in base fluids must be identified so operators are not able to skirt the law by staying under minimum thresholds. [Subpart A, Section 245.110]

* requiring all high volume hydraulic fracturing operations to be subject to the law. We cannot allow operations that engage in HVHF to be exempt because they started prior to the adoption of the regulatory act. [Subpart A, Section 245.110]

* protecting public participation. Prevent companies from avoiding the public input process by amending their original applications; require significant permit modifications to be subject to the entire public process. [Subpart C, Section 245.330]

Laws and regulations are never going to make fracking safe. However, failure to adopt rules that reflect the baseline protections identified in the Hydraulic Fracturing Regulatory Act puts our drinking water and communities at greater risk.

I urge you to update the regulations to reflect the law.
Sincerely,

Shirley P. Basler

B Mrs. Shirley Basler
466 W Margaret Ter
Cary, IL 60013-2162

013607

URGENT ACTION NEEDED ON FRACKING Friday, 11-15-13

NOV 26 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Illinois Peoples Action (IPA) has just informed us that the Illinois Department of Natural Resources (IDNR) Rules and Regulations for fracking in Illinois have just been published in the Illinois Register. Two public hearings have been scheduled. The first will be at the University of Illinois in Chicago on November 26 and the second in Rend Lake College Theater in Ina, Illinois on December 3, both from 6:30 – 8:30 PM.

NOTE: To date, **NO** hearings have been scheduled in Central Illinois.

NOTE: Information regarding the format of the public hearings can be found at www.dnr.illinois.gov

Because the general public knows very little about some of the dangers of horizontal fracturing (fracking) and because many citizens have been led to believe that the law passed by the legislature many months ago was the best and toughest legislation in the country, and are not aware of the many loopholes, **we urgently need your help**. There are several ways you can help protect the health and welfare of the citizens of Illinois and the environment, especially our water supplies.

First, the IDNR is required by law, starting now for a forty-five-day period, to respond in writing to every comment or concern that is sent to them by the public, either by email or U. S. Post Office. We are asking for your commitment to send a comment about your concern about the proposed rules and regulations, during each day of the 45-days of the comment period, if possible. IPA will provide you with specific brief bullet points to integrate into your brief comment. If you are willing to commit to doing this (1 to 45 days) please let us know how many days you can commit. Please email us at < pcrvkr@aol.com > so we can forward your address to IPA so they can send you tips. To make a comment go to:

http://www.dnr.illinois.gov/OilandGas/Pages/OnlineCommentSubmittalForm.aspx

Second, we believe that the IDNR should schedule a third hearing in Central Illinois. We're asking you to **immediately** send by U. S. Mail (only!) a request that a hearing be held in Central Illinois. We only have 13 days during which we can submit this request so please don't delay, send a request today! Send to:

Robert G. Mool
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Third, if the IDNR will **not** schedule a third public hearing, IPA will plan a day of action in Springfield on Thursday, December 19 (preferred) or Friday, December 13. Details will be sent later. Will you please save those dates and tell us which day works better for you?

U13608

Chris Watson

11-22-13

3333 Tropicana Rd.
Decatur, IL 62526

Dear Mr. Mool

I respectively request that a third hearing on fracking be scheduled in Central Illinois

Sincerely

Christine Watson

RECEIVED
NOV 25 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

013609

NOV 25
Dept. of Natural Resources
OFFICE OF LEGAL SERVICES

Nov 23, 13

Dear Mr. Mood,

I am writting to comment on the newly proposed rules for hydraulic fracturing.

This comment is about Seismicity (240.796).

The fracking industry has been knowon to cause earthquak in places like Ohio and Arkansa In Illinois we have the New Madrid and Wabash Valley earthqua zones. The combenation of the two certainly is a cause for concern.

Yet the rules proposed in Part 240: Seismicity pertaining to earthquakes are lax and the finek for violating these rules are minimal.

My question is: how is it justifiable that there are virtual no significant fines imposed on drillers that will deter them from violating the rules in an earthquake zone?

Quite honestly the fines as they are proposed for violations

and misconduct relating to Part 240: Seismicity are laughable.

The oil and gas industry is making huge profits. The process of hydraulic fracturing has also been responsible for causing earthquakes. The miniscule fines as proposed by the IDNR gives drillers no reason to change their practices. It is also an insult to the taxpayers of Illinois when an industry with such "deep pockets" is asked to pay so little for violating the law.

The rules as they are written pertaining to Seismicity are a joke. They fail to take into account the best science as it relates to the subject. Since no published studies, reports, or sources of underlying data were consulted when writting the rules they appear to be a Recipe for disaster.

Sincerely,
Ron Wojtanowski

Mr. Ron Wojtanowski
18870 N 350 East Rd.
Danvers, IL 61732

013711

Dept. ... Resources
OFFICE OF LEGAL COUNSEL

Nov 22, 13

Dear Mr. Mool,

I am writting this letter to comment on the newly proposed rules for hydraulic fracturing.

My comment is about the Rules for fracking in the Wabash Valley and New Madrid Seismic zones.

All my life I have heard about the certainty of a major earthquake occurring in southern Illinois as a result of the New Madrid fault. The experts believe that it's not "if" the will be another earthquake but "when

I am deeply troubled by the newly proposed rules for fracking and how lax they are as they pertain to seismicity, (Part 240).

Why would the state allow an activity such as fracking, whic has been known to cause earthqu in other states, in a geography already known for major earthqua How does the IDNR justify allowing any fracking in these areas when industry best practices say there should be no fracking in seismic zon

Fracking is known to have caused Earthquakes in places like Ohio and Arkansas. It ~~seems~~ seems to me that we are courting disaster by allowing this kind of drilling in the Wabash Valley and New Madrid seismic zones.

I believe that these rules endanger the health and welfare of the citizens of Illinois. Because the IDNR failed to use studies and data from other states in the writting of these rules they (IDNR) have guareenteed that the same problems that other states are experiencing with fracking will happen here.

Sincerely,
Ron Wojtanowski

Mr. Ron Wojtanowski
18870 N 350 East Rd.
Danvers, IL 61732

013713

VITO MASTRANGELO
ROUTE 1
TEXICO, IL 62889
618-755-4861

RECEIVED
NOV 25 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

November 20, 2013

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Re: Public Comment on DNR Notice of Proposed Amendment for Rules for the Oil and Gas Act (62 Ill. Adm. Code 240)

Dear Mr. Mool:

Accompanying this letter please find my Public Comment pertaining ot the recent Notice of Proposed Amendment to the Rules for the Oil and Gas Act, pertaining to seismicity.

Thank you for your assistance in this matter.

Sincerely,

Vito Mastrangelo

Vito Mastrangelo

013714

11/20/13: Public Comment for Part 240, Section 240.796, Seismicity

On February 1, 2013, in a press release by the Illinois Emergency Management Agency, Governor Quinn urged every Illinois resident, school, and business to participate in an earthquake drill that was scheduled for a few days later. The press release described the situation in Southern Illinois as follows:

"Illinois sits atop two major fault zones, the New Madrid Seismic Zone and the Wabash Valley Seismic Zone. The most powerful series of earthquakes ever to hit the United States happened in 1811-12 near New Madrid, Missouri. In a 2008 study conducted by the University of Illinois Mid-America Earthquake Center, it was projected that if a similar quake struck the same region today, there would be 3,500 fatalities, 2.6 million people without electricity and $300 billion in direct economic losses. Bridges, docks, highways and water infrastructure would be in shambles."

--http://www3.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=2&RecNum=10901

DNR's proposed rules for seismicity include NO recognition of the risks of injuries, property damage, and ecological damage that would result from a major earthquake at or near injection/disposal wells or fracking wells. Burst pipes, cracked or broken casings, cracked storage tanks, upheaved pit liners, broken well structures, and migrating toxic fluids would cause untold human suffering and ecological degradation that could never be compensated or repaired.

Isn't this hypocritical--talking out of both sides of the mouth? State government highlighted the risks of a major earthquake for one purpose--to motivate people to be prepared, and yet a few months later the government ignores the same risks when it authorizes conduct that will make the injuries and damages worse.

See also the Introduction to USGS Fact Sheet 2009-3071 (http://pubs.usgs.gov/fs/2009/3071/):

"There is broad agreement in the scientific community that a continuing concern exists for a major destructive earthquake in the New Madrid seismic zone. Many structures in Memphis, Tenn., St. Louis, Mo., and other communities in the central Mississippi River Valley region are vulnerable and at risk from severe ground shaking."

See also the conclusion from the USGS Fact Sheet 2009-3071 (http://pubs.usgs.gov/fs/2009/3071/pdf/FS09-3071.pdf):

""The geologic record of repeated large earthquakes, the historical accounts of the 1811–12 large earthquakes, and the continuing earthquake activity in the area are compelling evidence that the New Madrid region has high earthquake hazard. The preponderance of evidence leads us to conclude that earthquakes can be expected in the future as frequently and as severely as in the past 4,500 years. Such high hazard requires prudent measures such as adequate building codes to protect public safety and ensure the social and economic resilience of the region to future earthquakes."

Submitted by Vito Mastrangelo

November 25, 2013

Robert G. Mool
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool,

I want to attend a public hearing about fracking in Illinois. Please schedule one in Central Illinois, closer to where I live and work. This way, I can attend without losing time off of work and the cost of gas to drive far from home.

If I have to drive to Ina, in southern Illinois; or to Chicago, north of me I will-however I will be incurring financial hardship to hear what others get to hear for less.

Thank you in advance for taking my circumstances into consideration, in the belief that everyone gets fair and equal access to public hearings.

Sincerely,

Beth Allhands
1620 W. Park Ave.
Champaign, IL
61821

RECEIVED
NOV 27 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

NOV 27 2013 Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Nov 24, 13

Dear Mr. Mool

I am writing to comment on the newly proposed regulations for Hydraulic Fracturing.

My comment is about the standards for Chemical disclosure of fracking fluids (245.700 – 245.730) The regulations for Chemical disclosure in this section are subjective, vague and ambiguous.

I don't understand why the oil and gas industry does not want to be up front and transparent about the disclosure of the chemicals that they are using in the fracking process. I can't believe that they are guarding trade secrets since numerous drilling companies are fracking all over the planet and they all know what chemicals they are using. I can only believe that the oil and gas industry are keeping these chemicals secret because they are so detrimental to the public's health. I also believe that it is

the mandate of the IDNR to protect the publics health and welfare. Therefore I believe that all chemicals used in the fracking process should be disclosed no less than 60 calendar days before performing any fracturing operation no matter the circumstance.

My question is: Why doesn't the IDNR require all fracking chemicals to be publicly disclosed no less than 60 calendar days before any fracturing operation is started no matter the circumstance?

The publics health is paramount to the profits made by any corporation. It is the right of the citizens of Illinois to know what chemicals may be present in the water they are drinking and the air that they are breathing. It is the job of the IDNR to protect the publics' health when writting these regulations.

Sincerely,
Ron Wojtanowski

Mr. Ronald J. Wojtanowski
18870 N. 350 East Rd.
Danvers, IL 61732

013718

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DEC 0 4
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Dear Mr. Mool:

The Hydraulic Fracturing Regulatory Act is a regulatory floor, and in no way makes high-volume hydraulic fracturing safe. The rules developed to better define the Act were to be the foundation to establish baseline minimum protections. Unfortunately the rules developed do not reflect the law that was passed, and until strengthened will not provide baseline protections intended. Strengthen the rules by:

* clarifying chemical disclosure for first responders and medical emergencies. Medical professionals and first responders must be able to access chemical information on a 24-7 basis. [Subpart G, Section 245.730]

* eliminating potential abuse of emergency pits. First, require that drillers anticipate appropriate sized tanks for sufficient storage of flowback and produced water. Second, clarify that wastewater must be removed from the pit within 7 days of the event that triggered the use of the pit rather than 7 days after fracking operations are complete, in accordance with the law. [Subpart H, Sections 245.830 245.850]

* increasing administrative and operational penalties. Failure to comply with the law should not be a cost of doing business, increase the fines to discourage non-compliance. [Subpart K, Section245.1120]

* protecting water resources. The presumption of water pollution should extend to the full range of chemicals used in the fracking process, and not be arbitrarily limited to select "indicator chemicals". [Subpart F, Section 245.620]

* defining threshold questions. Use of foams and gases in base fluids reduce the total gallons of fluid used in the fracking process, which will limit the number of fracking operations to which the law applies. Multipliers for foams and gases in base fluids must be identified so operators are not able to skirt the law by staying under minimum thresholds. [Subpart A, Section 245.110]

* requiring all high volume hydraulic fracturing operations to be subject to the law. We cannot allow operations that engage in HVHF to be exempt because they started prior to the adoption of the regulatory act. [Subpart A, Section 245.110]

* protecting public participation. Prevent companies from avoiding the public input process by amending their original applications; require significant permit modifications to be subject to the entire public process. [Subpart C, Section 245.330]

Laws and regulations are never going to make fracking safe. However, failure to adopt rules that reflect the baseline protections identified in the Hydraulic Fracturing Regulatory Act puts our drinking water and communities at greater risk.

I urge you to update the regulations to reflect the law.
Sincerely,

Sandra Ferguson
Crystal Lake, IL

U13719

Illinois Dept. of Natural Resources
Office of Legal Council
One Natural Resources Way
Springfield, IL 62702-1271

RECEIVED
DEC 04 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Attn: Robert Mool

I am writing to submit my comments with regard to the IL Dept. of Natural Resources' draft regulations to implement the Hydraulic Fracturing Regulatory Act. I find the draft regulations inconsistent with the Act in many ways and an affront to both the intent of the General Assembly in passing the Act and a threat to the health of the residents of our state of Illinois. My views are reflected in the following points:

- **Emergency Response & Disclosure –** The law requires that trade-secret-protected information about chemicals be disclosed to health workers when necessary to treat a patient. *IDNR's draft regulations give discretion over when to share this information and direct health workers to contact either "IDNR during normal business hours" or "trade secret holders." This is unacceptable given that emergencies can happen at any time of the day, and emergency personnel can't be expected to figure out which private fracking entity to contact if the Department is not available.*

- **Water Pollution –** The law requires all wastewater to be stored in closed tanks, allowing the use of open pits only for one week if unexpectedly huge volumes of wastewater come up the well. *IDNR's draft regulations allow wastewater to sit in open pits far longer than a week and also do not require accurate calculations of tank size.*

- **Excludes Wells –** The law applies to all fracking wells, regardless of when they began operating or what type of process they use. *IDNR's draft regulations would exempt existing wells and potentially exclude types of fracking that use gas.*

- **Liability** – The law presumes that any water pollution found within 1,500 feet of a fracking operation was caused by that fracking, unless the fracking company can prove otherwise. In other words, the burden of proof lies with the frackers, not with the communities impacted by the pollution. *IDNR's draft regulations limit industry's burden of proof to a much smaller set of "indicator" chemicals, rather than the list of over 100 chemicals included in the law.*

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DEC 05 2013

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OFFICE OF LEGAL COUNSEL

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Illinois Dept. of Natural Resources
Office of Legal Council
One Natural Resources Way
Springfield, IL 62702-1271

RECEIVED
DEC 05 2013
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OFFICE OF LEGAL COUNSEL

Attn: Robert Mool

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OFFICE OF LEGAL COUNSEL

December 2, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool:

I was unable to attend the public hearing in Chicago on November 26 regarding the proposed rules to regulate hydraulic fracking operations in Illinois, and I have been unable to link to the website that was identified for submitting comments. Therefore, I am turning to this older method of communication to state my disappointment in the draft regulations developed by your office, as reported in various newspapers.

I support the definition of strict, unambiguous regulations that will provide the full protection intended by the legislation enacted last spring. The loopholes that have been identified to date – most notably, regarding storage of wastewater and disclosure of chemical usage to medical personnel – violate that original intent and are not acceptable. Recognizing that, as with any complicated legislation, the devil is in the details, I urge you and your staff to be responsive to the issues that have been raised about the draft regulation and to revise the guidelines to provide the greatest protection to the citizens of Illinois who will be exposed to these severe dangers. This is not a time for slackness or imprecision.

Sincerely,

Brenda Nelms
5630 S. Harper Avenue
Chicago IL 60637

cc: Representative Barbara Flynn Currie

013742

Illinois Dept. of Natural Resources
Office of Legal Council
One Natural Resources Way
Springfield, IL 62702-1271

Attn: Robert Mool

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DEC 06 2013
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Dec 3, 13

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

I am writing to comment on the proposed Hydraulic Fracturing Regulatory Act. My comment is on the definition of an "affected patient" (245.110)

This definition is circular: in order to learn what chemicals were used to make a patient ill a physician must first test for those chemicals to prove that the physican has a right to disclosure of the proprietary chemical. How can a doctor diagnose exposure to a secret chemical used in fracking before he knows what the secret chemicals are to test for?

This is probably the most blatant example of how these rules endanger the health and welfare of the citizens of Illinois. A person could suffer severe illness before it is ever discovered what chemicals are poisoning him. Given the expensive costs of health care and medical testing and the danger to public health this Rule is criminal

013744

People could suffer or even die just to protect trade secrets. And why are we protecting the disclosure of these toxic chemicals when fracking happens all over the planet and all of the companies involved know the "trade secrets"? The only conclusion is that the chemicals used are kept secret because they are so dangerous to the public health.

The IDNR can not in good conscience stand by this rule. It must be changed.

It is the responsibility of the IDNR to protect the citizens of Illinois, not the trade secrets of oil and gas companies.

Sincerely,
Ron Wytanowsk

Gib Woods Oil Company

12/5/13

4 JEFFREY LANE
NEWTON, ILLINOIS 62448
618-783-2137

DEC 09 2013

THINGS ONE SHOULD KNOW ABOUT FRACKING

1. Most all rocks containing fluids, (oil, gas, saltwater) in the earth has already been fracked by movement of earth platelets, earthquakes, volcanos and high pressure stress gradients. As fluid flows through those natural frackures in most cases calcite and other chemicals tend to seal off those natural frackures. By refracking those layers of source rock an oil company attempts to re-open those frackures and prop them open to allow fluid flow again.
2. About the issue of using large amounts of fresh water to frack with. Oil companys much prefer salt water to frack with and preferably salt water from the zone being fracked.
3. About the contamination factor. The Federal E.P.A. has been un-successful in three different court cases in three different states in proving contamination to fresh water sources due to fracking. At least in one of the cases the judge ruled that the E.P.A used false science. The Federal E.P.A. has now backed away from the issue and dumped the issue on the States.
4. What did the State of Illinois do? They permitted the legislature of which the majority of them don't know the difference between a pump-jack and a jersey cow, make the rules for high pressure fracking in the State of Illinois. If there were rules that needed to be made they should have been made by the Dept. of Mines & Minerals Oil & Gas Division. The new rules the Legislature has produced will cost landowners and mineral owners billions of dollars and prevent thousands of jobs. My plea to the State of Illinois is "Not to let the Hollywood crowd dictate our rules here in Illinois." Just use the facts to make rules.
5. If the State wishes to control the fracking process they will need to make some rules for the Creator to follow, because the Creator has been fracking the earth since time began through earthquakes, platelet movement and pressure gradients. (Good luck with those rules)
   Asking the State Legislature to make rules for fracking would be like asking me to design the next space flight.

Sincerely,

Gib Woods

Gib Woods

013746

Dec 5, 2013

I'm writting to comment on the proposed Regulations for Hydraulic Fracturing. My comment is about the lack regulations or safety measure regarding tornado strikes on fracking sites.

DEC 09 2013
Dept. of Natural Resourc
OFFICE OF LEGAL COUNSE

Illinois has experienced some of the worst tornados in U.S. history. The number of tornados in Illinois in the last ten years has been 674. Every county in the state has experienced multiple tornado strikes.

It is distrubing that no where in the proposed regulations does the IDNR address this issue.

Recent tornados across our state have demonstrated the destructive power of these storms. In recent years tornados have devastated many areas in the midwest and south. Tornados are a fact of life in our state.

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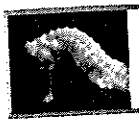
This is why it is essential that these proposed Regulations for Hydraulic Fracturing include regulations and safety measures regarding tornado strikes on fracking wells.

It is the job of the IDNR to protect the health and welfare of the citizens of Illinois. Once again this issue demonstrates the weakness of these proposed regulations. The citizens of Illinois deserve better.

Sincerely,
Ron Wojtanowski



Mr. Ron Wojtanowski
18870 N. 350 East Rd.
Danvers, IL 61732-7501

Mr. Robert S. Kollman
4399 Country Trl
Gurnee, IL 60031

Illinois Dept. of Natural Resources
Office of Legal Council
One Natural Resources Way
Springfield, IL 62702-1271

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I am writing to submit my comments with regard to the IL Dept. of Natural Resources' draft regulations to implement the Hydraulic Fracturing Regulatory Act. I find the draft regulations inconsistent with the Act in many ways and an affront to both the intent of the General Assembly in passing the Act and a threat to the health of the residents of our state of Illinois. My views are reflected in the following points:

- **Emergency Response & Disclosure** – The law requires that trade-secret-protected information about chemicals be disclosed to health workers when necessary to treat a patient. *IDNR's draft regulations give discretion over when to share this information and direct health workers to contact either "IDNR during normal business hours" or "trade secret holders." This is unacceptable given that emergencies can happen at any time of the day, and emergency personnel can't be expected to figure out which private fracking entity to contact if the Department is not available.*

- **Water Pollution** – The law requires all wastewater to be stored in closed tanks, allowing the use of open pits only for one week if unexpectedly huge volumes of wastewater come up the well. *IDNR's draft regulations allow wastewater to sit in open pits far longer than a week and also do not require accurate calculations of tank size.*

- **Excludes Wells** – The law applies to all fracking wells, regardless of when they began operating or what type of process they use. *IDNR's draft regulations would exempt existing wells and potentially exclude types of fracking that use gas.*

- **Liability** – The law presumes that any water pollution found within 1,500 feet of a fracking operation was caused by that fracking, unless the fracking company can prove otherwise. In other words, the burden of proof lies with the frackers, not with the communities impacted by the pollution. *IDNR's draft regulations limit industry's burden of proof to a much smaller set of "indicator" chemicals, rather than the list of over 100 chemicals included in the law.*

Gib Woods Oil Company

DEC 09 2013

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

04 JEFFREY LANE
NEWTON, ILLINOIS 62448
618-783-2137

12/5/13

THINGS ONE SHOULD KNOW ABOUT FRACKING

1. Most all rocks containing fluids, (oil, gas, saltwater) in the earth has already been fracked by movement of earth platelets, earthquakes, volcanos and high pressure stress gradients. As fluid flows through those natural frackures in most cases calcite and other chemicals tend to seal off those natural frackures. By refracking those layers of source rock an oil company attempts to re-open those frackures and prop them open to allow fluid flow again.
2. About the issue of using large amounts of fresh water to frack with. Oil companys much prefer salt water to frack with and preferably salt water from the zone being fracked.
3. About the contamination factor. The Federal E.P.A. has been un-successful in three different court cases in three different states in proving contamination to fresh water sources due to fracking. At least in one of the cases the judge ruled that the E.P.A used false science. The Federal E.P.A. has now backed away from the issue and dumped the issue on the States.
4. What did the State of Illinois do? They permitted the legislature of which the majority of them don't know the difference between a pump-jack and a jersey cow, make the rules for high pressure fracking in the State of Illinois. If there were rules that needed to be made they should have been made by the Dept. of Mines & Minerals Oil & Gas Division. The new rules the Legislature has produced will cost landowners and mineral owners billions of dollars and prevent thousands of jobs. My plea to the State of Illinois is "Not to let the Hollywood crowd dictate our rules here in Illinois." Just use the facts to make rules.
5. If the State wishes to control the fracking process they will need to make some rules for the Creator to follow, because the Creator has been fracking the earth since time began through earthquakes, platelet movement and pressure gradients. (Good luck with those rules)
   Asking the State Legislature to make rules for fracking would be like asking me to design the next space flight.

RECEIVED
DEPT. OF NATURAL RESOURCES
SPRINGFIELD
DEC 09 2013
OFFICE OF MINES & MINERALS
OIL AND GAS DIVISION

Sincerely,

Gib Woods

Gib Woods

U13750

Dec 7, 13

I am writting to comment on the proposed rules for hydraulic fracturing. My comment is about the rules as they pertain to aquatic life.

RECEIVED
DEC 11 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Once again these regulations are sadly lacking. As written these rules fail to protect the greater aquatic ecosystem. While these rules mention certain species they fail to address the bigger picture. In general these regulations are so vague that a great deal of damage to the environment can occur before driller are penalized or stopped. And when the rules are broken the penalties for breaking them are laughable. The fines and penalties for breaking the rules serve as no deterant at all. It's as if these rules were written by a 6th grader.

We need to protect our drinking water and our natural environment for the health and welfare of all Illinois citizens. We need to protect our natural environment for our fish and wildlife. We can not eat or ~~drink~~ drink oil or gas. These rules need to be rewritten.

Sincerely 013751

Ron Wasturowski

Dec 19, 13

I am writting to comment on the proposed rules for hydraulic fracturing.

DEC 19 2013
Dept. of Natural Resources
COUNSEL

Section 245.60(b)(1) of the proposed rules provides for the testing of water sources within 1500 feet of the well site. However the proposed rules do not provide for testing along the horizontal leg of the well bore which can extend for up to 2 miles from the well site. This is a reckless disregard of the known risk of the underground migration of toxic fluids from the horizontal well bore.

The testing and monitoring of water sources must be made within 1500 ft. of <u>all</u> parts of the well not just the actual well site. Once again this is a regulation that demostrates the blatent disregard for the health and welfare of the citizens of Illinois. The weakness of this regulation puts peoples

clean drinking water at risk. It puts our rivers and lakes at risk and peoples wells at risk. It put our aquafers at risk.

Had the IDNR consulted the best scientific evidence available when writting these rules they would have discovered the importance of monitoring water sources along the horizontal well bore. "A number of studies and publications the U.S. Government Accountability Office reviewed indicate that shale oil and gas developement poses risks to water quality from contamination of suface water and groundwater as a result of erosion from ground disturbances, spills and ~~reuse~~ releases of chemicals and other fluids or underground migration of gases and chemicals"

The IDNR needs to hire competent people that are experts in the field of hydraulic fracturing to rewrite these rules using the best scientific knowledge available.

The rules as written are a sham that read more like an industry wish list than the "strictest" fracking rules in the nation.

The health and welfare of the people of Illinois is endangered by these rules. They must be rejected and rewritten.

Sincerely,

Ron Wojtanowski

Mr. Ron Wojtanowski
18870 N 350 East Rd.
Danvers, IL 61732-7501

013754

Inadequate Water Plans and Local Control of Water in Permitting Process

RECEIVED
DEC 1 2 2013
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

How does this affect me:

- Water Integrity
- Who is in control

Relevant parts of the Proposed Administrative Rules:

- 245.210 Permit Application Requirements

Section 245.210 requires permit applicants to submit: a Water Source Management plan: "If fresh water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, a **water source management plan** that shall include the following information:" (source of ground or surface water, how much water to be used, months of use, methods to minimize fresh water use, methods used to minimize adverse impact to aquatic life).

Problems with this section:

1. While there is a required water management plan, this plan does not require application to local municipal, water district or other governmental control units requesting use of their ground or surface water resources. In fact, if fracking is allowed, local government has no authority to deny water to a frack well operator, even in the case of drought.
2. There is no process for sharing the frack operator's water plan with other state or regional agencies responsible for water usage (e.g. Illinois EPA, East Central IL Regional Water Supply Planning Committee) for their input on whether the plan is adequate, and how usage relates to possible drought situations.
3. There are no minimum regulatory thresholds regarding the amount of water to be used, the impact of water use given drought situations, actual impact on aquatic life, impact on existing human, industrial and agricultural water immediate needs, and potential future impacts.

Why these are problems:

1. The IDNR report The Drought of 2012, March 2013 identified:
    1. In 2012, the 12 counties of southern IL--where the majority of fracking leases have been obtained--experienced "D4 drought – exceptional", the most severe drought rating. From July to December 2012 the area was in continuous drought.
    2. Two of three local areas identified as "at risk public water supply" are in potential frack operation counties (Macon, Johnson, IL). These counties were identified in an IL EPA 2012 drought report as having Community Water Systems most stressed by the drought.
2. A report by the East Central IL Regional Water Supply Planning Committee identified:
    1. Springfield has a greater than 50% probability their water system will be unable to meet projected water use with a drought of record.
    2. By 2020, Bloomington and Decatur's water systems will be inadequate to meet demand.

Public Comment Form

NAME: *(print)* Dolores Rapp

CITY: *(print)* Ruma

STATE: *(print)* IL

Hydraulic Fracturing Regulatory Act administrative rule: # 245-210

Comment

Problems — ~~ff~~ — "In fact — local government has no authority to deny water to a frack well — even in drought — where is the moral responsibility to the people?

013756

The utter lack of provisions to address fracking in a tornado-ridden state

DEC 1 3 2013
Resources
COUNSEL

Relevant parts of the Proposed Administrative Rules:

- Subpart A: General Provisions (245.100-245.120)

Number of draft regulations proposed by Illinois Dept. of Natural Resources describing safety measures regarding tornado strikes on fracking sites: **ZERO**. Number of tornadoes in Illinois in the last 10 years: **674**.

Historically, the number and intensity of tornadoes in Illinois is very high. "In fact, **Illinois has experienced some of the worst tornadoes in US history.**" Dr. Jim Angel, Illinois State Climatologist.

Every county in Illinois has had multiple tornadoes as demonstrated by the maps in the following links:

- http://www.isws.illinois.edu/atmos/statecli/tornado/ilmaps.htm
- http://www.isws.illinois.edu/atmos/statecli/tornado/NewMaps/MRCC_Tornado...

A big swath of Washington, IL was flattened by a tornado on Sunday, 11/17/13. What would have happened if this tornado had hit an area of the state covered in fracking sites? Debris from the tornado has been found over 150 miles away. Imagine if that debris had included "temporarily" stored flowback water or tanks filled with frack fluid or produced water!

013757

Public Comment Form

NAME: *(print)* Virginia Walsh

CITY: *(print)* Ruma

STATE: *(print)* Illinois

Hydraulic Fracturing Regulatory Act administrative rule: # 345-100-245-120

Comment

Problem - Having worked in a Hospital for many years + cared for people from Tornado's I am very concerned about what fracking causes + the debris which results to the land and water I endorse the recommendations to change

U13753

Inadequate Water Plans and Local Control of Water in Permitting Process

RECEIVED
DEC 12 2013
Dept. of Natural Resources
CHIEF COUNSEL

How does this affect me:

- Water Integrity
- Who is in control

Relevant parts of the Proposed Administrative Rules:

- 245.210 Permit Application Requirements

Section 245.210 requires permit applicants to submit: a Water Source Management plan: "If fresh water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, a **water source management plan** that shall include the following information:" (source of ground or surface water, how much water to be used, months of use, methods to minimize fresh water use, methods used to minimize adverse impact to aquatic life).

Problems with this section:

1. While there is a required water management plan, this plan does not require application to local municipal, water district or other governmental control units requesting use of their ground or surface water resources. In fact, if fracking is allowed, local government has no authority to deny water to a frack well operator, even in the case of drought.
2. There is no process for sharing the frack operator's water plan with other state or regional agencies responsible for water usage (e.g. Illinois EPA, East Central IL Regional Water Supply Planning Committee) for their input on whether the plan is adequate, and how usage relates to possible drought situations.
3. There are no minimum regulatory thresholds regarding the amount of water to be used, the impact of water use given drought situations, actual impact on aquatic life, impact on existing human, industrial and agricultural water immediate needs, and potential future impacts.

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    1. In 2012, the 12 counties of southern IL--where the majority of fracking leases have been obtained--experienced "D4 drought – exceptional", the most severe drought rating. From July to December 2012 the area was in continuous drought.
    2. Two of three local areas identified as "at risk public water supply" are in potential frack operation counties (Macon, Johnson, IL). These counties were identified in an IL EPA 2012 drought report as having Community Water Systems most stressed by the drought.
2. A report by the East Central IL Regional Water Supply Planning Committee identified:
    1. Springfield has a greater than 50% probability their water system will be unable to meet projected water use with a drought of record.
    2. By 2020, Bloomington and Decatur's water systems will be inadequate to meet demand.

Public Comment Form

NAME: *(print)* Virginia Walsh

CITY: *(print)* Ruma

STATE: *(print)* Illinois

Hydraulic Fracturing Regulatory Act administrative rule: #245.310

Comment

Problem - There is truly a moral problem. There is no local government that has the authority to control water. As we know already there is truly a severe shortage of water. I endorse the needed changes recommended.

013769

Inadequate Water Plans and Local Control of Water in Permitting Process

RECEIVED
DEC 12 2
Dept. of Natural
OFFICE OF LEGAL

How does this affect me:

- Water Integrity
- Who is in control

Relevant parts of the Proposed Administrative Rules:

- 245.210 Permit Application Requirements

Section 245.210 requires permit applicants to submit: a Water Source Management plan: "If fresh water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, a **water source management plan** that shall include the following information:" (source of ground or surface water, how much water to be used, months of use, methods to minimize fresh water use, methods used to minimize adverse impact to aquatic life).

Problems with this section:

1. While there is a required water management plan, this plan does not require application to local municipal, water district or other governmental control units requesting use of their ground or surface water resources. In fact, if fracking is allowed, local government has no authority to deny water to a frack well operator, even in the case of drought.
2. There is no process for sharing the frack operator's water plan with other state or regional agencies responsible for water usage (e.g. Illinois EPA, East Central IL Regional Water Supply Planning Committee) for their input on whether the plan is adequate, and how usage relates to possible drought situations.
3. There are no minimum regulatory thresholds regarding the amount of water to be used, the impact of water use given drought situations, actual impact on aquatic life, impact on existing human, industrial and agricultural water immediate needs, and potential future impacts.

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    1. In 2012, the 12 counties of southern IL--where the majority of fracking leases have been obtained--experienced "D4 drought – exceptional", the most severe drought rating. From July to December 2012 the area was in continuous drought.
    2. Two of three local areas identified as "at risk public water supply" are in potential frack operation counties (Macon, Johnson, IL). These counties were identified in an IL EPA 2012 drought report as having Community Water Systems most stressed by the drought.
2. A report by the East Central IL Regional Water Supply Planning Committee identified:
    1. Springfield has a greater than 50% probability their water system will be unable to meet projected water use with a drought of record.
    2. By 2020, Bloomington and Decatur's water systems will be inadequate to meet demand.

013761

Public Comment Form

NAME: *(print)* Dolores Rapp

CITY: *(print)* Ruma

STATE: *(print)* IL

Hydraulic Fracturing Regulatory Act administrative rule: #245-210

Comment

Have you not heard that in the future the wars will be over WATER ??? But you can dry up a lake in one well !!

013762

- ~~Who is in control~~ Local Control

Relevant parts of the Proposed Administrative Rules:

DEC 1
Dept. of Natu
rces
OEL

- 245.210 Permit Application Requirements

When an application is made to frack a well site located within the limits of any city, village or incorporated town, the application shall state the name of the city, village, or incorporated town and be accompanied with a certified copy of the official consent for the high volume horizontal hydraulic fracturing operations to occur from the municipal authorities where the well site is proposed to be located. No permit shall be issued unless consent is secured and filed with the permit application.

This is excellent for municipalities, but what about counties?

- The intent of the legislation was to recognize that local units of government should have decision-making power regarding whether to allow fracking in their jurisdictions.
- This section demonstrates blatant disregard for the realities of the geography of fracking in Illinois regarding cities compared to counties. Little if any fracking is anticipated within the cities of Carbondale, Marion, Decatur or other metro areas affected by the majority of fracking land leases. If prior notification and an intentional process of permitting is important for metropolitan communities, why are the proposed rules silent regarding neighborhoods in counties and the families living there?
- There is no substantive difference between a municipal or county government in Illinois in its powers other than the issue of Illinois Constitutional Home Rule. However, the lack of county Home Rule has never preempted a county power to issue permits on mineral or oil extraction. Numerous county governments have long histories and traditions in the permitting process regarding mineral and drilling industries. As the current fracking law is largely silent on the issue of county control, IDNR rules should err on the side of history and citizen decision-making.
- Counties and municipalities of government tax, employ law enforcement, provide social services and infrastructure. The rules provide no explanation why citizens residing in counties of Illinois should have less input regarding fracking permits. The regulatory differentiation between the rights of residents in municipalities vs. counties creates a group of second class citizens. These second class citizens have fewer rights in their ability to participate and ultimately determine the type and quality of energy extraction allowed in their neighborhoods.
- There is no reasonable expectation that the personnel at IDNR have any better or more clear understanding of the will of citizens in counties regarding fracking permits than the residents themselves. As the proposed IDNR rules envision municipalities empowered to decide fracking sites, what possible argument does IDNR have that it is better equipped or knowledgeable on the needs of residents living in Illinois counties?

Public Comment Form

NAME: *(print)* Anne Irose

CITY: *(print)* Red Bud

STATE: *(print)* Illinois 62278

Hydraulic Fracturing Regulatory Act administrative rule: #245.210

Comment

I am a resident of Randolph County. I am also legally blind but have the opportunity of reading books on tape. My most recent book has alarmed me very much concerning the water crisis in the entire USA. The book is: Unquenchable: America's Water Crisis by Robert Glennon. The author gives statistics for our present water shortage and then studies each state individually. The future is very bleak.

I am wondering what kind of studies have been done for the state of Illinois. Have our dairy farmers and agricultural farmers been consulted. I highly recommend and urge a through study of water statistics for Illinois.

U13764

Dec 12, 13

I am writing to comment of the propose regulations for hydraulic fracturing. My comment is about testing of radioactivity, subsection (d)(1) of Section 245.850.

RECEIVED
DEC 16 2013
Dept. of Legislative Services
OFFICE OF LEGAL COUNSEL

Like most of the other in these propose rules this rule is totally inadequate. The radioactivity that occurs as a result of the fracking process is a serious problem. These rules do not take it seriously. These rules do not include any standards or protocols to follow if testing shows unacceptable levels of radioactivity. These rules also do not require the testing of "produced water" which is where radioactivity is most likely to show up. Even Pennsylvania requires "produced water" to be tested at two separate intervals.

These deficiencies pose a significant risk to the public health and safety in violation of section 1-75(a)(2) of the Hydraulic Fracturing Regulatory Act.

113765

(over)

Dec 13, 13

I am writing to comment on the proposed rules for the regulation of Hydraulic Fracking. My comment is about local control of water resources in the event of a drought.

RECEIVED
DEC 16 2013
Department of Natural Resources
OFFICE OF LEGAL SERVICES

According to the proposed rules local government has no authority to deny water to a frack well operator, even in the case of a drought. There are no minimum regulatory thresholds regarding the amount of water to be used, the impact of water use given drought situations, actual impact on aquatic life, impact on existing human water needs, and potential future impacts.

Given the fact that in the past 2 years Illinois has experienced both severe and exceptional drought situations the lack of local control of water resources is both absurd and criminal.

013766

PO Box 391
Robinson IL 62454
Dec. 16, 2013

RECEIVED
DEC
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Illinois Department of Natural Resources
Attention: Oil and Gas Regulatory Staff
One Natural Resources Way
Springfield IL 62702

Dear Staff:

I did not learn about the public hearings your agency conducted on the draft fracking regulations until after the meetings were over, but I would not have been able to attend one of them, anyway, since none were held close to where I live. Only this week did I learn about the Jan. 3 deadline for submitting written comments, which I am sending to you now. Complicating this process for me is the fact that I do not have the Internet at home and must use public access terminals at the local public library, where good demand for workstation use limits the length of patron sessions and the cost of printing out 135 pages is prohibitive. Although I have only scanned the draft document to date, the following matters occurred to me, and I will continue to study your document to see if I feel my initial observations were accurate and if there are other points I would like to bring up.

First, I did not find any numerical limit on drill-site development in the region. The impact of fracking on an area is major. As you are well aware, fracking requires use of a huge amount of water. We have only a finite supply on this planet, and Southern Illinois is among the areas that have been experiencing drought conditions in recent years. Further, tourism has been an important industry in the region, thanks to the beautiful Shawnee National Forest and local park facilities and waterways. A skyline view of numerous spiny drilling rigs would have a considerably negative impact on tourism! In addition, the more well sites there are, the more heavy-equipment traffic there will be to grind area roadways into disrepair; the more wildlife habitats will be lost; the more land will be torn up, and the greater will be the danger of pollution and other destruction.

- Recommendation No. 1: A fracking site must be at least a 640-acre radius from any other similar well.

If I understood the draft section I scanned, drilling companies are required to get a signed agreement from any residential owner; governing officials of any school, hospital, or licensed nursing home facility; or State or local landowner of any existing water well or developed spring used for human or domestic animal consumption whose property would lie within 500 feet of a proposed fracking site. Good grief! Five-hundred feet would be less than two average town blocks from the home, facility or spring! This is not the early 1900s when wells were developed in community settings with no thought as to potential pollution, dangerous blowout accident, damaging heavy equipment traffic, etc.!

- Recommendation No. 2: No drilling site will be permitted within city or town limits, and no fracking site may be located closer than 5,280 feet to the properties listed above, as well as to a nature preserve or a site on the Register of Land and Water Reserves.

I am considering the Shawnee National Forest a nature preserve, and it seems to me that a well within 750 feet—measurement listed in the draft regulations—only two average town blocks away from the edge of this state and national treasure could endanger the water supply of the nearby trees, whose good health and presence the planet badly needs to remove CO^2 from the atmosphere, thereby fighting the deadly global warming that is a threat to future life on this planet!

Earthquake activity in this region has been ongoing for some decades now, and seismologists have predicted that an 1811-magnitude quake will occur sometime within the next 50 years along the New Madrid Fault located in Southeastern MO and extending into Southern Illinois. The Wabash River Fault has actually been more active over the last decade and might also be the site of a major tremor if ***massive*** fracking is unleashed.

013767

- Recommendation No. 3: No fracking well may be drilled within a 10-mile radius of any identified epicenter of a Southern Illinois tremor that occurred within the past 20 years. Independent seismic authorities need to be contacted about the minimal radial distance and time frame that would ensure safe extractions in the area.

A concern about wear and tear on existing and newly developed roads in the region suggests the following:

- Recommendation No. 4: There should be additional posting of weight limits and establishment of a weight monitoring system if none now exists. The cost of state construction and staffing of weigh stations could be factored into the cost of drilling permits.

It appears that companies whose permit to drill has been approved would be granted authority to hire an "independent third party under the supervision of a professional engineer or professional geologist" to conduct samplings of surrounding water sources, to select an "independent testing laboratory" to analyze the samples, to maintain/retain under company auspices the results of all water quality testing, and to report results to the ILDNR as required in the regulations.

- Recommendation No. 5: Establish a Department air, soil and water monitoring center in Carbondale, staffed by highly professional individuals who would be responsible for air, soil, and water sampling; testing; maintaining test results; and reporting any infractions detected to appropriate personnel in Springfield. The cost of the center's headquarters and staffing, the sampling equipment needed, lab analyses, etc. would be factored into the cost of drilling permits.

Attached is a copy of a recent AP article that reveals a study is finding the US is spewing more methane into the atmosphere than previously estimated, and since methane escapes during fracking and is "21 times more potent than carbon dioxide," affecting the global warming mentioned above, Illinois officials should be carefully considering the next recommendation:

- Recommendation No. 6: ILDNR scientists should establish a reliable gauge for measuring methane in the atmosphere in the fracking region to gather data for accurate reports to be shared with the scientists engaged in this newest methane analysis.

Further, because of the destructive effects of methane in the atmosphere, its contribution to global warming, the globally recognized need to at least slow and at best reduce that warming as quickly as possible, the following point would seem to be a highly prudent course of action:

- Recommendation No. 7: Phase in fracking operations, approving only 10 permits in the first year, another 10 in the second, perhaps 15 more in the third if no problems are cropping up and new sources of "green" employment are not yet being developed in the area. This limited approach would definitely yield less permit money to cover the cost of new ILDNR responsibilities suggested above, but fewer wells would require less State staff and resources to administer the program.

Another important point to consider is the fact that the U.S. is and has been a long time, **huge** contributor to global warming, and as the world prepares for the next U. N. Climate Change Conference to produce a new, universal climate agreement in Paris in 2015, Illinois should not be pushing our nation into the realm of **increasing pollution from fossil fuels and their byproducts!**

Thank you for your consideration of my input.

Sincerely,
Dena Wilson

Cc: Governor Pat Quinn
Senator Dale Righter
Mr. Robert G. Mool, ILDNR Office of Legal Counsel

013783

ASK AMY

Teen wants to become cheerleader

DEAR AMY: I'm a 15-year-old girl, and my dream is to dance competitively.

I've taken jazz classes for almost six years, and I have a talent for it. My mom hates that I love dancing more than other team sports, and she looked appalled when I asked if I could try out for the poms team at my high school. When I asked her why she didn't want me to try out, she said it is ridiculously expensive and that the pom squad was an elite club when she was in high school, and she doesn't want me to get mixed up with that type of girls.

At open tryouts the girls were really friendly! They even asked me to have lunch with them!

My mom just frowned and went back to the old "we can't afford it" line. I know we can afford this since my 13-year-old brother is a competitive gymnast who is talented, and my parents pay for things for him.

I have looked at what it costs to compete and I found out it's $15 cheaper per month than my regular dance class (aside from uniforms and entrance fees).

Do you think I should bring this up to my mom when the new dance season starts in June? Any advice on how I should ask her? She has a tendency to blow things way out of proportion when she says "no" to stuff like this. -- Dreaming Dancer

DEAR DREAMING: You might be correct that your mom can afford this. But maybe she just doesn't want to pay hundreds of dollars for you to shake your poms on this particular dance squad. The person holding the purse strings gets to make the choice about what to pay for.

I have an idea to help you smooth this over, however: Research the entire cost

Study shows US spewing more methane than estimates said

By SETH BORENSTEIN
AP Science Writer

WASHINGTON (AP) — The United States is spewing 50 percent more methane — a potent heat-trapping gas — than the federal government estimates, a new comprehensive scientific study says. Much of it is coming from just three states: Texas, Oklahoma and Kansas.

That means methane may be a bigger global warming issue than thought, scientists say. Methane is 21 times more potent at trapping heat than carbon dioxide, the most abundant global warming gas, although it doesn't stay in the air as long.

Much of that extra methane, also called natural gas, seems to be coming from livestock, including manure, belches, and flatulence, as well as leaks from refining and drilling for oil and gas, the study says. It was published Monday in the Proceedings of the National Academy of Science.

The study estimates that in 2008, the U.S. poured 49 million tons of methane into the air. That means U.S. methane emissions trapped about as much heat as all the carbon dioxide pollution coming from cars, trucks, and planes in the country in six months.

That's more than the 32 million tons estimated by the U.S. Environmental Protection Administration or the nearly 29 million tons reckoned by the European Commission.

"Something is very much off in the inventories," said study co-author Anna Michalak, an Earth scientist at the Carnegie Institution for Science in Stanford, Calif. "The total U.S. impact on the world's energy budget is different than we thought, and it's worse."

EPA spokeswoman Alisha Johnson said her agency hasn't had time to go through the study yet, but hopes it will help "refine our estimates going forward."

While the world has a good handle on how much carbon dioxide is pumped into the air, scientists have been more baffled by methane emissions. They have had to use computer models to estimate how much methane is going into that air.

This study, however, was based on nearly 13,000 measurements from airplane flights and tall towers, the most used in any such research. The information was collected in 2008.

> **"Something is very much off in the inventories. The total US impact on the world's energy budget is different than we thought, and it's worse."**
>
> *Anna Michalak, Carnegie Institution for Science*

Scientists have yet to analyze their data from 2012, and that will capture more of any impact of the natural gas boom from hydraulic fracturing, Michalik said. Studies recently have shown conflicting results about how much methane escapes during fracking and other forms of fossil fuel drilling.

Outside experts praised the study. Robert Howarth at Cornell University called "it very compelling and quite important. This is the most comprehensive study yet."

Michalak said because of the way they measured methane — just looking for it in the air as opposed to tracking it from a source — it is hard to say what is putting more methane into the air. But she said by looking at concentrations — especially within Texas, Oklahoma and Kansas — the scientists have a good idea: Cows, oil and gas.

Nearly one-quarter of the U.S. methane emissions came from those three states. Texas is by far and away the No. 1 state for refineries that turn oil into gasoline. Texas and Oklahoma have been big oil and gas drilling states and Kansas is a big cow state.

Cows seem to be spewing twice the methane that scientists previously thought, Michalak said.

While burps and flatulence are part of the methane emission from cattle, University of California Santa Barbara professor Ira Leifer said a bigger factor is manure.

"If you shovel it into an artificial lagoon you are creating the perfect production for methane, but it cuts down on the smell and your neighbors complain less," he said.

Online:
Journal: http://www.pnas.org

013759

Christopher Johnson
32 Williamsburg Lane, Evanston, IL 60203
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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

December 16, 2013

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool:

I am writing to recommend changes to the Notice of Proposed Rule for the Hydraulic Fracturing Regulatory Act (72 Ill. Adm. Code 245). Although I am not a scientist or engineer, I have researched the technology of fracking, having written a chapter about it in a book that I co-authored, *Forests for the People: The Story of America's Eastern National Forests* (Island Press, 2013). The chapter examines conventional and unconventional drilling for oil and natural gas in the Allegheny National Forest.

The benefits of fracking are obvious. Production of natural gas in the United States has increased by eight times over the past decade, and homeowners know that natural gas prices have fallen during the same time period. Much of this increase in natural gas can be traced to the use of hydraulic fracturing. Natural gas is a good transitional energy source, as it generates about half the carbon dioxide of coal.

However, fracking presents very significant risks of polluting water, soil, and air, and of harming the health of residents in central and southern Illinois. To mitigate the risks involved, I have listed several specific recommendations below. The following table lists the section number of each regulation within the Notice Of Proposed Rule, the potential problem, and a possible solution.

Section	Problem	Possible Solution
245.110	In the paragraph explaining the "flowblack period," there is no definition of "flowback."	Add a definition of "flowback," which comprises the fluids returned to the surface after the fracking operation.

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Section	Problem	Possible Solution
Section 245.200	a.1.B. requires the disclosure of a company's violations over the past 5 years. Because fracking in the eastern half of the United States goes back about 10 years, it is important to know what violations companies have committed during that time period.	Require companies to disclose violations over the previous 10 years.
245.210	a.11. allows a company to store flowback in lined pits if tanks are full. The pits allow contaminated water to evaporate into the atmosphere. Toxic chemicals can leach into the soil if the liner is ripped or torn.	Put a limit on the number of days that flowback can be stored in pits and the number of times a company can store flowback in pits. I would limit the storage of flowback in open pits to 1 week.
245.210	a.14. requires a plan for the cement. However, the rule does not specify inspections of the cement.	Require state inspections of the cement using during the drilling process.
245.210	a.15. requires a traffic management plan, but the public has no input into this plan.	Require at least one public hearing of the traffic management plan, and require companies to respond and modify plans in response to any public criticisms of the plan. In addition, require companies to submit plans to transition trucks and other equipment to the use of natural gas as a fuel, helping to mitigate the pollution caused by gasoline- and diesel-powered engines.
245.210	a.16.A and B require the names and addresses of residents within 1,500 feel of the well site. But horizontal wells extend beneath the ground for a mile or more.	In both of the regulations, require the names and addresses of residents within 1 mile of the well site.
245.210	a.18.A requires a plan in the casing of a well to prevent fluid migration. However, the escape of methane is just as big a problem.	Require the plan to include methods for preventing the escape of methane into the atmosphere.
245.210	a.18.B. requires the company to restore land. But what happens if the company goes bankrupt?	Stipulate who will be responsible for restoration in the event that a company declares bankruptcy.

Section	Problem	Possible Solution
245.210	b. requires an application for fracking to be approved by a municipality. But what if the well is in an unincorporated area?	Require a referendum of residents living in an unincorporated area who will be affected by fracking.
245.250	a.1.A. requires notification of people living within 1,500 feet of a well site. However, horizontal wells extend a mile or more.	Require the identification of landowners within 1 mile of the well site.
245.270	a.1.A.i-iii. define a person of interest as anyone living within 1,500 feet of a well site. However, horizontal wells extend a mile or more.	Define a person of interest as anyone living within 1 mile of the well site.
245.300	c.4. states that the "hydraulic fracturing operations, as proposed, are reasonably expected to be conducted in a manner that will protect the public health." The word "reasonably" is vague.	Delete the word "reasonably."
245.400	a.1-3 requires signed agreements from people and public buildings located within 500 feet. However, the equipment used is noisy and causes air pollution. Therefore, 500 feet is too small a distance.	Require signed agreements from those within 1,500 feet of a well.
245.400	a.4-6. establish distances of waterways and water sources from well sites. The distances are very short, exposing waterways to the pollution and erosion caused by heavy equipment.	State that no well site may be within 2,000 feet of a waterway or water source.
245.500	a. requires that wells be constructed to prevent the migration of gases and fluids. However, no mention is made of the escape of methane from wells.	Add that wells must be constructed to prevent the escape of methane.
245.600	b. requires baseline testing of aquifers within 1,500 feet of well sites. However, horizontal wells extend a mile or more.	Require baseline testing of aquifers within 1 mile of a well site.
245.600	d.1.B requires testing of a number of chemicals, but no mention is made of radon or other radioactive substances.	Add radon and other radioactive substances to the testing procedure.

Section	Problem	Possible Solution
245.610	b. requires the DNR to "make a reasonable effort to reach a determination within 180 days." The word "reasonable" is vague.	Amend the rule to read, "The Department will reach a determination within 180 calendar days." If there are concerns about the DNR's ability to reach these determinations because of a shortage of resources, increase the fees required for fracking.
245.620	a.1 and other rules in this section discuss pollution of water sources within 1,500 feet of well sites. As I have noted before, horizontal wells extend for a mile or more.	Change "1,500 feet" to "1 mile" in all instances.
245.730	This section, dealing with the disclosure of trade secrets to health professionals, is completely inadequate. If there is an emergency, time is of the essence to protect patients, but this rule gives companies too much time to respond.	Make the following changes: 1. Require companies to keep lists of all chemicals on site and establish a protocol for communicating those lists within one hour to a health professional. 2. Require companies to respond 24/7. 3. Allow telephone or e-mail communication of the chemicals. 4.Drop the requirement that a health professional sign a confidentiality agreement. This takes time and could create liability issues for health professionals in the performance of their responsibilities.
245.830	a. states that reserve pits may be used for temporary storage of flowback. However, the word "temporary" is too open-ended in terms of time.	Place a time limit on how long flowback may be stored in a containment pit. One week seems reasonable.
245.850	d. lists the chemicals for which the operator must test. However, radon and other radioactive materials are not listed.	List radon and other radioactive materials.

Section	Problem	Possible Solution
245.1010	The introduction to this section states that the operator must plug old wells within 750 feet of the well site. However, because horizontal wells can be a mile long, this means that methane and other gases could migrate into old pipes over a much larger circumference.	State that old wells within 1 mile of the well site must be plugged.
245.1120	b.2. states that a company may be fined up to $1,000 a day for violations of rules. However, this level of fine seems low, especially given that companies stand to generate millions of dollar in profits from operations.	Increase the daily fine to $10,000 per day per violation.
245.1120	c.2.A. provides a schedule of fines for violations. These fines are far too low, given the serious nature of potential pollution and the profitable nature of fracking ventures.	Multiply the level of fines by a factor of 10: No previous: $1,000 One: $2,500 Two: $5,000 Three: $7,500 Four: $10,000 Five: $25,000
245.1120	c.2.B. describes additional fines. These fines are also too low.	Multiply the level of fines by a factor of 10.

Thank you for the opportunity to offer feedback on the rules and regulations regarding hydraulic fracturing in Illinois. I feel especially strongly about the levels of the proposed fines. Illinois is taking a positive step by regulating the fracking process. This technology, though, has the potential to cause considerable water, air, and soil pollution and to create and exacerbate health problems. It is essential that corporations be held accountable and have a strong incentive to establish necessary safety procedures to ensure the health of the citizens in the central and southern parts of our state.

Yours truly,

Christopher Johnson

Comment on DEPARTMENT OF NATURAL RESOURCES NOTICE OF PROPOSED RULE
Hydraulic Fracturing Regulatory Act 62 Ill. Adm. Code 245

Respectfully submitted by Dr. Christopher Lant, Professor of Geography and Environmental Resources, Southern Illinois University clant@siu.edu

245.200 1 C. The insurance requirement of $5,000,000, likely drawn from the Cabot Oil settlement in PA, is low compared to the potential liability in a serious methane or fracking fluid leakage event or an induced earthquake of magnitude exceeding 4 on the Richter scale. In order to minimize this problem, IDNR should interpret "per occurrence" in a narrow fashion such that each leakage source (e.g., from a storage tank or well), or each fracturing episode potentially generating seismic activity, constitutes an "occurrence."

245.210 (f). Submittal of hard and electronic copy of permit applications "at the same time" should be defined (e.g., on the same day).

245.530 (a). The leakage of natural gas and fracking fluids from well bores into groundwater resources has been the single largest environmental risk of hydraulic fracturing in other states. Moreover, a single leakage occurrence can render a groundwater aquifer permanently unusable as a fresh water resource. For these reasons, well casing regulations should lean on the side of environmental protection within the confines of the statute as written. The requirement that well casing extend "*100 feet below the base of the deepest fresh water*" should include aquifers both unconfined and confined, both currently utilized and unutilized, both large and small.

245.600 d(1)B. The list of chemicals to be tested for in groundwater monitoring does not include, but should include, the most common constituents of fracking fluid that pose potential health risks. According to the 2012 EPA report "Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources" (EPA 601/R-12/011 | December 2012 | www.epa.gov/hfstudy) (p.29) these are the hazardous air pollutants methanol and ethylene glycol. Less commonly used, but carcinogenic, chemicals that should be tested include naphthalene, formaldehyde, and benzene. This pre-drilling water quality testing seems necessary in order to comply with 245.600 (e) stating that " . . . the Department shall, in consultation with the Agency as the Department deems appropriate, determine *whether any hydraulic fracturing additive or other* oil or gas well *contaminant has caused pollution or diminution for purposes* . . . " and *245.610* (e)1(a) dealing with detection of benzene or other carcinogens. These fracking fluid constituents (methanol, ethylene glycol, naphthalene, formaldehyde, benzene, or chemicals included in the permittee list) should also be included in 245.620 rebuttable presumption of pollution or diminution list of pollutants under (4).

245.730 (b). In a health emergency involving chemicals used in hydraulic fracturing, information on the chemicals a patient could have been exposed to needs to be available immediately. This public health concern supersedes trade secret considerations. As written, such critical information would not be available in a timely and convenient manner except during the minority of times that fall within IDNR's normal business hours. Contacting the trade secret holder would also usually involve delays in identifying who that is and receiving a response. Such information should instead be on file at county health departments and/or hospitals in

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counties where hydraulic fracturing operations are being conducted for immediate reference in a health emergency.

245.830 Reserve Pits. 245.210 11. Lined reserve pits for temporary storage are vulnerable to highly damaging overflow releases during high precipitation events if located in a low-lying site with a watershed area of significant acreage. Pits should be cited near topographic high points and have excess storage capacity greater than 110% of anticipated flowback to minimize this risk. "Temporarily" storage should be interpreted as narrowly as is practicable to avoid long periods of temporary storage with risks of both overflow of chemicals into surface water and seepage into groundwater. In general, fracking chemicals should always be stored in tanks that isolated them from natural hydrologic processes, especially large rainfall events, and the ambient environment.

Various sections. There are many references to landowners within 1500 feet of wellheads, yet horizontal drilling will extend beneath many more landowners extending over a mile from the wellhead. In Texas, the *Coastal Oil* case addressed whether this constitutes a trespass, finding that it did not. Does Illinois have case law defining this issue similarly or differently than the *Coastal Oil* case? If differently, then landowners overlying horizontal drilling are stakeholders in many of the regulations in this document.

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December 19, 2013

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Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool,

I am writing to propose a change to the DNR Rules regarding the Hydraulic Fracking Permitting Process. Please see my comments below.

- SUBPART B- Registration and Permitting Procedures
- Section 245.210- Permit Application Requirements

The proposed administrative rules need to address upgrade, maintenance, or repair of roadways needed to accommodate activities under the Illinois Hydraulic Fracturing Act. These activities will affect traffic flow during and after hydraulic fracturing and drilling activities. Not planning for or undertaking them will have an even greater effect. Traffic management cannot occur without planning for these issues. A provision for the establishment of Road Upgrade and Maintenance Agreements, or RUMAs, within section 245.210 (15) of the proposed administrative rules would ensure these issues are addressed.

The Illinois Hydraulic Fracturing Act (P.A. 098-0022) makes allowances in Section 1-55 (a) that "Each permit issued by the Department under this Act shall require the permittee to comply with all provisions of this Act and all other applicable local, State, and federal laws, rules, and regulations in effect at the time the permit is issued." The language we propose does not hamper the permitting process but rather supports the Act, even making allowances
for delays. It ensures communities can exercise their rights under various Illinois statutes, including; 605 ILCS 5/5 et seq., 605 ILCS 5/6 et seq., 605 ILCS 5/9-113, and 625 ILCS 5/15-316.

The proposed alterations would read as follows:

245.210 – Permit Application Requirements

15) Traffic Management Plan
A traffic management plan that is developed by the applicant, in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to *identify the anticipated, roads, streets and highways that will be used* (Section 1 – 35(b)(15) of the Act) to facilitate the well site construction, drilling operation, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) a scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a
10 mile radius around the well site, identifying all the different highway jurisdictions;

B) anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;

C) an executed or draft Road Upgrade and Maintenance Agreement (RUMA), to be established with affected county, township, road district system or municipal street system authorities and that includes; provisions for needed upgrades and supplemental maintenance of affected routes to accommodate operator transport activities; arrangements for undertaking such upgrades or supplemental
maintenance; provisions for timely repair or damages by the operator; arrangements for coverage of costs, such as bonds or surety; and consequences for failure to repair in a timely manner;

a. In the event that a draft RUMA is submitted, the applicant will outline the current status of negotiations, including whether a mediation/arbitration process is needed and what party will serve as a mediator/arbitrator;

Sincerely,

Roy W. Tolbert

Roy Tolbert
Mayor, City of Rosiclare
PO Box 578
Rosiclare, IL 62982

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Illinois Dept. of Natural Resources
Office of Legal Council
One Natural Resources Way
Springfield, IL 62702-1271

Attn: Robert Mool

I am writing to submit my comments with regard to the IL Dept. of Natural Resources' draft regulations to implement the Hydraulic Fracturing Regulatory Act. I find the draft regulations inconsistent with the Act in many ways and an affront to both the intent of the General Assembly in passing the Act and a threat to the health of the residents of our state of Illinois. My views are reflected in the following points:

- **Emergency Response & Disclosure –** The law requires that trade-secret-protected information about chemicals be disclosed to health workers when necessary to treat a patient. *IDNR's draft regulations give discretion over when to share this information and direct health workers to contact either "IDNR during normal business hours" or "trade secret holders." This is unacceptable given that emergencies can happen at any time of the day, and emergency personnel can't be expected to figure out which private fracking entity to contact if the Department is not available.*

- **Water Pollution –** The law requires all wastewater to be stored in closed tanks, allowing the use of open pits only for one week if unexpectedly huge volumes of wastewater come up the well. *IDNR's draft regulations allow wastewater to sit in open pits far longer than a week and also do not require accurate calculations of tank size.*

- **Excludes Wells –** The law applies to all fracking wells, regardless of when they began operating or what type of process they use. *IDNR's draft regulations would exempt existing wells and potentially exclude types of fracking that use gas.*

- **Liability** – The law presumes that any water pollution found within 1,500 feet of a fracking operation was caused by that fracking, unless the fracking company can prove otherwise. In other words, the burden of proof lies with the frackers, not with the communities impacted by the pollution. *IDNR's draft regulations limit industry's burden of proof to a much smaller set of "indicator" chemicals, rather than the list of over 100 chemicals included in the law.*

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Clara McClure <pippinmcclure@gmail.com>

Rules for hydraulic fracting

2 messages

Clara McClure <pippinmcclure@gmail.com> Thu, Dec 26, 2013 at 11:00 AM
To: idnr@illinois.gov

A primary concern is having safe water during fracking and for the future. To assure this, the proposed rules must be strengthened so that any early fracking should have the rules applied to it as well as new fracking.

The rules should provide that tanks for storage of waste water should be large enough to hold all wastewater and covered until removed and removal should be within 7 days of usage of the water. Rules should be clear on what is acceptable for disposal of the wastewater (perhaps there is really no safe place for it given all the chemicals used or found within the drilling site).

All chemicals should be named and all should be considered when deciding on disposal of the used water. Disclosure of the chemicals should be done for first responders and medical personnel and be available 24/7.

Penalties need to be increased much more than proposed. If fracking ceases, penalties should still be applied until the area is judged clear of waste water and chemicals, even into the future in case new dangers emerge later. Going bankrupt should not mean that those fracking escape responsibility for clean up.

A rule should be developed that specifies who will be qualified to provide inspections on fracking sites, It is important that inspections are frequent (monthjly?) and more often if reports of problems are received.

It is important that there are funds available to provide for frequent inspections by qualifed staff. Where is the money coming from for this..What is the assurance that such staff are available before fracking is allowed to begin?

I am very concerned that there is not adequate awareness that there is a limit to the amounr of fresh water available on the earth. We can find alternatives to gas and oil that use less water than fracking.

Your panel did a good job in Carbondale, hearing from a large number of those attending. It must be clear to you that Southern Illinois, where most of the proposed fracking will be, are opposed to fracking. We are more concerned about the environment than about the money or the few long term jobs it will bring. To do a good job on making rules is crucial for our protection.

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Clara McClure, 1204 W Hill Ave., Carbondale, IL 62901

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Thu, Dec 26, 2013 at 11:00 AM

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IDNR
! NATURAL Resources Way
Springfield, Il. 62702

Dear Sir:

I approve of oil harvesting by fracking because it is a meaningful way to extract oil from the earth.

I also approve of straight line drilling for oil.

Oil is God's gift to mankind. It should be appreciated and respected and treated fairly. It is as important as using corn alcohol in gasoline.

The coal map at the West Frankfort, Illinois coal mine tour showed the coal line extending north to West Brooklyn, Illinois. Could you try looking for oil in new places such as north to West Brooklyn, Illinois?

There are many uses for oil.

Thank you.

Sincerely,

Joan Mays
PO Box 79
West Brooklyn, IL. 61378

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Comments on

Draft Hydraulic Fracturing Regulatory Act

Administrative Rules

Submitted to

Illinois Department of Natural Resources

Submitted by

Gerald E. Quindry, P.E., Ph.D.[1]
Sigma Plus Engineering, LLC
106 SE Third St., PO Box 554
Fairfield, Illinois 62837
and
William M. Briggs, Ph.D.
340 E. 64th Apt. 9A
New York, NY 10065

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December 30, 2013

[1] Author to whom correspondence should be addressed. jerry@gequindry.com

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Comments on

Draft Hydraulic Fracturing Regulatory Act

Administrative Rules

Introduction

These comments have been prepared by Gerald E. Quindry, P.E., Ph.D., with the assistance of William M. Briggs, Ph.D. Dr. Quindry is a Civil and Environmental Engineer, and is licensed to practice in Illinois. He holds a Ph.D. in Environmental Engineering in Civil Engineering from the University of Illinois at Urbana-Champaign, and has more than 35 years of experience in environmental consulting, including broad experience in the development of Federal water pollution regulations, regulatory compliance auditing, environmental site assessment and remediation, brownfield redevelopment, methane and organic vapor intrusion into buildings and mitigation of those hazards, oil spill prevention, control and countermeasures, and the design and operation of petroleum production, refining, storage, and distribution facilities. Dr. Briggs is a statistician in private practice, and an Adjunct Professor of Statistical Science at Cornell University in Ithaca, New York. He is the author of the book, "*Breaking the Law of Averages: Real Life Probability and Statistics in Plain English*." He received his Ph.D. in Statistics from Cornell University in 2004.

The Issue

Section 245.615(a) of the Rules states that, "Upon a determination of pollution or diminution by the Department, the Department **shall** issue a Notice of Violation and proceed with appropriate enforcement pursuant to Subpart K" (emphasis in bold added). Section 245.600(e) states that a determination of pollution or diminution **shall** be made from the baseline and follow-up sampling. In addition Section 245.610(e) describes how a determination of pollution or diminution **shall** be made in a water pollution investigation, using the term-of-art "statistically significantly higher" in making that determination. The authors of this comment are not attorneys. But it is our understanding that the use of the word "shall" in the above context obligates the Department to undertake the actions described above, including issuance of a Notice of Violation (NOV). As will be explained below, we believe NOV issuance is inappropriate because of the underlying uncertainty in the sampling and statistical methods employed to make a determination of pollution or diminution. This comment is an extension of commentary provided at the IDNR public hearing in Ina, Illinois on December 3, 2013, in which the inappropriate use of the word "higher" in Section 245.610(e) is explained. Below, we describe the reasons that the "statistically significantly" portion of the wording is also flawed.

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Comment: The terminology in Section 245.610(e) is flawed. "Statistically significantly" is a meaningless phrase unless further defined.

"**Statistically Significantly** Higher" [Section 245.610(e)] provides no guidance on what statistical testing is to be used to assess the difference between baseline and follow-up samples, and the level of significance required to make a determination of pollution or diminution. It is important that the procedure be known before initiating the monitoring and enforcement process. There is no unique statistical procedure for data of this kind (many analysis choices exist) so at a minimum, the methodology to "determine" the outcome of the test must be fully described in the water quality monitoring work plan required in Section 245.600(a). This would give the Department the opportunity to review and approve the statistical methods. The requirement to specify the methods could be added as a 12th item in the list in Section 245.600(a). Preferably, such a protocol could be provided as part of the Rules themselves. The approach described in Chapter 9 of US EPA SW-846, "*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*" would appear to be appropriate for emulation in the IDNR program, and has withstood decades of use in real-world environmental programs. Under that approach, a desired level of confidence ("significance" in the language of the Rules) would be specified (US EPA uses 80 percent), and an estimate made of the mean and variability of the baseline sample data. With only one sample, the variability is impossible to estimate and no significance or confidence can be assessed. With only a few samples, that variability, or range, will be relatively wide. With additional baseline samples, the range becomes narrower, giving more precise estimates at the confidence level required. For the same reason, multiple samples are required for the follow-up sampling. A confidence interval for both time points is then calculated. If the two ranges overlap, then there is no significant difference at the confidence level employed. If the two ranges do not overlap, there is a significant difference.

The difficulty in this approach is that there needs to be multiple samples collected in the baseline data set and multiple samples collected in the follow-up data set. But statistical analysis cannot be performed on a population of one baseline sample and one follow-up sample. Even the approach employed in the Draft Rules does not adequately address that fundamental principle. Subdividing one sample into three sub-samples does not create three independent samples. The water quality, especially for surface waters, varies with time. But the permit holder does not have an opportunity to collect additional baseline samples after drilling has begun. The permit holder will not know *if* additional baseline sampling is required until after the opportunity to collect the data has passed. This is not likely to be a major issue in working with groundwater data because that water typically moves relatively slowly in the aquifer and water quality is somewhat stable. But, as shown in commentary submitted at the Ina hearing, dependence on that sampling scheme for surface water bodies is highly problematic because of the existing variability of water quality in surface waters. A copy of that commentary is attached to this document for your reference, with Comment 2(d) being the relevant comment.

The remedy suggested in that prior comment – to use upstream and downstream samples for comparison, rather than samples collected from a single point in a stream before and after drilling and hydraulic fracturing – would also remedy the above concern. It would be possible at any time – even after drilling and well development has been completed – to concurrently collect upstream samples as

baseline samples, and downstream samples in lieu of follow-up samples. That would provide the necessary data to assess possible releases from drilling operations from the vicinity of the drill site. The sampling could be repeated as many times as necessary to obtain sufficient samples to provide meaningful statistical measures.

In summary, the recommended procedure would be as follows: If, in any of the three scheduled follow-up sampling events, those samples show no degradation between the upstream and downstream samples, then no further investigation is warranted above and beyond the three scheduled follow-up sampling events. If, however, there is a difference in any of these sampling events that could potentially indicate an unauthorized release of drilling or hydraulic fracturing fluids, then the sampling efforts can be repeated as many times as is necessary to confirm or rebut that suspicion. There should be no reliance on a single sampling event to issue an NOV. There is no statistically supportable evidence to do so, and a means for a permit holder to rebut the presumption of causation needs to be available.

Public Hearing Comments on

Draft Hydraulic Fracturing Regulatory Act Administrative Rules

Submitted to

Illinois Department of Natural Resources

Submitted by

Gerald E. Quindry, P.E., Ph.D.
Sigma Plus Engineering, LLC
106 SE Third St., PO Box 554
Fairfield, Illinois 62837
jerry@gequindry.com

December 3, 2013

Note: These comments were originally submitted in person at the public hearing in Ina on December 3, 2013. This copy is attached as reference material to comments submitted on December 30, 2013.

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Public Hearing Comments on

Draft Hydraulic Fracturing Regulatory Act

Administrative Rules

Introduction

Good evening, I am Gerald Quindry, owner of Sigma Plus Engineering, LLC in Fairfeld, Illinois. I am a Civil and Environmental Engineer, and I am licensed to practice in Illinois. I hold a B.S. in Civil Engineering, and a Ph.D. in Environmental Engineering in Civil Engineering, both from the University of Illinois at Urbana-Champaign, and I have more than 35 years of experience in environmental consulting, including experience in the development of Federal water pollution regulations, regulatory compliance auditing, environmental site assessment and remediation, brownfield redevelopment, methane and organic vapor intrusion into buildings and mitigation of those hazards, oil spill prevention, control and countermeasures, and the design and operation of petroleum production, refining, storage, and distribution facilities.

My comments this evening relate specifically to Subpart F: "Water Quality" of the Draft Administrative Rules (the "Rules") promulgated by the Illinois Department of Natural Resources (IDNR) to implement provisions of the new Hydraulic Fracturing Regulatory Act (the "Act"). In addition to these comments, I will, in partnership with a professional statistician, submit written comments on the Rules before January 3, 2014. These additional written comments relate to the statistical treatment of chemical data called for in Section 245.610(e). My comments this evening will be related to the other problematic sections of the proposed Rules.

Provisions of the Rules

Subpart F of the Rules provides operational details for monitoring water quality near high volume hydraulic fracturing operations in Illinois. In brief, baseline water quality data is to be collected from water sources near any proposed well site prior to drilling. These data are then to be compared with data collected from the same sources after hydraulic fracturing operations are complete. The chemical tests to be performed include 27 specific analytes [Section 245.600(d)(1)(B)]. Data is to be submitted to IDNR on a strict time schedule and then made available to the public on an IDNR web site. Based on the comparison of results of baseline and follow-up monitoring, IDNR will make a determination of "whether any hydraulic fracturing additive or other oil or gas well contaminant has caused pollution or diminution..." [Section 245.600(e)]. If such a determination is made by IDNR, a Notice of Violation shall be issued [Section 245.610(a)] and enforcement actions undertaken under Section K of the rules.

Subpart F of the Rules also includes many other provisions, for notification of IDNR of on-going activities, procedures to follow in obtaining landowner permission to sample, non-disclosure of data, etc. which are not germane to the discussion below, and they are ignored for purposes of this comment.

Issue 1: Timely Submission and Publication of Data

The Rules require [Section 245.600(b)(4)] that the results of baseline sampling be posted on the IDNR web site within 7 calendar days after receipt. The minimum data format is described in Section 245.600(b)(4).

Comment 1(a)

The data format in Section 245.600(b)(4) is not appropriate for surface water samples. Surface waters do not have a well name, location and permit number. Not all surface waters have any name or a unique location identifier. For all data points, the inclusion of latitude/longitude pairs, in a consistent format, and using a consistent datum is recommended. An appropriate standard would be latitude/longitude using the NAD83 datum, in decimal degree format, with negative numbers used to denote south latitude and west longitude. (For example, the Illinois State Capitol building is located at Latitude 39.798434, Longitude -89.655077.)

Comment 1(b)

The required data format MUST include the sample date.

Comment 1(c)

Given the short time-frame for publication of water quality data by IDNR, it is likely that the method of choice for compliance with the Rules would be for IDNR to publish a non-indexed, non-searchable electronic image of laboratory report submissions (e.g., PDF images). IDNR should recognize that the publication of such scanned documents may be in compliance with the language of the Act, but will be of little use in accomplishing the goals of the Act. Electronic submission of formatted water quality data should be required. Electronic submissions are more efficient for all parties concerned, and are less prone to errors. They also can have the capability to provide for on-line searches by the public. The data used in the next section of my comments were retrieved from the US EPA STORET data warehouse (http://www.epa.gov/storet/). That system is available for adoption by the Department, and already has written instructions and a broad-based user community. Other systems are also available. In short, you don't have to re-invent anything, just specify and employ the tools already available to provide the data in a more accessible manner.

Issue 2: Conclusions Drawn from Water Quality Monitoring Approach

Section 245.600(e) states that "the Department **shall** ... make a determine whether any hydraulic fracturing additive or other oil or gas well contaminant has caused pollution or diminution for purposes of Sections 245.610 and 245.620." Section 245.610(e) describes how a determination of pollution or diminution **shall** be made in a water pollution investigation and incorporates language on statistical

significance not included in Section 245.600(e). Section 245.615(a) of the Rules states that, "Upon a determination of pollution or diminution by the Department, the Department **shall** issue a Notice of Violation and proceed with appropriate enforcement pursuant to Subpart K" (emphasis added). As will be demonstrated below, strict adherence to the Rules, when applied to surface waters, can result in instances when a Notice of Violation (NOV) must be issued, even when there has been no actual release of pollutant or diminution caused by oil drilling/fracking activity. Conversely, adherence to the Rules provides ample opportunity for actual environmental degradation, caused by drilling or fracking activities, to be missed by the monitoring program. The randomness of findings of pollution or diminution, and the technically unsupportable nature of NOV issuance would surely be solid grounds for judicial challenge of the entire enforcement process.

There are several flaws in the regulatory approach that has been taken in the Rules:

Comment 2(a)

There appears to be some circular flaws in the flow of the above sections. Section 245.600(e) provides instructions that are for the purposes employed in Section 245.610. But Section 245.610 appears to be the method for making the determination under Section 245.600(e). The Rules should be made more clear as to specifically how the baseline and follow-up sampling data will (or will not) result in a determination of pollution or diminution, and when a Notice of Violation **shall** be issued.

Comment 2(b)

"Statistically Significantly **Higher**" [Section 245.610(e)] is the term used in the Rules for comparison of data collected as baseline and follow-up sampling. But "higher" does not imply degradation for all of the 27 analytes of concern. For example, a release of acid-containing well completion fluids to a stream would cause a drop in alkalinity and pH, not an increase. In this case, "Statistically Significantly **Lower**" would be the appropriate evaluation. But the release of a caustic would cause a rise in alkalinity and pH. Thus, an excursion either above or below the norm could indicate pollution or diminution. Or perhaps not. Such excursions could have causes completely unrelated to oil and gas development activities. A farmer applying agricultural lime to a field will cause increases in alkalinity and pH. A determination of degradation or diminution needs to be more complicated than a simple comparison of numbers. The definition of degradation and diminution are different for each of the 27 analytes, and they should be individually stated in the Rules.

Comment 2(c)

"**Statistically Significantly** Higher" [Section 245.610(e)] provides no guidance on what statistical testing is to be used, and the level of significance required to make a determination of pollution or diminution. It is important that the procedure is known before initiating the monitoring and enforcement process. As I noted in my introductory material, I am preparing written comments on the statistical handling of the data, and will not comment further at this time.

Comment 2(d)

There are many sources of error in the sampling and chemical analysis of natural waters. In the protocol for baseline and follow-up sampling, some allowance for that variation is made by splitting collected samples into three sub-samples [Sections 245.600(d)(1)(A)] and analyzing them separately. This

procedure will provide some measure of laboratory-introduced variability, but it ignores others, such as the variability of water quality parameters with time. The charts of water quality data that are attached to this submission clearly demonstrate the problem.

Alkalinity is one of the baseline parameters employed in the regulations. Iron is another. The data were collected by the US Geological Survey at their monitoring station near Clay City, Illinois, from the Little Wabash River. That river is one of the larger streams in the region, and it drains a considerable fraction of the land where high volume hydraulic fracturing is likely to take place. Such historical data is not available for many of the smaller surface water bodies in the region, and smaller water bodies are likely to have even larger variations in water quality parameters. There is little in the way of an historical record to use to establish time variability of environmental parameters for these small water sources, but, since the Rules make no allowance for time-dependent variability, any variation will be fully attributed to the drilling and hydraulic fracturing activity that is to take place.

Given the historical data shown on the charts, what would a baseline sample, collected on any random day, likely show for alkalinity and for iron? How representative would it be? What would a follow-up sample have to look like to be "statistically significantly higher" (or lower) than the baseline collected, perhaps two-and-a-half years earlier? Without benefit of long-term monitoring data such as that shown in the charts, how would you know? Without such extensive data, unfortunately, the conclusion reached would rely more on timing and luck than whether or not a chemical release had occurred.

There is a better way to do this. Rather than comparing a baseline sample collected before drilling to a follow-up sample collected later at the same location, a comparison between "upstream" and "downstream" water quality parameters needs to be made. The baseline is the *difference* between upstream and downstream samples prior to oil or gas drilling and development, and the follow-up data measures the *difference* between these two locations after the well activity is complete. Given these data, time-dependent variations will be incorporated into both sets of data, and a better representation of environmental issues attributable to drilling and hydraulic fracturing activities can be made.

Comment 2(e)

It is unclear whether or not the determination by the Department made under Section 245.600(e) is to follow the same statistical test for significance that is called for in Section 245.610(e).

Comment 2(f)

The incorporation of a rebuttable presumption of liability into the Act and Rules creates unusual challenges for permit holders in establishing what would constitute a valid rebuttal of a finding of pollution or diminution. Given the demonstrated variability of the underlying data, it would be necessary to have much more baseline data to rebut a presumption. But having initiated drilling activities, the permit holder does not have the opportunity to collect any more baseline data. In addition, the list of chemical analytes that can result in a finding of pollution or diminution is far longer than the 27 baseline parameters. For many analytes, there may be no baseline data at all, and thus there can be no rebuttal. It should be possible, for example, for a permit holder to rebut a finding of pollution or diminution on the basis that the chemical found in excess after well drilling and

development was not used in drilling and fracking operations and is not a naturally occurring constituent of the strata being penetrated or subjected to hydraulic fracturing.

Issue 3: Sample Collection and Reporting Protocol

The Water Quality Monitoring Work Plan is described in Section 245.600(a). The required analytes for baseline and follow-up sampling are specified in Section 245.600(d)(1)(B).

Comment 3(a)

The Work Plan is a critical document in the regulatory process. As such, it should be submitted to the Department under signature and stamp of a Professional Engineer or Professional Geologist. This is consistent with the requirements of Title 35, Part 732 and Part 734 (Sections 732.108 and 734.130, respectively) for the investigation, reporting, and remediation of petroleum hydrocarbon releases from underground storage tanks. (A program with similar purpose to the Act and Rules.) For similar reasons, the sampling reports submitted to the Department described in Section 245.600(d)(1 thru 4) should be signed and stamped by the responsible Professional Engineer or Geologist.

Comment 3(b)

The collection protocol needs to specify whether or not the samples are to be filtered during sample collection. Water quality data (especially metals concentration) can be impacted by suspended particulate matter in the water. In surface water, the suspended solids content changes with recent precipitation and runoff. In groundwater, the suspended solids load is also highly sensitive to recent drawdown in the wells, as might happen in a private water supply well at a residence. If conclusions are to be drawn from the data collected by different parties and at different times, consistency in collection methods is required. The decision whether to employ filtering may be different for some parameters than it is for others, but the methodology should be consistent throughout the entire IDNR monitoring program under the Act.

Comment 3(c)

There are 27 analytes used as baseline indicators of possible pollution or diminution. There seems to be little logic in their selection, especially for surface and near-surface waters. Some of them are much more likely to be altered by conditions and events unrelated to drilling or fracking activities. Others are used (if at all) in such minute quantities to be undetectable when diluted into naturally occurring waters. I would be particularly interested in the justification used to include silver, mercury, alkalinity, and dissolved methane as indicators in surface waters.

Comment 3(d)

Dissolved gas concentrations in water are highly dependent on temperature and pressure. In a slow-moving stream or lake environment, methane is generated by methanogenic organisms in the bottom deposits and released to the water. Cooler water can contain a higher concentration of methane (and other gasses) than warm water, so an difference in methane concentrations would be seen if a summer

sample is compared to a winter sample, simply because of the change in water temperature. It would seem to be dangerous to draw any conclusions of drilling or fracking-caused pollution based simply on methane concentrations in a surface water, unless the concentration numbers are converted to a percent saturation value, adjusted for temperature. In a related issue, methane concentrations in confined aquifers can be higher than in shallow surface water simply because of the higher pressure. It is not an insignificant challenge to collect representative repeatable gas samples from water from pressurized zones.

Comment 3(e)

BTEX is called out in the list of analytes. It is unclear whether the use of the cumulative acronym for benzene, toluene, ethyl benzene, and total xylenes is intended to imply their use as a single indicator, or simple shorthand for the individual constituents. If use as a single indicator, it would perhaps be more useful to employ sampling and analysis for Total Petroleum Hydrocarbons (TPH) rather than singling out these four chemicals.

Comment 3(f)

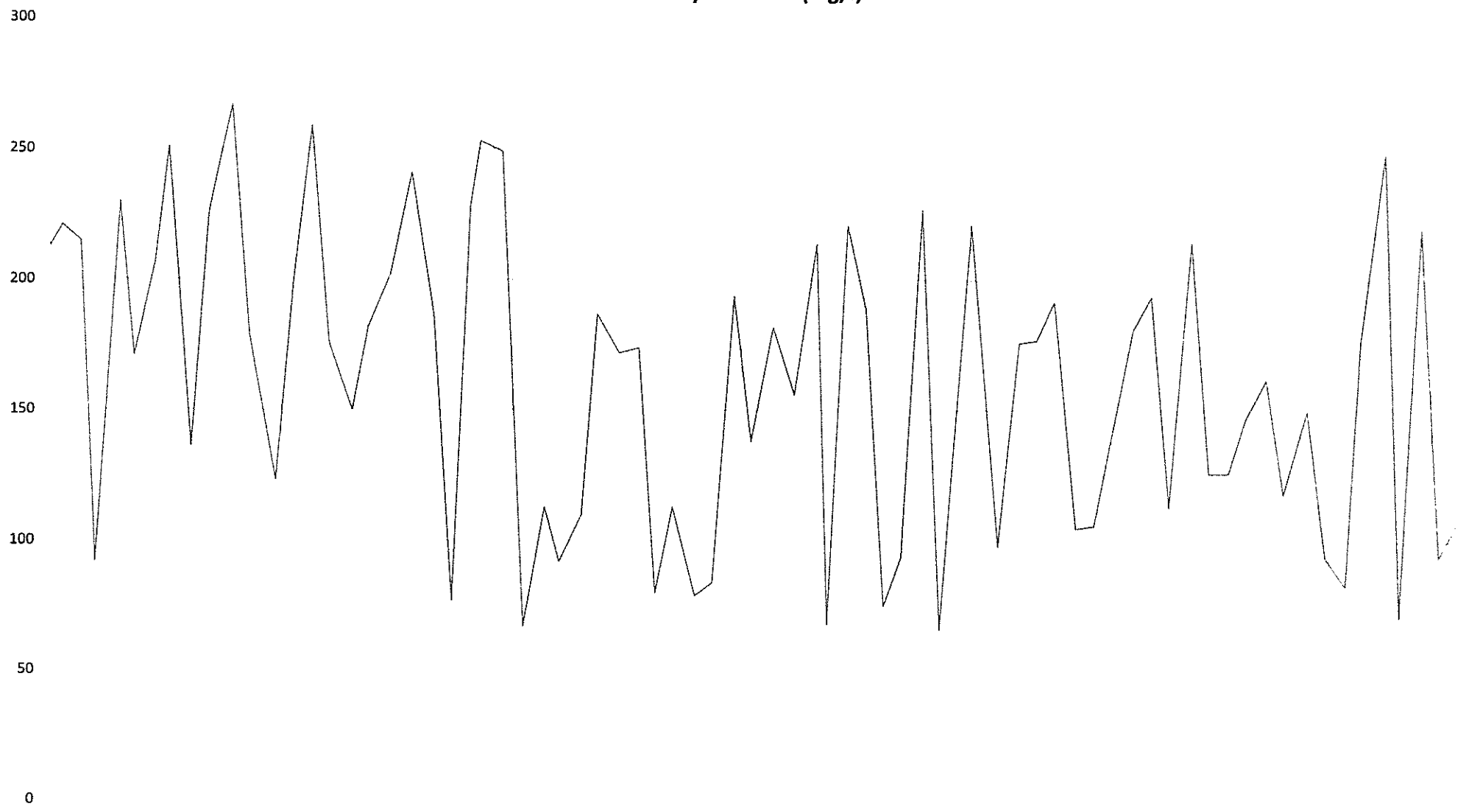
Chemicals in common use in agriculture (or the likely impacts of those chemicals) should not be used as indicators of pollution or diminution caused by hydraulic fracturing, even if that indication is rebuttable. Specifically, agricultural lime will cause increases in alkalinity, which will then gradually decrease over time. Thus, alkalinity is a poor choice as an indicator in monitoring hydraulic fracturing operations.

Issue 4: Unclear Meaning / Editing

Comment 4

Section 245.600(a)(8)(C) references a non-existent subsection (a)(7)(D). The correct reference appears to be (a)(8)(D).

Little Wabash River, Clay City, Illinois
Alkalinity as CaCO3 (mg/l)



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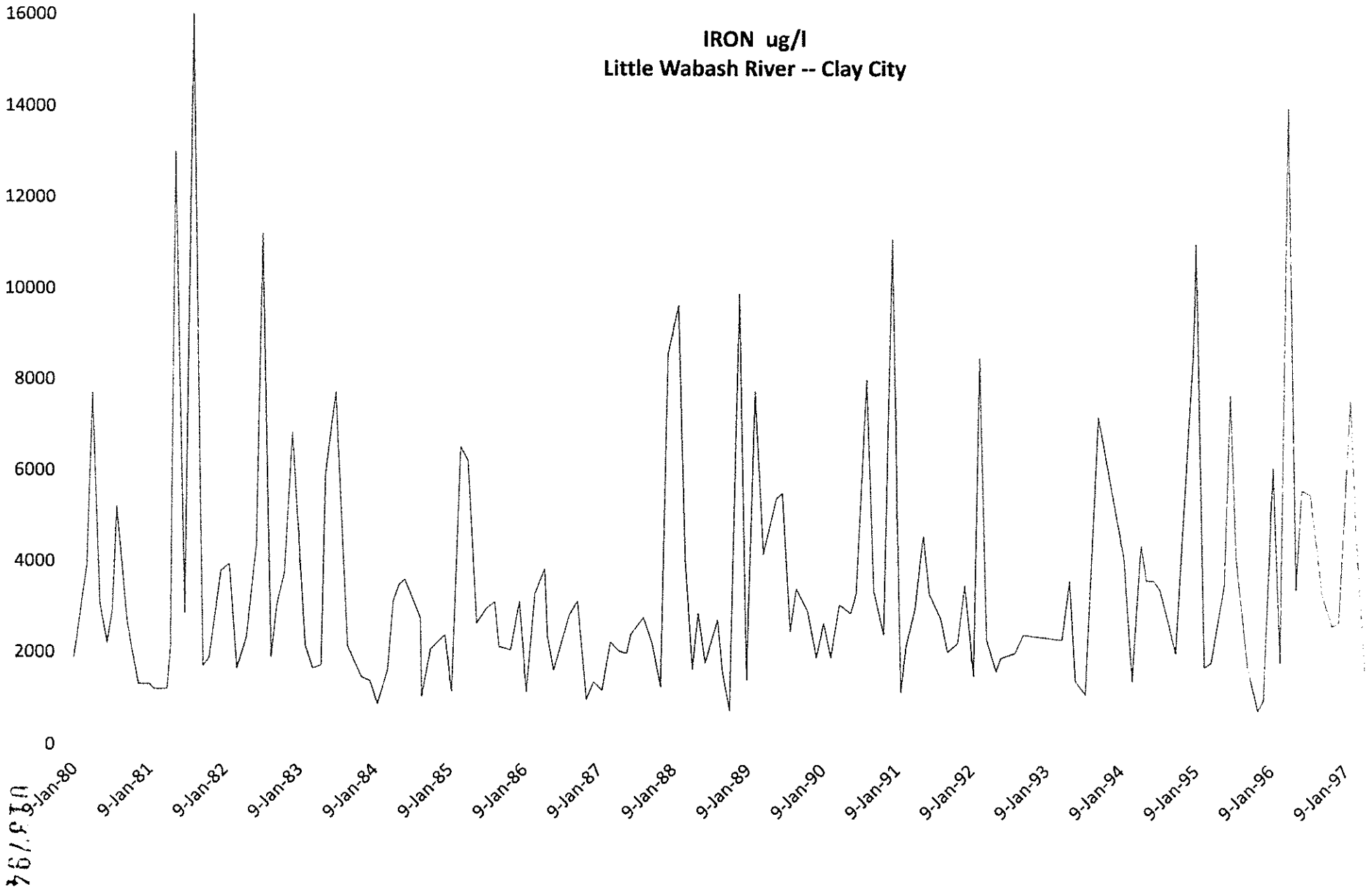
IRON ug/l
Little Wabash River -- Clay City
16000
14000
12000
10000
8000
6000
4000
2000
0
9-Jan-80
9-Jan-81
9-Jan-82
9-Jan-83
9-Jan-84
9-Jan-85
9-Jan-86
9-Jan-87
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9-Jan-90
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9-Jan-96
9-Jan-97

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RECEIVED

DEC 31 2013

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

December 28, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Re: IOGA Comments Concerning Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Thank you for the opportunity to comment on IDNR's proposed rules to implement the Hydraulic Fracturing Regulatory Act. The Illinois Oil & Gas Association (IOGA) represents companies involved in oil and gas production in Illinois, including the companies contemplating the use of high volume horizontal hydraulic fracturing. IOGA was involved in the negotiation of every detail of this highly prescriptive legislation, and is therefore uniquely qualified to offer comments on the proposed rules.

General Comments

- Nearly every term and condition contained in SB 1715 was negotiated in specific detail. The negotiations that led to the development of the comprehensive regulatory proposal passed by the General Assembly were conducted over the course of a year. The negotiations were conducted line by line for the explicit purposes of limiting the amount of new language IDNR would need to draft to enact the terms of the bill.

- IDNR's rule package should adhere as closely to the specific wording in SB 1715 as possible given the detailed negotiations. To deviate significantly from the terms of the legislation or to expand the requirements that were negotiated would undermine the legislative intent behind SB 1715.

- IDNR should reject language suggestions that attempt to insert new issues or requirements that were previously rejected by the General Assembly during the legislative negotiations for SB 1715.

- IDNR's rules should be drafted in a way that streamlines the permitting process in as efficient a manner as possible. IDNR should avoid creating paperwork requirements that are redundant, not specifically required by SB 1715, and do not materially add environmental protections.

- SB 1715 established the most comprehensive set of regulations in the nation governing High Volume Horizontal Hydraulic Fracturing (HVHHF) operations. The permitting requirements required in the bill are extensive and rigorous and in most cases significantly exceed what is required in most oil and gas producing states. Although burdensome, industry believes the process outlined in the bill is workable. IDNR should streamline where latitude allows however and avoid adding requirements not explicitly required. Expanding the scope of both the permitting requirement and the regulatory standards will place Illinois at a significant competitive disadvantage.

- SB 1715 applies strictly to High Volume Horizontal Hydraulic Fracturing (HVHHF) operations. The legislation specifically did not contemplate applying these rigid requirements to all forms of "stimulation treatment" and IDNR should not attempt to expand the scope of the legislation by adding new definitions or trying to automatically equate "stimulation treatment" with "hydraulic fracturing".

- The unconventional resource plays in Illinois are still in the early exploratory phases. It will be several years before it is determined whether a large scale resource play in the region is viable. Given this reality IDNR should recognize that Illinois is in essence competing for development capital with other active resource plays around the country. Corporate decisions on capital investment will be influenced tremendously by difficulty and expense of the permitting process, and the operational costs imposed by the regulations once a new well begins operations. Every dollar per barrel operating cost that is added in the form of regulatory obligations lowers the attractiveness of the New Albany Shale from a capital investment standpoint.

- Illinois should emulate the example established by North Dakota during the early exploratory stages in the Bakken formation. It is not necessary for IDNR to "regulate everything" at the outset of the exploratory phase. North Dakota's regulatory bodies made a concerted effort to keep its permitting process streamlined and efficient as a way to create a competitive advantage for capital investment. In 2006, prior to widescale exploration of the Bakken Formation, North Dakota did not rank among the top 10 states in total oil production. Today North Dakota is the second largest oil producing state and has the lowest unemployment rate in the nation. North Dakota's regulatory environment has evolved over time as the industry has become more established in the state and the

economics of the wells have become more predictable. This experience provides important lessons IDNR and the State of Illinois can draw from.

- IDNR should resist pressure to enact HVHHF specific regulations on issue areas like worker safety that are already covered by other laws and regulations. The oil and gas industry is subject to myriad rules and regulations at the local, state, and federal level that cover nearly every aspect of their operations. The rules under development by IDNR should be tailored specifically to issues unique to HVHHF operations and tie directly to the requirements established by SB 1715.

- IDNR should resist political pressure to make the regulations retroactive to operations that were conducted prior to the effective date of enactment of SB 1715. Imposing new regulatory requirements on activities that were previously properly permitted will create an "ant-business" image for IDNR and the State of Illinois that could serve to discourage capital investment.

Section Specific Comments

Section 245.110 – Definition of "Stimulation Treatment": SB 1715 did not contain the definition "stimulation treatment". Operations like "stimulation treatments" and "hydraulic fracturing" have very specific technical meanings. From a technical perspective the term "stimulation treatments" can apply to apply to a broad range of downhole activities. The legislation was specifically developed around regulating HVHHF operations. Attempting to equate "hydraulic fracturing" with all forms of "stimulation treatments" prospectively expands the scope of the regulations well beyond what was intended by the General Assembly. To avoid fostering public confusion and feeding the misguided perception that "fracking" encompasses all phases of the oil and gas development process, the "stimulation treatment" definition should be deleted.

Section 245.200; subsection b)1)B) – Registration Procedures: SB 1715's registration requirements were the subject of extensive negotiation. The intent of the legislation was to require the operator to disclose violations of rules specific to the conduct of hydraulic fracturing operations. Although the draft regulations copied the language directly from SB 1715, IDNR should incorporate language that more clearly clarifies the intent and keeps the disclosure narrowly tailored as agreed to.

Section 245.200 b)1)C) – Registration Procedures: The proposed regulations require operators to carry proof of insurance in the amount of at least $5 million "per occurrence". This requirement exceeds the scope of SB 1715 and should be deleted. SB 1715's registration requirements were the subject of extensive negotiation. The statute requires operators to carry $5 million in insurance to meet the registration requirements. The statute does not contain any reference to "per occurrence" and instead relies on a flat

threshold. Establishing a "per occurrence" threshold would require operators to carry significantly larger policies than envisioned by the General Assembly.

Section 245.200 f) – Registration Procedures: Requiring operators to update their registration within 60 days of a change of any in the information required by Sec. 245.200 is in direct conflict with the terms of SB 1715 and should be revised. SB 1715 explicitly requires updates to be filed annually if any information has changed. Some of the information required in Sec. 245.200 requires disclosure of information outside of Illinois' jurisdiction (i.e. incurrence of violations related to hydraulic fracturing operations). For large companies with operations in multiple regions around the world compiling rolling updates multiple times throughout the year creates unnecessary paperwork requirements and also increases the risk of inadvertently missing a reporting requirement.

Section 245.210 a)7)C) – Permit Application Requirements: Language needs to be added to the second sentence in this subsection that clarifies the surface location map is only required for wells "within 750 feet of any part of the horizontal well bore". As drafted the sentence could be construed to suggest that the operator would be required to supply a map that identifies the surface location of any previously drill well located throughout the entirety of the geologic formation, not just in the immediate area surrounding the newly proposed well.

Section 245.210 a)12)A) – B) – Permit Application Requirements: The permit requirements established by SB 1715 far exceed the requirements of any other oil and gas producing state. IDNR should avoid imposing additional requirements that expand the amount of paperwork needed to file a permit. The proposed requirements for the "well site safety" plan exceeds the requirements envisioned by SB 1715 and should be revised. The well site safety plans should simply provide streamlined summaries of standard safety practices such as required use of personal protective equipment (PPE), identify emergency points of contacts, contact information for relevant emergency response agencies, and identify emergency access routes. As drafted the proposed regulations could be construed to require a massive safety plan that goes in to detail on how each and every state and federal OSHA requirement will be addressed.

Section 245.210 a)12)C) – Permit Application Requirements: The requirement to identify "hazardous materials" is redundant to the pre chemical disclosure list required by SB 1715. The requirement was not contained in SB 1715 and should be deleted in the interest of streamlining the application process.

Section 245.210 a)15)A) – Permit Application Requirements: Scaled maps of the proposed routes that will be primarily used for HVHHF operations should be limited to a five (5) mile radius as opposed to the ten (10) mile radius proposed.

Section 245.210 a)15)B) – Permit Application Requirements: Given the lengthy nature of the permitting process and uncertainty posed by the hearings process it will be nearly impossible for operators to predict with any accuracy the "anticipated" start and end dates for key operations such as drilling. The start and end dates will be directly impacted by equipment availability, weather, permit delays, etc. This will be particularly true during the exploratory phase when operations will be dependent upon transporting the equipment from other states where full scale development is currently occurring. The proposed requirement should be deleted.

Section 245.210 a)25)A) – B) – Permit Application Requirements: The proposed requirements are redundant to the registration requirements in Sec. 245.200 and should be deleted in the interest of streamlining the permitting process. Additionally, the draft regulations require disclosure of any "adjudication" of violations. The intent of the legislation was to only require disclosure of violations that have been formally determined to be violations (i.e. due process has been completed, formal record has been closed, and binding decision has been made). Not allegations of violations, or violations that may be in the process of being tried. That appears to be the intent with the proposed language but it is not clear. If the proposed requirement is not deleted altogether as IOGA recommends, the language at a minimum should be clarified that the operator is required to simply report violations that have been formally closed and no appeal process is underway.

Section 245.210 a)26) – Permit Application Requirements: The proposed requirement is unnecessary since the operator is responsible for the actions of contractors on their lease. All HVHHF completion operations will be conducted by a third party contractor that is retained by the operator. Ultimately the operator is responsible to the regulatory agency for conditions and operations on their lease. The requirement could also be difficult to comply with as the operator may not know at the time the application is submitted which service company will be contracted to do the work. This will be particularly true during the exploratory phase when operations will be dependent upon crew availability and transporting the equipment from other states where full scale development is currently occurring. The proposed requirement should be deleted as it will be impossible to comply with.

Section 245.210 a)28) – Compliance with Consultation: The proposed requirement was never contemplated during negotiation of SB 1715 is not included in the legislation. Please see attached legal opinion from IOGA Counsel, Ronald E. Osman.

Sec. 245.210 f) – Permit application requirements: There appears to be a typo in the ninth sentence of the section. The word "or" should be inserted following "(a)(26)" and "are". IOGA recommends the language change in order to reduce confusion as to intent.

Section 245.270 a)1)A)v) – Public Hearings: The proposed standards for establishing whether an party is "adversely impacted" are overly broad and could lead to abuse of the public hearings process. This section was negotiated in detail during the legislative process. As drafted the language would allow nearly any party to claim they have "an interest" in the "recreational or environmental value" of any area where development is proposed. The language should be tightened in accordance with the legislative intent to require that parties "must provide proof of direct economic interest" in order to claim they are adversely impacted if they cannot qualify for status under the terms of i) – iv) of this section.

Section 245.310 d) – Permit Denial: As drafted the language would allow IDNR to deny a permit on the basis that an "emergency condition" is alleged to exist. The language should be revised to state that the emergency condition must be "proven to exist based on evidence reviewed by personnel trained in oil and gas operations".

Section 245.320 c) – Permit Conditions: As drafted the language would allow IDNR to impose burdensome terms and conditions based on a low threshold. Section 1-53 of SB 1715 specifically stated that additional conditions that exceed the standard regulatory requirements can be added "only if the record of decision demonstrates" the added requirements are justified. The language in the draft regulations should be modified to reflect the explicit limitations imposed by SB 1715.

Section 245.330 e)2) – Permit Modifications: The proposed language allows IDNR 90 days to approve "insignificant" permit modifications. The length of the proposed review time for minor items is burdensome and could create economic and scheduling impacts for operators. The proposed rules should allow for minor modifications to be processed in a period not to exceed 14 days.

Section 245.340 c) – Permit Transfers: Imposing a $2,000 fee for transferring a single well regulated to this section is excessive. The proposed transfer fee should be reduced. The proposed language should also clarify as to whether a per well fee is required in instances where the entire assets are transferred from one company to another. In those types of instances imposing a per well fee for the entire company assets could impose significant added costs.

Section 245.340 d)3) – Permit Transfers: Requiring contractors to provide proof of insurance is not relevant in instances of permit transfers. Operators hold the permits to operate the wells regulated pursuant to these regulations. Permit transfers will occur from operator to operator. The operator acquiring the permit will have no idea of knowing which contractors they will be using in the future. Furthermore, the operator is the entity responsible to the regulatory agency and is responsible for the conduct of contractors and activities on their leases. This requirement should be deleted as it will be impossible to comply with.

Section 245.410 b) – Access Roads, Public Roads and Topsoil Conditions: Requiring operators to obtain bids to repair roads is onerous and creates potential conflicts with the Master Service Agreement (MSA) process established by the operator's internal policies. Most operators require third party contractors to meet certain requirements (i.e. safety programs that meet certain standard, drug testing, etc.) and be registered with the companies' MSA process. The proposed language would require operators to solicit bids from contractors that prospectively do not meet the companies' internal requirements. Operators would be forced to compromise their MSA standards or delay the work to register a new service company each time a job is put out to bid. This process would prospectively delay the ability of operators to conduct repairs.

Sec. 245.520 d) – Cement Requirements: The proposed language requires the cement to be pumped "at a rate in a flow regime that inhibits channeling of the cement in the annulus." Although this language is taken straight from SB 1715, the requirement ignores the technical reality that this standard may not be possible to achieve in larger hole sizes. When drilling operations are unable to reach a turbulent flow regime alternative pumping strategies are typically employed that still ensure well integrity. The draft regulations should allow operators to provide notice to the Department of their intent to utilize alternative pumping strategies in instances in which turbulent flow regime cannot be achieved.

Section 245.520 h) – Cement Requirements: Requiring the cement job logs to be submitted within 30 days of completing the activity creates inefficiency and confusion for the operator. As drafted the proposed regulation could be interpreted as imposing a different 30 day clock for each cementing stage. For efficiency purposes the proposed regulation should require the logs to be submitted 30 days "after the rig is released" to allow the operator to submit a single complete filing that covers the entire well.

Sec. 245.520 h)2) – Cement Requirements: The proposed regulation requires copies of the cement job lobs and compressive strength test results to be maintained "at the well site". This requirement is not contained in SB 1715 and does not reflect the reality of the fact that most active drilling operations do not have the storage facilities on site to maintain this extensive a list of records. Normally records of this nature are transmitted electronically to the operator's offices for review by the engineering team. SB 1715 simply requires the operator to "maintain the records" and does not require the records to be maintained "at the well site". The proposed language should be modified to allow the operator to maintain them at an office location away from the drill site in a manner that can be readily transmitted to IDNR upon request.

Section 245.530 e) – Surface Casing Requirements: Requiring operators to provide notice "during normal business hours" and "at least 24 hours" in advance of conducting the work does not reflect the reality of oil and gas operations and must be changed. Most cementing is done after the casing point is reached at whatever hour of the day or weekend that may be. Restricting calls to business hours will create significant economic

impacts as operators would prospectively have to shut down their weekend operations to wait for IDNR's offices to reopen. The rules should allow the operator to call an answering service in the appropriate district office and for follow up inspections to be conducted after the fact.

Section 245.530 f)1) – Surface Casing Requirements: For technical accuracy the language should be revised to allow placement of the centralizer "within 10 feet of the bottom" or "on the first joint above the casing shoe". These language modifications would be consistent and allowed within the context of the pure language of SB 1715.

Section 245.530 h) – Surface Casing Requirements: The regulations tie the cementing standards strictly to Class A cement. Depending on the downhole conditions operators may need to utilize other slurry combinations that meet API standards for compressive strength and free waters. The regulations should state that surface casing must be "at least Class A cement…".

Sec. 245.530 h)1) – Surface Casing Requirements: The requirement that the cement must meet a minimum density of 14.5 ppg should be deleted as it would prevent new cementing technologies from being introduced. There are many areas in the country where surface formations will not support a 14.5 ppg density. Requiring this high of density may cause the formations to break down and not only could the cement go in to potentially fresh water sands, it will be impossible to get cement to surface. This requirement should be dropped as the regulations also specify a minimum compressive strength for the cement. There is a lot of new technology that has been used to develop very light weight high strength cement that is being used all over the industry for this application. The proposed language as drafted prohibits using any of these light weight high strength cements developed just for this purpose. It is much more important to get adequately strong cement in place to surface than to have a high density slurry that will lose much of its volume to the formation and may not get to surface at all without multiple cement squeeze jobs.

Section 245.530 i) – Surface Casing Requirements: The mandated use of centralizers was negotiated at length during the legislative process. The centralizer requirements imposed in Sec. 245.530(i), 245.560(h), and 245.570(f) significantly exceed the explicit requirements contained in Section 1-70 of SB 1715. The expanded list of explicit requirements contained in the proposed regulations should be deleted in lieu of the more general guidance provided for in SB 1715 that allowed technical well design decisions to be dictated by the engineering and regulatory professionals as required by the subsurface environment. Blindly mandating the use of centralizers by regulation without consideration to the specific design of the well is unwise and can create well integrity issues that could otherwise be avoided.

Sec. 245.530 j) – Surface Casing Requirements: The proposed language requires the cement to be tested after it has been placed behind the surface casing. The language is not consistent with the requirements of SB 1715 and furthermore does not reflect an accurate technical understanding of how wells are designed and cemented. Sec. 1-70(d)(11) of SB 1715 simply requires the operator to wait a specified period of time and requires the cement to meet certain standards. The language in the regulations should reflect the language contained in SB 1715 as that language was originally reviewed and drafted by drilling engineering professionals.

Section 245.530 k) – Surface Casing Requirements: The notification requirement for inspection is redundant with the notification requirements imposed in Section 245.540 and should be deleted. As drafted the regulations appear to require multiple notifications and inspections for similar activities.

Section 245.540 a) – Establishment of Internal Mechanical Integrity: Requiring operators to provide notice "during normal business hours" and "at least 24 hours" in advance of conducting the mechanical integrity test does not reflect the reality of oil and gas operations and must be changed. Restricting calls to business hours will create significant economic impacts as operators would have to shut down their weekend operations to wait for IDNR's offices to reopen. The rules should allow the operator to call an answering service and for the district offices to maintain "on call" personnel that can witness tests on the weekend and during evening hours.

Sec. 245.540 b) – Establishment of Internal Mechanical Integrity: The requirement to use fresh water or brine to conduct mechanical integrity tests should be deleted. Normally the surface and intermediate casing test are performed with mud, not brine or fresh water. As drafted the proposed language would require the operator to displace the mud from the casing before testing and replace it with brine or fresh water. After testing the casing the brine or fresh water would then have to be displaced out of the casing and replaced with mud before drilling could proceed. This is not only an economic waste because of the time and logistics involved, but it also creates a more negative impact on the environment because of the additional waste fluid the sequence would generate. The requirement should be revised to simply allow the test to be conducted with mud per standard industry practice.

Section 245.550 a) – Installation of Testing and Blowout Prevention Equipment: The notification requirement for inspection is redundant with the notification requirements imposed in Section 245.540 and should be deleted. As drafted the regulations appear to require multiple notifications and inspections for similar activities.

Section 245.550 e) Installation of Testing and Blowout Prevention Equipment: Drilling and completion operations are separate and distinct phases in the well development process. Blow out preventers (BOP) are used during drilling while well trees are used to manage downhole pressure during the completion operation. As it relates to the proposed

language in Sec. 245.550 SB 1715 failed to recognize the difference between the two types of operations. The proposed regulations should incorporate language that recognizes the technical differences between these types of operations to ensure that the correct type of well control systems are being used during the appropriate phase.

Sec. 245.560 b)4) – Intermediate Casing Requirements: The word "or" should be inserted at the end of subsections A) of this section. As drafted the proposed regulation appears to read that operators must comply with the requirements in both A) and B) which is not consistent with SB 1715 or technically consistent with proper well design protocols.

Section 245.560 h) – Intermediate Casing Requirements: Prescriptive centralizer requirements should be deleted as they are inconsistent with SB 1715. See previous comment on use of centralizers.

Sec. 245.560 h)1) – Intermediate Casing Requirements: Instead of specifying to "ground or to bottom of surface" as drafted the proposed regulation it should say to the "Calculated Theoretical Top of Cement". From a technical well construction standpoint having centralizers above the top of cement does no good.

Sec. 245.560 o): The requirement for the relief valve, if needed at all, should only be required during the conduct of Hydraulic Fracturing Operations. Normally this annular pressure is monitored during hydraulic fracturing operations and no relief valve is used. Relief valves are normally on the pump discharge of the pumping equipment and they are set just above the anticipated treating or pumping pressure.

Sec. 245.570 a) – Production Casing Requirements: As drafted the language is confusing and goes beyond the pure requirement of SB 1715. The language in the entire subsection should be deleted as drafted and replaced with the language straight from SB 1715 which simply states that "production casing must be run and fully cemented to 500 feet above the top perforated zone, if possible." The "if possible" standard was intentionally included in the statute in light of the reality that each well is designed to fit the unique surrounding geologic conditions. It is unnecessary to include detailed information on an alternative cementing approach if the basic requirement is not appropriate. Rather than try to be prescriptive, the alternative approach can be properly identified in discussions between the regulatory staff and drilling engineering staff for the company.

Section 245.570 f) – Production Casing Requirements: Prescriptive centralizer requirements should be deleted as they are inconsistent with SB 1715. See previous comment on use of centralizers.

Section 245.600 – Water Quality Monitoring: The proposed rules require labs retained for water quality testing to be accredited or certified. The State should take steps to ensure that the certification process is efficient so operators are not unnecessarily delayed due to a shortage of qualified labs available to conduct work in a timely fashion.

Section 245.845 d) – Management of Gas and Produced Hydrocarbons during Flowback: The proposed rules require both Department and Agency approval in order for a producer to use a combustion completion device (CCD). In the interests of streamlining the process the rules should delete the redundant requirement to have two agencies involved in the review and limit approval to the Department's purview as the primary industry regulator. Requiring two agencies to be involved in approving a routine device will lead to delays that could negatively impact the economics and schedules of the operators. CCDs will be essential during the exploratory phase as the infrastructure needed to utilize "closed loop" systems will not be constructed until it is determined whether a viable reservoir exists.

Section 245.850 k) – Transportation and Reporting Requirements: Requiring producers to file a separate fluid handling report with the Department is redundant and should be eliminated in the interests of streamlining the regulatory process. The transfer tickets that are maintained by the trucking company and provided to the operator contain the relevant information required by the Act in regards to reporting the disposal of fluids. The regulations should simply require operators to maintain copies of their transfer tickets for an established period of time and to make the materials available to the Department upon request.

Section 245.900 d) – Managing Natural Gas and Hydrocarbon Fluids during Production: The requirement to have both the Department and the Agency approve an operator's application to utilize a flare during the production process is redundant and should be streamlined. Review and approval should be limited to the Department.

Section 245.1010 d) – Plugging Previously Abandoned Unplugged Wells: The requirement to receive written approval from the Department that the plugging required by this section is satisfactory is unnecessary and should be deleted in the interest of eliminating barriers that add delays to the process. The Department has established standards for properly plugging and abandoning wells. The Department has the ability to ensure operators are complying with the abandonment standards by conducting spot inspections and requiring operators to produce records upon request. It is unnecessary to delay the ability of operators to conduct HVHHF operations in a timely fashion by requiring multiple points of written approval during the process for a single well. Despite the representation in the media, HVHHF operations are routine operations that are conducted by trained professionals. The permitting process should be as efficient and streamlined as possible.

IOGA appreciates the opportunity to comment on the proposed rules and thanks you for your consideration.

ILLINOIS OIL & GAS ASSOCIATION

Brad Richards
Executive Vice President

Enclosure

Ronald E. Osman & Associates, Ltd.

ATTORNEYS AT LAW
1602 W. KIMMEL/P.O. BOX 939
MARION, ILLINOIS 62959

Ronald E. Osman
Blane Osman

Phone (618)997-5151
Facsimile (618)997-4983
Email:rosman@marion.quitamlaw.com

December 23, 2013

Brad Richards
Illinois Oil & Gas Association
P.O. Box 788
Mt. Vernon, IL 62864

Re: Comments to Illinois Department of Natural Resources Notice of Proposed Rules, 62 Ill.Adm.Code 245

Dear Brad:

In accordance with the Illinois Oil & Gas Association's directions, I have reviewed and provided comments to be included in the Illinois Oil & Gas Association's overall comments over the last few weeks. The purpose of this letter is to alert the Illinois Oil & Gas Association and the attorneys for the Joint Commission that the inclusion of Section 245.10 a) 28) in the proposed rules is a serious issue and is one that has neither been discussed in any manner during the negotiations nor is it in any manner authorized by the Hydraulic Fracturing Regulatory Act, the Illinois Endangered Species Act or the Illinois Natural Areas Preservation Act. While it is not my desire to become too "legally" technical in the comments, in this instance I believe it important that the Joint Commission attorneys be alerted that there is no support or legal authorization for proposed Section 245.10 a) 28). Please attach my letter to the Illinois Oil & Gas Association's comments.

Very truly yours,

Ronald E. Osman

REO/bjk
Enclosure
cc: Craig Hedin
Dan Reitz

113887

Memorandum Regarding Section 245.210 a) 28)

Section 245.210(a)(28) should be deleted. This issue was discussed by the legislators in the process of negotiating the Act and rejected since there are presently laws in effect that protect the endangered species and Illinois natural areas. In addition the "tortured" interpretation of 17 Ill. Adm. Code 1075 ("Code 1075") to require an applicant "acting as a third party consultant" to consult with the department is not consistent with the intent of the Illinois Endangered Species Act, the Illinois Natural Areas Preservation Act, Code 1075 or recent court rulings (where IDNR was a Defendant) construing Code 1075. This should be deleted in its entirety.

> The purpose stated in Section 1075.10(a) of Code 1075 is:
> To establish a consultation process between the Department and agencies of State and Local governments of Illinois concerning impacts on State endangered and threatened species and Natural Areas by actions authorized, funded, or carried out by those agencies which are authorized, funded, or carried out by those agencies which are authorized by Section 11 (b) of the Illinois Endangered Species Protection Act (520 ILCS 10/11) and Section 17 of the Illinois Natural Areas Preservation Act (525 ILCS 30/17).

Thus the purpose of Code 1075 clearly indicates that Code 1075 is only to apply to actions which are authorized, funded, or carried out by agencies authorized by the Endangered Species Act and Illinois Natural Areas Preservation Act. In addition, it is a consultation process between the agencies involved in such actions. Clearly an applicant for a High Volume Horizontal Fracturing Permit is not included in that purpose or definition. The only agency involved in the permit process is the IDNR, and it certainly is not funding or carrying out the action. Section 245.210(a)(28) requires that the applicant, acting as a third party consulting with the IDNR, provide documentation that the consultation process required by Code 1075 has been completed. While the definition of Applicant in the definition section of Code 1075 does provide for a third party to consult by stating "Applicant" – the agency or third party consulting with the Department - a third-party applicant is a non-governmental party consulting with the Department on behalf of an agency because the third party is seeking financial support, funding, authorization or other approval from the agency that presupposes there are two agencies involved. The purpose and Applicant definition is clear that the consultation process is between two state agencies and that either of those agencies can be represented by a non-governmental third party but that the third party must be seeking financial support, funding, authorization or approval provided by an agency. In this instance, the only agency involved is IDNR and the clear reading of this proposed section would require the applicant to consult with IDNR on behalf of IDNR. If this is accepted the IDNR would be consulting with itself as no other agency is involved. This is an absurd result and is in no manner supported by the statutes, rules or regulations.

Assuming for the purpose of this memorandum that the IDNR is correct in its interpretation of the third party consulting issue, it still has to address if the permit process is

one that falls within the purview of Section 1075.30. It is apparent that the IDNR is not providing any funding nor is it performing the fracturing operation, thus the only portion of this section that could arguably apply is whether the IDNR is authorizing the hydraulic fracturing operation. Unfortunately for the IDNR, that question has been answered twice in the recent past. In a 1998 Appellate Court decision involving the Illinois Endangered Species Act (*Pierce Downer's Heritage Alliance et. al. v. The Village of Downers Grove, et. al.*, 302 Ill.App.3d 286 (2nd Dist. 1998)) and a 2008 Appellate Court Decision regarding the Illinois Natural Areas Preservation Act (*McHenry County Defenders, Inc, et. al. v. The City of Harvard, et. al.*, 384 Ill.App.3d 265 (2nd Dist. 2008), both courts stated that in analyzing the meaning of the word "authorize" or "authorizing" the Statutes must be construed to give effect to the legislators intent and that Section 17 was meant to apply in situations where the governmental entity was actively participating in the action, with a direct role in planning, designing, funding, constructing, or carrying out the action. That clearly is not the case in this instance. It is also interesting to note that the IDNR was a Defendant in the *Pierce Downers Heritage* case and was rebuffed in its attempt to define authorization in a broad manner. Thus it appears that the IDNR is attempting to legislate, through its proposed Rules, a requirement that is not contained in the Illinois Natural Areas Preservation Act, the Illinois Endangered Species Act or the Hydraulic Fracturing Regulatory Act ("Act").

During the negotiations with the IDNR and others concerning the Act and the proposed Rules, I provided the above analysis and case law to the IDNR legal staff and requested they provide their legal analysis for the authority of the IDNR to propose Section 245.210(a)(28) in view of existing case law and the complete lack of authorization in the Act. Although they were polite and promised such an analysis, nothing has been received to date. I suggest that your legal staff thoroughly analyze this matter. I believe you will find that the proposed language is not only tortured but there is absolutely no legal support for its inclusion in the Rules.

Dec. 26, 13

I am writing to comment on the proposed rules for the regulation of Hydralic Fracturing. My comment is about Section 245.270 and the public hearing process.

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I believe that section 245.270 circumvents the robust public participation process that was required by the law. The rules in this section are designed to limit public participation and put up obstacle after obstacle to limit the public's voice in determining what effects their health and quality of life right in their own neighborhoods. The public should have a voice in what effects their drinking water and their air quality, in what effects their health and the health of their children, in what effects the quality of their environments and water sheds. Some damn oil company should not be able to invade my township

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and crap it up without the knowledge and consent of the people who have lived here their whole life.

Hearings should be held in the county where the drilling is going to happen, not in secret in some far off county (245.270b2). The burden should be on frackers to prove that their applications are worthy of consideration given the issues raised when issuing a permit, not the other way around. If they what to drill 500 feet from my house then they need to prove that they can do it without contaminating my drinking water and polluting the air I breathe.

The rules in Section 245.270 need to be rewritten to favor and encourage public participation and comment. The public should have a loud and vigorous voice in what will effect their health, safety, and quality of life.

Sincerely
Ron Wojtanowski
DANVERS, IL.

P.S. Why are there rules so in favor of the oil companies and so against the people?

013811

Public Health
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Peoria City/County Health Department

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December 26, 2013

Attn: Robert G. Mool
Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

RE: 62 ILL. ADM. CODE 245, HYDRAULIC FRACTURING REGULATORY ACT

Dear Mr. Mool:

The Peoria County Board of Health has the responsibility for protecting the public health of Peoria County residents. Therefore, to ensure that the Board of Health is doing its due diligence for the residents of Peoria County, a review of the proposed Rules for 62 Ill. Adm. Code 245, Hydraulic Fracturing Regulatory Act has been completed. Please find below a list of our concerns and recommended amendments to the draft Rules:

1. Local certified public health departments should be notified when hydraulic fracturing operations are proposed in their jurisdiction. The specific sections where local certified public health departments should be notified are listed below.

   - Registration for a permit (Section 245.200)
   - The permit decision (245.300), the permit, including any permit conditions (245.320), or permit denial (245.310)
   - Permit modifications (245.330)
   - Permit transfers (245.340)
   - Permit releases (245.350)
   - The location and depths of any hydrocarbon-bearing zones or fresh water zones that are open to the wellbore above the casing shoe (245.560(c))
   - The results of baseline and follow-up water quality testing (245.600)
   - Water pollution investigations (245.610)
   - An unredacted copy of the chemicals used by the permittee for horizontal hydraulic fracturing (245.720), to be held in confidence (not disclosed to the public prior to or during an investigation) and used only in the investigation and control of outbreaks that may be related to the horizontal hydraulic fracturing operation
   - The results of secondary containment inspections (245.820)
   - Completion of Horizontal Hydraulic Fracturing operations and progress in site remediation (245.850 and 245.1200)
   - Spills (245.855)
   - Annual Flaring Reports (245.930)
   - Produced water reports (245.940(f))
   - Confirmation that abandoned wells have been plugged (245.1010(d))
   - Leakage information from abandoned wells, unpermitted wells or previously plugged wells (245.1010(e))
   - Notices of Violation (245.1110), records of the Director's Decisions (245.1120)

Greg Chance, LEHP, MPH, CPHA
Public Health Administrator

PEORIA COUNTY BOARD OF HEALTH

David Trachtenbarg, MD
President

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Stephen E. Hippler, MD

Rahmat Na'Allah, MD, MPH

Stephen C. Roehm, DDS

Kathy Simpson

Nora Sullivan, MS, RN

Terry Waters, MBA

In addition, the local certified health department should directly receive in writing:

- Notification that a permit application has been filed (Section 245.240)
- A copy of the Scaled Plat Maps, Diagrams or Cross-sections (245.210(a)(7)), Chemical Disclosure Report (245.210(a)(8)), Water Source Management Plan (245.210(a)(10)), the Well Site Safety Plan (Section 245.250(a)(1)(3)) and the Water Quality Monitoring Work Plan (245.600) should be provided by the applicant to the local certified health department within 15 days of filing the permit application with IDNR.
- The local certified health department should have access to all operational records for each well.

Furthermore, the local certified health department should be immediately informed of any reported pollution or diminution of a water source (245.610), a spill (245.855), leakage from an abandoned, unpermitted or previously plugged well (245.1010(e)), or spill of produced water (245.940).

2. The proposed rule appropriately requires baseline (245.600(b)) and follow-up testing after the conclusion of hydraulic fracturing operations (245.600(c)), but it does not provide for routine testing of water sources within 1,500 feet of the well site.

3. The proposed rules only provide for testing of fracking fluids only once - during the early flowback stage - and only for "naturally occurring radioactive materials" (245.850).

   - The proposed rules do not include any standards or protocols to follow if testing of flowback water shows radioactivity.
   - The proposed rules do not require the testing of "produced water", which is the water produced from a well in conjunction with oil or natural gas production.
   - The proposed rules do not require testing for added radioactive materials, which can be used during well-bore perforation in the fracturing operation.

4. Section 245.210 requires that fracking permits include documents certifying consent for fracking operations to occur from the municipal authorities affiliated with the particular city village, or incorporated town where the well site is supposed to be located and that no permit be issued otherwise.

   - Local certified public health departments need to be written into the rules allowing for local control of proposed fracking operations.
   - Local certified public health departments need to be allowed to charge fees to cover the costs of the review.

The Peoria County Board of Health is hopeful that IDNR will closely evaluate each of these concerns and make the appropriate changes to the proposed Rules prior to filing of Second Notice.

Respectfully,

David Trachtenbarg, MD
President
Peoria County Board of Health

Illinois Department of Transportation
2300 South Dirksen Parkway / Springfield, Illinois / 62764

December 23, 2013

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

cc: Vicki Thomas, Joint Committee on Administrative Rules

Re: Hydraulic Fracturing Regulatory Act, 62 Ill. Adm. Code 245

Dear Mr. Mool,

The Illinois Department of Transportation ("Department") offers the enclosed comments to the proposed administrative rules implementing the Hydraulic Fracturing Regulatory Act: 62 Ill. Adm. Code 245.

The Department recognizes that roadways will be directly impacted by activities of the fracking operations. Thus, the Department's main concern is that an applicant must coordinate with the highway authority which has legal jurisdiction concerning the maintenance and safe use of each road, street, or highway.

Furthermore, the Department believes that this coordination shall be done prior to the submission of the traffic management plan and shall address any concerns with the use of the anticipated road, streets, and highways by the applicant.

Thank you for the opportunity to convey our concerns and comments to your proposed rules. Should you have any questions regarding this correspondence please contact:

James K. Klein
Illinois Department of Transportation
Acting Bureau Chief - Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764
Phone: (217) 782-3805
E-mail: James.Klein@illinois.gov

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL
013814

Sincerely,

S. Etemadi

Sannaz Etemadi, Assistant Chief Counsel

Enclosures

ILLINOIS DEPARTMENT OF TRANSPORTATION REVIEW COMMENTS -
DEPARTMENT OF NATURAL RESOURCES, NOTICE OF PROPOSED RULES
Hydraulic Fracturing Regulatory Act, 62 Ill. Adm. Code 245

December 23, 2013

Section	Page	Comment	
245.210	18118	Illinois professional engineers are "licensed". However, believe only surveyors may practice this type of surveying in Illinois; recommend delete all reference to professional engineers here. Also, should more appropriately indicate "Illinois Licensed *Professional* Land Surveyor".	Not germane to IDOT concerns, but helpful
245.210	18124	Traffic Management Plan (TMP). First line – remove "preferably". IDOT recommends the applicant must coordinate with impacted highway authorities before submittal of TMP. Note that Item b) of this section, on page 18128, indicates for *"any city, village, or incorporated town... No permit shall be issued unless consent is secured and filed with the permit application."* Similarly, Section 245.400 "Setback Requirements" on page 18163 also provides that for landowners "A copy of the agreement shall be submitted to the Department as part of the permit application". As owners of roadways directly impacted by activities of the fracking operations, with potential detriment to the roadway, structures and other infrastructure, affected highway authorities should be provided the same consideration to maintain their investments from any adverse effects of the operations. Would also suggest the agreements with highway authorities would provide restoration accommodations akin those provided to landowners in Section 245.1020.	IDOT's position is that coordination and agreement with impacted highway authorities should be prior to and included with permit application.
245.210	18125	Traffic Management Plan. (TMP) 15). A) Requires map "for at least a 10 mile radius around the well site identifying the different highway jurisdictions". This may or may not be sufficient. We recommend the following wording. 15) Traffic Management Plan.....shall include the following: A) *a scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a 25 mile radius around the well site, identifying all impacted highway jurisdictions.*	

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245.210	18125	Recommend adding information provided in earlier coordination with IDOT: E) written concurrence from each impacted highway authority (State, County, Township, Road District System, and Municipal Street System) for the use of the roads, streets, or highways; and F) the following information on vehicles the applicant intends to use with gross vehicle weight rating more than 26,000 pounds used for construction, high volume horizontal fracturing operations, production, or continued operations at the well site: 1) expected vehicle configurations (number and spacing of axles); 2) expected vehicle volumes for each vehicle configuration (i.e. total volume, daily volume, and hourly volume by time of day); and 3) expected vehicle weights (gross vehicle weight and axle weights).	
245.210	18127	Item 24 indicates "reviewed and certified by a professional engineer or professional geologist". Verify, but believe proper terminology should be "an Illinois Licensed Professional Engineer or Illinois Licensed Professional Geologist".	Not germane to IDOT concerns, but helpful
245.240(a)	18136	Item 6 indicates Department (IDNR) shall provide "directions for *any person having an interest that is or may be adversely affected, any government agency that is or may be affected, or the county board of a county to be affected under a proposed permit* on how and when to request a public hearing on the permit application...". We suggest this would include impacted highway authorities as indicated in page 18124 comment.	
245.240(e)	18137	Are the traffic management plans to be sent to the Fire Marshall? Should this also include "impacted highway authorities", or provide a separate line to include them? This would allow the impacted highway authorities to see full plan, not just their portion.	
245.250(a)	18139	Item D. Same comment as page 18118 regarding surveying and profession.	

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245.270(a)	18142	Item 1.B. indicates request for public hearing may be made: "to qualify as a government agency that is or may be affected, a government agency must be identified as receiving specific notice or a copy of any plan pursuant to Section 245.240 or 245.250." We suggest impacted highway authorities should receive notification, and would be if included in 245.210.	
245.330 (e)	18158	Item 5. Should Section 245.240 also be referenced (before 245.250) to receive public notice?	
245.600	18180	Items 3 and 4. Should indicate "an Illinois Licensed" professional engineer to make clear other state's licensure not acceptable. Verify, but believe proper terminology should be "an Illinois Licensed Professional Engineer or Illinois Licensed Professional Geologist".	Not germane to IDOT concerns, but helpful
245.600	18183	Items d.1. Same comment as page 18180 regarding professional licensure.	Same as page 18180
245.860	18214	Item e. Same comment as page 18180 regarding professional licensure. Should be Illinois Licensed Professional Geologist".	Not germane to IDOT concerns, but helpful
245.1200	18234	Item c.1. Same comment as page 18118 regarding surveying.	Same as page 18118

P13818

VILLAGE OF WEST SALEM

106 E. SOUTH ST, P.O. BOX 456
WEST SALEM, IL 62476
PH (618) 456-3167 FAX (618) 456-8810

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

December 20, 2013

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool,

I am writing to propose a change to the DNR Rules regarding the Hydraulic Fracking Permitting Process. Please see my comments below.

- SUBPART B- Registration and Permitting Procedures
- Section 245.210- Permit Application Requirements

The proposed administrative rules need to address upgrade, maintenance, or repair of roadways needed to accommodate activities under the Illinois Hydraulic Fracturing Act. These activities will affect traffic flow during and after hydraulic fracturing and drilling activities. Not planning for or undertaking them will have an even greater effect. Traffic management cannot occur without planning for these issues. A provision for the establishment of Road Upgrade and Maintenance Agreements, or RUMAs, within section 245.210 (15) of the proposed administrative rules would ensure these issues are addressed.

The Illinois Hydraulic Fracturing Act (P.A. 098-0022) makes allowances in Section 1-55 (a) that "Each permit issued by the Department under this Act shall require the permittee to comply with all provisions of this Act and all other applicable local, State, and federal laws, rules, and regulations in effect at the time the permit is issued." The language we propose does not hamper the permitting process but rather supports the Act, even making allowances for delays. It ensures communities can exercise their rights under various Illinois statutes, including; 605 ILCS 5/5 et seq., 605 ILCS 5/6 et seq., 605 ILCS 5/9-113, and 625 ILCS 5/15-316.

The proposed alterations would read as follows:

245.210 – Permit Application Requirements

15) Traffic Management Plan
A traffic management plan that is developed by the applicant, in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to *identify the anticipated, roads, streets and highways that will be used* (Section 1 – 35(b) (15) of the Act) to facilitate the well site construction, drilling operation, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) a scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a 10 mile radius around the well site, identifying all the different highway jurisdictions;

B) anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;

C) an executed or draft Road Upgrade and Maintenance Agreement (RUMA), to be established with affected county, township, road district system or municipal street system authorities and that includes; provisions for needed upgrades and supplemental maintenance of affected routes to accommodate operator transport activities; arrangements for undertaking such upgrades or supplemental maintenance; provisions for timely repair or damages by the operator; arrangements for coverage of costs, such as bonds or surety; and consequences for failure to repair in a timely manner;

   a. In the event that a draft RUMA is submitted, the applicant will outline the current status of negotiations, including whether a mediation/arbitration process is needed and what party will serve as a mediator/arbitrator;

Sincerely,

Kevin Schilt, Mayor
Village of West Salem
106 E. South Street P.O. Box 456
villageofws@hotmail.com
618-456-3167

John Totten
3681 Oak Mound Lane
Flora, IL 62839
December 24, 2013

Robert G. Mool
Office of Legal Counsel, DNR
One Natural Way
Springfield, IL 62702-1271

Reference is made to public comments regarding Hydraulic Fracturing in Illinois.

Dear Sir:

I am an advocate for Hydraulic Fracturing in Illinois. I am familiar with the impact it had in North Dakota. It boosted their economy by creating jobs and an unemployment rate of around one percent.

I think Illinois has thought this out and it will not adversely impact the environment. The benefits will outweigh the risk.

Sincerely,

John Totten

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December 23, 2013

Robert G. Mool
Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

RE: Comments on the Proposed Rules for High Volume Horizontal Hydraulic Fracturing

The Illinois Farm Bureau appreciates the work of the Illinois Department of Natural Resources' (IDNR) staff in developing the proposed rules for high volume horizontal hydraulic fracturing in Illinois. The rule proposal from IDNR would, with some adjustment, effectively implement regulations outlined in the statute.

Section 245.270 requires that public hearings be held in the county where the well site is located or such other locations as IDNR deems appropriate. We understand this language provides IDNR flexibility in determining appropriate hearing locations. However, we strongly encourage that upon implementation of this section, IDNR hold public hearings in the county where the well site is located to allow for improved landowner involvement. Holding hearings in a location that is not near the well site would limit the opportunity for participation of landowners.

The Illinois Farm Bureau also appreciates some of the provisions of Section 245.600 on Water Quality Monitoring. Specifically, the requirement that landowners be provided a notice of their water sampling rights under the Act before the execution of any document regarding water sampling is a provision we support. We also appreciate that both baseline and follow-up testing may be held under a non-disclosure agreement between the landowner and the permittee. We also support that the results of the testing are not reported to IDNR unless there is evidence of pollution or diminution upon follow-up testing. These important provisions will help ensure that landowners understand their rights and that testing can occur with less concern from landowners about the privacy of their information and how that information may be used.

The Illinois Farm Bureau does have concerns with Section 245.1020 on Restoration of Lands Other than the Well Site and Production Facility. This section includes specific items that must be restored by the permittee such as tile lines, fences and barriers, soil compaction and rutting, and other damage as required by the Act. However, the proposed rules do not specify how the items listed shall be restored. Not listing minimum restoration specifications could lead to situations where conflicts may arise among the permittee, the surface landowner, and the IDNR over what constitutes proper restoration.

High volume horizontal hydraulic fracturing drilling operations will be larger and more complex than traditional drilling operations normally seen in Illinois. These larger operations, with larger well sites, will impact more farmland. The greater scale and larger areas impacted as a result of high volume horizontal hydraulic fracturing operations necessitate clarity in the rule on how the surface of the land should be restored.

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To provide clarity on the proper restoration of lands impacted by high volume horizontal hydraulic fracturing operations and to help avoid conflict regarding proper restoration, the Illinois Farm Bureau recommends the following changes to the proposed rule:

Section 245.1020 Restoration of Lands Other than the Well Site and Production Facility

b) Restoration shall include, but is not limited to:

1) repair of tile lines,

A) The permittee shall repair underground drainage tile that is damaged during any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations in a manner that assures the drainage tile line operates as well after these activities as before the activities began.

B) If drainage tile is intercepted by any stage of site preparation activities, drilling, or high volume horizontal hydraulic fracturing operations, the drainage tile shall be relocated per an agreement between the surface landowner and the permittee. The new drainage tile shall not be relocated more than 50 feet upstream or downstream of the original location, and the overall length of the reroute shall not be greater than 125% of the original length. Reroutes shall be completed per the recommendations of the Illinois Drainage Code, Circular 1226.

C) During any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations, all drainage tile lines that are damaged, cut, or removed shall be distinctly marked by placing a highly visible lathe near the site of the damaged drainage tile line. This marker shall not be removed until the drainage tile line has been permanently repaired and such repairs have been approved and accepted by the surface landowner. Also, the location of damaged drainage tile lines shall be recorded using Global Positioning System technology as a method of permanently charting drainage tiles for ease in locating in the future.

D) If water is flowing through any damaged drainage tile line, the drainage tile line shall be immediately and temporarily repaired until such time that permanent repairs can be made. If the drainage tile lines are dry and water is not flowing, temporary repairs are not required if the permanent repairs can be made within 14 days of the time damage occurred; however, the exposed drainage tile lines shall be screened or otherwise protected to prevent the entry of foreign materials, small mammals, etc. into the drainage tile lines.

E) The original drainage tile line alignment and gradient shall be maintained. A laser transit shall be used to ensure the proper gradient is maintained. A laser operated tiling machine shall be used to install or replace tiling segments of 100 linear feet or more.

F) Before completing permanent drainage tile repairs, all drainage tile lines shall be probed or examined by other suitable means for their entire length within the well site to check for drainage tile that might have been damaged by vehicular traffic or construction equipment. If drainage tile lines are found to be damaged, they must be repaired so they operate as well after any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations as before these activities began.

G) Following completion of restoration of the site, the permittee shall be responsible for correcting all drainage tile line repairs that fail due to any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations, provided those repairs were made by the permittee. The permittee shall not be responsible for drainage tile line repairs that the permittee pays the surface landowner to perform.

2) repair of fences and barriers,

A) The permittee shall repair or pay the surface landowner to repair any fences or barriers which are damaged during any stage of site preparation activities, drilling and high volume horizontal hydraulic fracturing activities.

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3) mitigation of soil compaction and rutting,
   A) The permittee shall rip or pay to have ripped to a depth of 18 inches all cropland, which has been traversed by construction equipment to alleviate compaction impacts, unless the surface landowner specifies other arrangements that are acceptable to the permittee.
   B) The permittee shall rip or pay to have ripped to a depth of 12 inches all pasture and hayland that has been traversed by construction equipment to alleviate compaction impacts, unless the surface landowner specifies other arrangements that are acceptable to the permittee.
   C) The permittee shall rip or pay to have ripped all compacted and rutted soil, weather and surface landowner permitting, across any property affected by any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations.
   D) All ripping shall be done at a time when the soil is dry enough for normal tillage operations to occur on undisturbed farmland adjacent to the areas to be ripped.

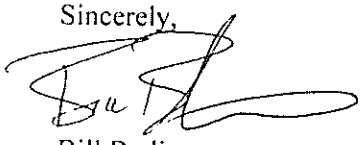
4) application of fertilizer or lime to restore the fertility of disturbed soil, and
   A) The permittee shall apply or pay to have applied fertilizer and lime to any land disturbed by any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations in order to help restore fertility to disturbed soils and to promote establishment of vegetative cover. The permittee shall apply or pay to have applied fertilizer at a rate specified by the local University of Illinois Extension office, unless the surface landowner specifies other arrangements that are acceptable to the permittee.

5) repair of soil conservation practices such as terraces and grassed waterways.
   A) The permittee shall repair or pay the surface landowner to repair any soil conservation practices (such as terraces, grassed waterways, etc.), which are damaged during any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations.
   B) If the permittee is responsible for repairing any damaged soil conservation practices, the repairs shall be made in accordance with the specifications of the County Soil and Water Conservation Districts or other specifications as agreed to by the surface landowner.

These specifications clearly describe how, at a minimum, restoration of the items listed in the rule shall be completed. Including this specificity provides the needed clarity for surface landowners, permittees, and IDNR so that conflict over proper restoration can be avoided. Not including these provisions will create confusion and concern regarding restoration requirements for surface landowners.

The Illinois Farm Bureau appreciates the opportunity to provide this input and respectfully asks IDNR to include the specifications as recommended. Doing so will provide a more complete rule that respects and protects surface landowners where high volume horizontal hydraulic fracturing may occur.

Sincerely,



Bill Bodine
Associate Dir. of State Legislation
Illinois Farm Bureau

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Susan Donovan
The Nature Conservancy
8 S. Michigan Avenue, Suite 900
Chicago, IL 60603

January 2, 2014

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

Dear Mr. Mool:

Below are comments on behalf of The Nature Conservancy in Illinois concerning the proposed rules implementing the Illinois Hydraulic Fracturing Regulatory Act. In accordance with the Department's request for public comment, we offer the following:

The applicability of the regulations in Section 245.100 does not take into consideration the potential for technological advances or alternative practices in fracturing which could create loopholes and ultimately undercut many of the protections that the law was intended to provide. For example, the use of "base fluids" other than water (such as nitrogen gas, liquefied propone gas, foams or acids) could result in fracturing operations that fall outside the technical definitions of the regulations (such as falling under the 80,000 gallons per stage threshold for a "high volume horizontal hydraulic fracturing operation").

The draft regulations raise specific concerns of public health.

- Section 245.110 - The definition of "affected patient" and the limits on disclosure of chemicals create a challenging, if not impossible, standard for a health professional to make a diagnosis if the chemicals to test for are unknown. In order to qualify as an "affected patient" to obtain the chemical disclosure, a diagnosis is required – yet, the chemical disclosure is needed in order to make a diagnosis. Further, the disclosure to the health professional by the Department should be mandatory (not discretionary as the regulations indicate), and a process should be provided for a health professional to obtain the disclosure directly from the Department in an emergency outside of "normal business hours." The health professional should not have to pursue the information from a reluctant permittee, who is presumably the "trade secret holder." The proposed regulations also do not provide a means for identifying the trade secret holder and his/her emergency contact information.

- Section 245.300 – The statute provides that the permit may be granted only if the operations "will be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source." However, the proposed regulations only require a reasonable expectation that the operations will be conducted in this manner. This change from the mandate of

regulations (ex. Sections 245.210, 245.250, 245.270) are largely limited to only those with a "surface interest." As a result, the private property rights of other "landowners" who hold rights that could be impacted by the regulations are not taken into account. Also, the Department's discretion in Section 245.270 on the location of the public hearing outside of the county where the well is located should be limited to a causal basis and should accommodate the participation of interested and affected parties (who may be unable to travel to the hearing location if it is far from the county where the well site is located).

Additional significant concerns:

- Section 245.210 - Well site safety plans should include provisions on security of the site and how breaches will be avoided.
- Section 245.210 - Contractors of the applicant who are conducting the hydraulic fracturing operations should be subject to the same standards and disclosures as the applicant (such as violations report).
- Section 245.230, 240, 250, 260 – The 60-day review period and public notice and comment periods should not start until the application is considered complete and free of deficiencies.
- Section 245.270 - The landowners along a certain length of the access routes (for example, 5 miles of the well site) should be noticed and provided an opportunity to be heard.
- Section 245.300 - The Department should be required to consider water management plans of the state and county in making permit decisions.
- Section 245.400(a)(5) should include the 750 feet as measured from the closest boundary line of the nature preserve.
- Section 245.600 should require the permittee to provide an express statement to the Department and Agency indicating whether or not the testing indicated concentrations that exceeded the standards or criteria.
- Sections 245.850, 245.940 - Transportation reports should include amounts of wastewater leaving the well site and amounts arriving at destination, with any losses accounted for.
- Section 245.900 should require flaring systems to include visible and audible alarms in the event of loss of combustion, together with reporting requirements in that event.
- Section 245.1120 - Administrative penalties are woefully inadequate to encourage compliance, and in many instances will cost more for the state to process than to pursue.

Thank you for your consideration of our recommendations for improving the proposed rules implementing the Illinois Hydraulic Fracturing Regulatory Act. We appreciate the opportunity to submit our comments and hope our input is helpful.

Sincerely,

Susan Donovan

Susan Donovan
Director of Government Relations

TAZEWELL COUNTY HIGHWAY DEPARTMENT

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

December 31, 2013

Comment on

High Volume Hydraulic Fracturing

Proposed Rules under Section 245.210 (a) (15) "Traffic Management Plan"

(Tazewell County)

I would like to recommend a change in the proposed rules under Section 245.210 (a) (15) "Traffic Management Plan". As County Engineer of Tazewell County, I feel that another requirement should be added that will ensure the protection and maintenance of roadways used during the High Volume Hydraulic Fracturing operations. In other areas of the nation where this type of activity is taking place, a fully executed "Road Upgrade and Maintenance Agreement" is required before a permit for High Volume Hydraulic Fracturing will be issued. I consider this to be an essential step to the permit process and feel that this important tool should be used in order to ensure our roadways are protected from the damage that will be caused by the large drilling rigs and numerous repetitive loads that are required to carry out the Hydraulic Fracturing operations.

I am also requesting the term "preferably" be struck from the initial paragraph under the "Traffic Management Plan" section. Removing this word will ensure that the proper highway authorities are contacted prior to a permit being issued and any damages caused by the High Volume Hydraulic Fracturing operations.

I propose the following language to be included within the rules of the Hydraulic Fracturing Regulatory Act Administrative Rules:

Section 245.210 Permit Application Requirements

(a) (15) Traffic Management Plan

A traffic management plan that is developed by the applicant, in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to identify the anticipated, roads, streets and highways that will be used (Section 1 – 35(b)(15) of the Act) to facilitate the well site construction, drilling operation, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) A scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a 10 mile radius around the well site, identifying all the different highway jurisdictions;

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B) Anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;

C) *An executed Road Upgrade and Maintenance Agreement (RUMA), established with all affected county, township, road district system or municipal street system authorities which includes;*

a.) *provisions for needed geometric or structural upgrades to local roads and intersections that are not wide enough to accommodate the anticipated traffic,*
b.) *modifications to drainage ditches, culverts and related structures to accommodate the above noted road upgrades,*
c.) *structural evaluation/inspection of all bridge and drainage structures along the route for anticipated overweight loads before and after movement of the load,*
d.) *supplemental maintenance of affected routes to accommodate operator transport activities during the drilling, completion and operation phases of development,*
e.) *identify the arrangements for undertaking such upgrades or supplemental maintenance*
f.) *provisions for timely repair of damages by the operator*
g.) *arrangements for coverage of costs, such as bonds or surety*
h.) *consequences for failure to repair in a timely manner;*

D) Contact information for the applicant's representative with knowledge of the traffic management plan; and

E) Contact information for a representative of each impacted highway authority;

Thank you for your consideration with this matter. Should you have any questions, concerns, or comments with my request, please don't hesitate to contact me at 309-925-5532

Sincerely,

John J. Anderson, P.E.
County Engineer,
Tazewell County Highway Department

013828

Richard J. Whitney
1801 New Era Rd.
Carbondale, IL 62901

January 3, 2013

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JAN 06 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Robert G. Mool
Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Re: Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Transmitted by E-mail and U.S. Mail

Dear Mr. Mool:

I am a resident of Carbondale, Illinois, work in Mt. Vernon, Illinois, as an attorney, and, among other things, presently serve as state chair of the Illinois Green Party. While I am not writing this letter in an official capacity on behalf of the Party, it is fair to say that the concerns and views expressed here reflect the Green Party's core values and are shared by the vast majority of its members.

I can also state, as a matter of record, that the Illinois Green Party, which represents a significant constituency in Illinois, categorically opposes fracking altogether, as we believe that the technology is inherently hazardous to human and other life. Moreover, even assuming, *arguendo*, the delusional premise that the hazards attendant to use of the technology itself could be reduced to a degree that society would regard as an "acceptable" level of risk, use of this technology would still be unacceptable for a broader reason: *Any* technology that has as its objective the recovery and combustion of more fossil fuels, and/or keeping refined fossil fuels at a market price at which they remain a favored means of supplying heat or energy, thereby emitting more greenhouse gases, contributes to the unfolding *global disaster* of human-caused global climate change. The horrific effects of global climate change (environmental, health *and* economic) are now visiting all life on the planet on an almost daily basis, even though those dire effects are – pardon the pun – still just getting "warmed up."

That said, I understand and acknowledge that IDNR's task is to carry out the will of the Illinois legislature (plainly at odds though it is with the will of the people), to allow fracking in Illinois under certain specified circumstances, as set forth in the Hydraulic Fracturing Regulatory Act. That Act also requires that "[a]ll phases of high volume horizontal hydraulic fracturing operations shall be conducted in a manner that shall not pose a significant risk to public health, life, property, aquatic life, or wildlife." § 1-75(a)(2). I am certain that I am not the first person to point out that these two objectives are inherently contradictory, thereby making the IDNR's task

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literally impossible. But even if one assumes that this provision has to be interpreted (i.e., misread) as requiring "risk minimization," consistent with best available technology and best practices, etc., then the draft regulations currently proposed by the agency are *still* woefully inadequate.

In that regard, I hereby adopt, as reflecting my own views, and incorporate by reference, *all* of the criticisms that have been tendered by the organization Illinois People's Action, and its members, as may be found at its website, http://www.illinoispeoplesaction.org/, and those tendered by its regional companion organization, Southern Illinoisans Against Fracturing Our Environment (SAFE), at its website, http://www.dontfractureillinois.net/.

I also adopt, and incorporate by reference, many of the criticisms raised by the Illinois Environmental Council, the Natural Resources Defense Council, and other environmental organizations, in a separate letter sent to you under date of January 3, 2014 – in particular, their comments pertaining to the procedural deficiencies of the Act (re the permitting application, review and modification processes), and the failure to address the issue of fracking in which something other than water (such as foam or gas) is used as the base substance.

Beyond these multitudinous criticisms of the proposed regulations, I would like to focus some additional attention on shortcomings in the proposed rules with respect to seismic activity or earthquakes, *including some points that I have not seen raised by others*, and the peculiar dangers of radioactive contamination – and the unique danger presented by the potential combined impact of both factors.

I. Seismic Dangers

There are two distinct earthquake risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are no provisions in the rules establishing guidelines for stopping fracking wells in the event of earthquakes. (Section 240.796, applies only to Class II injection wells, not fracking wells.) There also are no provisions barring the siting of wells (fracking or injection) in or near active seismic zones. Considering that Southern Illinois sits above two active seismic zones -- the New Madrid and the Wabash Valley zones (as well as adjoining fault systems, such as the Cottage Grove system) – such omissions are in reckless disregard for the safety of Southern Illinois residents, their property, and the ecology of the region.

A review of seismic hazards as calculated by the U.S. Geological Survey reveals that Southern Illinois is one of the nation's "hot spots" for potentially damaging or even catastrophic seismic activity. *See Seismic Hazard Maps for the Conterminous United States, 2008*, USGS Scientific Investigation Map 3195; *2008 United States National Seismic Hazard Maps*, USGS Fact Sheet 2008-3018 (April 2008); *Earthquake Hazard in the New Madrid Seismic Zone Remains a Concern*, USGS Fact Sheet 2009-3071 (August 2009). Three of the most intense earthquakes ever recorded in this country were those that occurred in December 1811 - February 1812, centered near New Madrid, Missouri. According to a February 1, 2013 press release by the

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Illinois Emergency Management Agency (*Governor Quinn Urges Illinoisans to Join Biggest Earthquake Drill in Midwest History*), a 2008 study conducted by the University of Illinois Mid-America Earthquake Center projected that a comparable earthquake today would result in "3,500 fatalities, 2.6 million people without electricity and $300 billion in direct economic losses. Bridges, docks, highways and water infrastructure would be in shambles."

The latter-cited USGS Fact Sheet from 2009 states: "the USGS estimates the chance of having an earthquake similar to one of the 1811-12 sequence in the next 50 years is about 7 to 10 percent, and the chance of having a magnitude 6 or larger in 50 years is 25 to 40 percent."

Given these alarming projections, the question is directly posed: If a New Madrid-type quake would destroy bridges, docks and highways that are built to contemporary engineering and construction standards, what would it do to fracking wells, collection ponds and, especially, Class II injection wells – even those built to the semi-exacting standards required by existing and the projected regulations? I set out trying to answer that question, and, after researching the literature available through the federal Environmental Protection Agency and its Underground Injection Control (UIC) program. While I cannot claim that my research was literally exhaustive, it strongly indicates that the answer is: *No one has any idea.*

Certainly there is nothing in the applicable federal regulations, found at 40 C.F.R. §§ 146.21 - 146.24, that indicates that seismic dangers are even considered by the U.S. EPA. The regulations operate at a high level of generality, noting, for example, that the "[p]hysical and chemical characteristics of the injection zone" must be considered for new Class II wells, and largely deferring the specifics to the state agencies. *See also Technical Program Overview: Underground Injection Control Regulations*, U.S. E.P.A., Office of Water 4606, publication 816-R-02-025 (December 2002) (describing regulatory scheme and permitting process; no mention made of seismic activity as a siting, design or construction factor); *Casing and Cementing Requirements for Exiting Class II Wells*, U.S. E.P.A. UIC Ground Water Program Guidance No. 25 (July 27, 1981) (no mention made of seismic activity as a siting, design or construction factor).

Interestingly, the U.S. EPA Office of Water still lists as a guidance document a publication from 1977 that *does* address the issue of siting injection wells near seismically active zones. Again, it is remarkable for its lack of specificity, but it's advice is clear: *Don't do it.* The publication, Warner and Lehr, *An Introduction to the Technology of Subsurface Wastewater Injection*, EPA-600/2-77-240 (December 1977), deals with the subject in Chapter 4, "Criteria for Injection Well Site Evaluation." Figure 4-1, a flow-chart therein, recommends that unless a region is "free of seismic activity," it should be "closed" to subsurface injection, with "no subsurface disposal allowed." Figure 4-8 shows Southeastern and South-Central Illinois as being in the moderate-to-major earthquake forbidden zone, with a much larger swath of the state being in a still-hazardous "minor damage" zone. The ensuing discussion states: "The past history of earthquake activity in an area must be considered because an earthquake might potentially damage injection well facilities or alter geohydrologic conditions. In addition, because of the possibility that injection may introduce earth tremors, the susceptibility of an area to such induced seismic activity should be examined." *Id.* at 138.

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Thus, even in 1977, the danger of injection-induced earthquakes was known to geologists – and they specifically cautioned against siting injection wells in "areas" susceptible to seismic activity. In the very next paragraph, the authors cite, as case-in-point number one, the New Madrid seismic zone. Again, this document, though dated, remains an official guiding document of the U.S. EPA Office of Water – and it appears to be the only one to address the issue of siting injection wells in or near seismically active zones.

The available literature raises far more questions than it provides answers – and that is precisely the point that IDNR must take into account in re-drafting any proposed regulations. *We don't know enough.* Where are the engineering studies showing whether a fracking well or a Class II injection well – even one that scrupulously adheres to all applicable regulatory standards – will maintain integrity in the event of an earthquake of magnitude 6, 7 or 8.5? Where are the studies showing how far away from the epicenter integrity will be maintained, at what different durations and intensities of shaking, and under what soil and subsurface conditions? Where are the studies showing what countervailing construction methods and standards might reduce the risk?

Relatedly, where, in the proposed regulations, does it provide for closure, testing and remediation of all well sites in the event of a major earthquake – whether induced or otherwise?

As pervasive as gambling has become in our society, the Hydraulic Fracturing Regulatory Act does not authorize the IDNR to engage in that pastime when drafting regulations intended to ensure that permitted fracking "*shall not* pose a significant risk to public health, life, property, aquatic life, or wildlife." (Emphasis added.) § 1-75(a)(2).

Regarding induced earthquakes, recent studies show that the risk of earthquakes can extend far beyond local areas. See:

http://www.earth.columbia.edu/articles/view/3072 : A new study is the latest to tie a string of unusual earthquakes, in this case, in central Oklahoma, to the injection of wastewater deep underground. Researchers now say that the magnitude 5.7 earthquake near Prague, Okla., on Nov. 6, 2011, may also be the largest ever linked to wastewater injection. Felt as far away as Milwaukee, more than 800 miles away, the quake—the biggest ever recorded in Oklahoma– destroyed 14 homes, buckled a federal highway and left two people injured.

http://geology.gsapubs.org/content/early/2013/03/26/G34045.1

http://www.usgs.gov/newsroom/article.asp?ID=3706&from=rss#.UohRF40hRL8 "Why America's Heartland is Earthquake Country", United States Geological Service, September 30. 2013

"Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States", Nicholas J. van der Elst et al., DOI: 10.1126/science.1238948, Science 341, 164 (2013).

Currently the "traffic light alert" system set up by the rules allow for up to four fracking-induced earthquakes of at least magnitude 4.9 -- even near the New Madrid or Wabash fault lines -- before a company has to shut down an injection well. The rules do not call for the implementation of a seismic monitoring system that can accurately assign responsibility to particular fracking operators in the event fracking operations do induce earthquakes. The rules also fail to require insurance from well operators when it comes to property damage and injuries incurred by residents, business, or public institutions as a result of seismic activity tied to fracking.

The proposed regulations do not provide adequate protection of the population in southern Illinois where citizens are at risk of a major earthquake. A great deal more study and examination of this issue needs to be undertaken before one could even begin to draw up a more responsible set of rules. Until that work has been completed, fracking should not be permitted in the southern half of the state. I would suggest – at a minimum – that no premist shall issue in areas projected by the USGS to have a greater than 2 percent chance, over a 50-year period, of experiencing horizontal shaking in excess of 0.16 g. (See USGS Fact Sheet 2008-3018.) That is only a suggestion, not a "recommendation," since the only rational recommendation I can make is for fracking to be prohibited altogether. But the agency would at least have a somewhat more defensible position if it were to adopt such a standard.

II. Radiation Dangers

Illinois shale has above-average levels of radioactive elements. The US Geological Survey itself has found that produced water in Southern Illinois has radioactive Radium-226 levels that are 67 times the maximum contamination level allowed by the EPA. (See USGS Fact Sheet, FS-142-99, which describes oil fields in Southeast Illinois in the top 10 percent of radiation level, with "markedly higher radioactivity.)

Unfortunately, section 245.850 of the proposed rules provides for testing of fracking fluids only once – during the early flowback stage – and only for "naturally occurring radioactive materials." The rules do not require testing for added radioactive materials, like depleted uranium, which can be used during well-bore perforation in the fracturing operation and has a half-life of 4- ½ billion years.

The proposed rules include no standards for determining acceptable or unacceptable radioactivity levels in flowback – and no protocols or enforcement mechanism if the flowback water tests high for radioactivity. This glaring omission is frankly absurd. It appears that the testing is for a purely academic purpose, not protecting public and environmental health.

The proposed rules do not require the testing of "produced water," the water produced from a well in conjunction with oil or natural gas production, which presents the greatest danger of radioactive exposure. The rules do not contain any provision to test for radon in wellhead gas, radium scale in pipe, equipment and crude oil bottom sediment -- used as "road oil." And of course, there is no enforcement mechanism for radioactive contamination in these categories, either, since there can be no enforcement if there is no mandatory testing and setting of standards.

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The proposed rules contain no notice requirements for potentially affected residents and workers. There is not provision for workers to wear radiation detection badges or devices. The proposed rules do not test work areas for levels of radioactivity that would call for OSHA standards of occupational safety. The proposed rules include no safety measures for the transport of radioactive waste. They would also apparently allow for the disposal of radioactive contaminated waste in Class II injection wells, which are not designed to safely contain radioactivity.

These deficiencies, cumulatively or singly, would pose a significant risk to the public health and safety, property, aquatic life, and wildlife, in violation of section 1-75(a)(2) of the Hydraulic Fracturing Regulatory Act. The regulations should provide for cradle-to-grave testing for radioactivity, at frequent intervals, and in all phases of the operation, with enforcement provisions, including cessation of fracking operations, if radioactive contamination poses a significant danger to human or environmental health.

III. The Unique Combination of Hazards Specific to Southern Illinois

Finally, as much as the danger of fracking and related hazardous waste disposal in or near a seismic zone, and the danger of radioactive contamination from fracking operations, each *independently* presents high levels of risk (especially in Southern Illinois) that demand, at the very least, correspondingly high levels of regulatory protection, the *combination* of these two categories of risk magnify the overall quantum of risk presented. In other words, should a major seismic event occur after fracking operations have begun, the presence of radioactive contaminants in frack water, produced water and no-longer-contained waste would obviously elevate the destructiveness of the consequences. That possibility adds weight to the argument in favor of erring on the side of caution – by creating a broad "no frack/no new injection" zone and enacting the radioactive testing and enforcement regimen suggested herein.

For these, and numerous other reasons, as reflected in the comments that I have adopted by incorporation, I must protest the current manifestation of the regulations as woefully inadequate. Thank you for your attention to this matter.

Sincerely,

Richard J. Whitney

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Horn-Dimond Coal Company

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West Frankfort, Illinois 62896
Established 1911

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JAN 06 2014

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

December 31, 2013

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Re: Comments Concerning Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

Thank you for the opportunity to comment on IDNR's proposed rules to implement the Hydraulic Fracturing Regulatory Act. Horn-Dimond Coal Company is a mineral holding company with a history of more than 100 years of mineral acquisition, leasing and mining operations in the Illinois Basin.

General Comments

IDNR should refrain from regulatory taking through the imposing of requirements that diminish contractual ownership rights of the owner of the mineral estate.

IDNR needs to focus on the specific issues unique to HVHHF operations and not utilize these regulations to expand non HVHHF issues.

IDNR should establish protective safeguards for the operator when encountering a hostel or objectionable environment.

Section Specific Comments

Section 245.250 Public and Governmental Notice by the Permit Applicant

This section provides for notice to be provided to specific parties including landowners of any real property surface interest, other oil and gas lessees, permittees, governing bodies and county board.

There is an omission of notice to landowners of any real property mineral. *The Lessee performing a High Volume Horizontal Hydraulic Fracturing (HVHHF) action may through its lease only control a single zone or strata and notice should be provided to the owners, if any, of the other sub surface estate(s) including the owner of the coal estate.*

Section 245.270 Public Hearings

The owners of any non-leased minerals including the owner of the coal estate should be specifically listed as a person(s) having an interest that is or may be adversely affected.

Section 245.400 Setback Requirements

The draft proposed requirements of this section "unless the landowner *of the residence or the governing body of the place of worship otherwise expressly agrees in writing to a closer well* site *location" affects the correlative rights, of the surface, that may have been negotiated with the severance of the mineral estate. Interference with ownership rights articulated in the chain of title would be a taking by regulation.*

Since the setback requirement can be waived by the landowner the Setback cannot be attributed to a concern for safety. This also raises the question; Can the Department legally defer its right/responsibility to govern back to the landowner?

Section 245.410 Access Roads, Public Roads and Topsoil Conditions

The draft proposed requirements of this section affect the correlative rights, of the surface, that may have been negotiated with the severance of the mineral estate.

Interference with ownership rights articulated in the chain of title would be a taking by regulation.

Since these requirements can be waived by the landowner the requirements cannot be attributed to a concern for safety. This again raises the question; Can the Department legally defer its right/responsibility to govern back to the landowner?

Section 245.600 Water Quality Monitoring

If the landowner of the private property declines, expressly and in writing, to provide access or permission for sampling what establishes the baseline?

Section 245.610 Water Pollution Investigations

If the landowner declines to provide access for sampling under section 245.600 and a baseline has not been established the landowner should not be allowed relief under this section.

Section 245.615 Procedures

The language of this section needs to be expanded to include a hold harmless clause for the operator due to a refusal of the landowner and the lack of an established baseline.

Section 245.620 Rebuttable Presumption of Pollution or Diminution

If the landowner declines to provide access for sampling under section 245.600 and a baseline has not been established how does the operator rely on showing no pollution or diminution before the start of HVHHF operations?

Section 245.1030 Restoration of the Well Site and Production Facility

Some of the draft proposed requirements of this section affect the correlative rights, of the surface, that may have been negotiated with the severance of the mineral estate.

Interference with ownership rights articulated in the chain of title would be a taking by regulation.

Thank you for the opportunity to comment on this process.

J. Scott Williams
President, Horn-Dimond Coal Company

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JAN 06 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Comment on

High Volume Hydraulic Fracturing

Proposed Rules under Section 245.210 (a) (15) "Traffic Management Plan"

Williamson County

I would like to recommend a change in the proposed rules under Section 245.210 (a) (15) "Traffic Management Plan". As County Engineer of Williamson County, I feel that another requirement should be added that will ensure the protection and maintenance of roadways used during the High Volume Hydraulic Fracturing operations. In other areas of the nation where this type of activity is taking place, a fully executed "Road Upgrade and Maintenance Agreement" is required before a permit for High Volume Hydraulic Fracturing will be issued. I consider this to be an essential step to the permit process and feel that this important tool should be used in order to ensure our roadways are protected from the damage that will be caused by the large drilling rigs and numerous repetitive loads that are required to carry out the Hydraulic Fracturing operations.

I am also requesting the term "preferably" be struck from the initial paragraph under the "Traffic Management Plan" section. Removing this word will ensure that the proper highway authorities are contacted prior to a permit being issued and any damages caused by the High Volume Hydraulic Fracturing operations.

I propose the following language to be included within the rules of the Hydraulic Fracturing Regulatory Act Administrative Rules:

Section 245.210 Permit Application Requirements

(a) (15) Traffic Management Plan

A traffic management plan that is developed by the applicant, in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to identify the anticipated, roads, streets and highways that will be used (Section 1 – 35(b)(15) of the Act) to facilitate the well site construction, drilling operation, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) A scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a 10 mile radius around the well site, identifying all the different highway jurisdictions;

B) Anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;

C) *An executed Road Upgrade and Maintenance Agreement (RUMA), established with all affected county, township, road district system or municipal street system authorities which includes:*

a.) *provisions for needed geometric or structural upgrades to local roads and intersections that are not wide enough to accommodate the anticipated traffic,*
b.) *modifications to drainage ditches, culverts and related structures to accommodate the above noted road upgrades,*

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c.) *structural evaluation/inspection of all bridge and drainage structures along the route for anticipated overweight loads before and after movement of the load,*
d.) *supplemental maintenance of affected routes to accommodate operator transport activities during the drilling, completion and operation phases of development,*
e.) *identify the arrangements for undertaking such upgrades or supplemental maintenance*
f.) *provisions for timely repair of damages by the operator*
g.) *arrangements for coverage of costs, such as bonds or surety*
h.) *consequences for failure to repair in a timely manner;*

D) Contact information for the applicant's representative with knowledge of the traffic management plan; and

E) Contact information for a representative of each impacted highway authority;

Thank you for your consideration with this matter. Should you have any questions, concerns, or comments with my request, please don't hesitate to contact me at ##########.

Sincerely,

Greg Smothers
County Engineer
Williamson County

013833

RECEIVED
JAN 06 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Comment on

High Volume Hydraulic Fracturing

Proposed Rules under Section 245.210 (a) (15) "Traffic Management Plan"

(Hancock County)

I would like to recommend a change in the proposed rules under Section 245.210 (a) (15) "Traffic Management Plan". As County Engineer of Hancock County, I feel that another requirement should be added that will ensure the protection and maintenance of roadways used during the High Volume Hydraulic Fracturing operations. In other areas of the nation where this type of activity is taking place, a fully executed "Road Upgrade and Maintenance Agreement" is required before a permit for High Volume Hydraulic Fracturing will be issued. I consider this to be an essential step to the permit process and feel that this important tool should be used in order to ensure our roadways are protected from the damage that will be caused by the large drilling rigs and numerous repetitive loads that are required to carry out the Hydraulic Fracturing operations.

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Thank you for your consideration of this matter. Should you have any questions, concerns, or comments with my request, please don't hesitate to contact me at 217-357-3155.

Sincerely,

Elgin Berry

Elgin Berry
Hancock County Engineer

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JAN 06 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Comment on

High Volume Hydraulic Fracturing

Proposed Rules under Section 245.210 (a) (15) "Traffic Management Plan"

(DeKalb County)

I would like to recommend a change in the proposed rules under Section 245.210 (a) (15) "Traffic Management Plan". As County Engineer of DeKalb County, I feel that another requirement should be added that will ensure the protection and maintenance of roadways used during the High Volume Hydraulic Fracturing operations. In other areas of the nation where this type of activity is taking place, a fully executed "Road Upgrade and Maintenance Agreement" is required before a permit for High Volume Hydraulic Fracturing will be issued. I consider this to be an essential step to the permit process and feel that this important tool should be used in order to ensure our roadways are protected from the damage that will be caused by the large drilling rigs and numerous repetitive loads that are required to carry out the Hydraulic Fracturing operations.

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D) Contact information for the applicant's representative with knowledge of the traffic management plan; and

E) Contact information for a representative of each impacted highway authority;

Thank you for your consideration with this matter. Should you have any questions, concerns, or comments with my request, please don't hesitate to contact me at 815-756-9513.

Sincerely,

Nathan F. Schwartz, P.E.
County Engineer
DeKalb County

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RECEIVED
JAN 06 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
cc: Governor Pat Quinn
Protect our health and environment in the 2014 budget

Dear Robert G. Mool,
I am writing to provide comment on the draft rules to implement the Hydraulic Fracturing Regulatory Act published in the Illinois Register on November 15, 2013.

I am concerned, first of all, with the speed at which this rulemaking is moving. I am also very concerned that the draft rules are weaker than the statute, and significantly undercut many the protections it did provide. This is not acceptable. Our state will have to live with the consequences for a long time to come if the rule does not provide sufficient protections from fracking and its impacts on the environmental and public health.

While I have many concerns with the draft rules, the most immediately important ones are these:

1. Information about fracking chemicals (Subpart G, Section 245.730). While I don't like the idea of trade secret protection for fracking chemicals at all, at the very least the statute ensured that doctors or first responders could get trade secret protected information if they needed it. However, the rules undercut even that limited protection. Instead of requiring DNR to promptly provide the information, they say the Department "may" provide it. Then, they set up a totally unworkable tangle of red tape for the medical personnel to wade through to get it. Those personnel have a choice of calling DNR during "normal business hours," or else calling the "trade secret holder" any time but they don't say how anyone finds out who this trade secret holder is and how to reach them. In an emergency situation this is not acceptable. Imagine, for example, a first responder, dealing with a spill from a truck on a highway at 5 a.m.

2. Storage tanks requirement (Subpart H, Sections 245.830 and 245.850). I am very worried about all of the polluted wastewater that fracking produces. But at least the statute requires that the wastewater be kept in tanks, instead of in open-air pits that have caused so many problems elsewhere. However, the rules are designed to make it a whole lot easier for drillers to avoid the tanks requirement. The rules do not set standards for estimating the size tanks they need, so if operators underestimate that intentionally or otherwise they will end up making routine use of open air pits that are only supposed to be used for emergency overflows. While the statute says that any waste in the pits has to be taken away within a week, the rules say (at Section 245.850) that it can sit there until a week after fracking operations are over.

3. Presumption of liability (Subpart F, Section 245.620). The statute includes a legal presumption that if pollution increases near fracking operations, those operations caused it. But the regulations take a whole lot of that away. There are a very many chemicals associated with fracking that can pollute the groundwater, but the rules make the presumption applicable only to the few that the fracking companies are required to test for. What if a landowner tests for and finds other chemicals?

4. Modifications (Subpart C, Section 245.330). The statute is designed to ensure that fracking companies don't pull a bait and switch by applying for one permit and then later modifying it behind closed doors. However, the draft regulations would allow them to do just that. While the statute says that any proposed modification that represents a "significant deviation" from the original permit has to go through full notice, comment, and hearing procedures, the regulations define "significant deviation" so narrowly that a whole lot of major changes will not require public participation.

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4. Modifications (Subpart C, Section 245.330). The statute is designed to ensure that fracking companies don't pull a bait and switch by applying for one permit and then later modifying it behind closed doors. However, the draft regulations would allow them to do just that. While the statute says that any proposed modification that represents a "significant deviation" from the original permit has to go through full notice, comment, and hearing procedures, the regulations define "significant deviation" so narrowly that a whole lot of major changes will not require public participation.

December 9, 2013

Robert G Mool
Office of Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL. 62702-1271

RECEIVED
JAN 2 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

To whom it may concern:

I am writing this letter to object to the proposed Administrative Rules governing Hydraulic Fracturing in the strongest terms possible. In my experience as a landowner, I have found the current rules to be grossly inadequate to protect the citizens of the State of Illinois from the Oil and Gas industry. Therefore, future rules must protect landowners and citizens from this industry and their gross negligence we are currently being subjected to.

I attended the public hearing on December 3, 2013 at the Rend Lake College Theater in Ina, IL. I didn't have the opportunity to speak; but listened to the multitude of concerns about the lax proposed rules. *What disturbed me the most about the issues presented was that many of the atrocities that people were concerned about are already occurring and it is obvious that the Department of Natural Resources is powerless with current lax regulations to come close to addressing these concerns. It is grossly apparent that the oil lobby/industry has written these regulations with little input from a regulatory agency in Illinois. I can only hope that changes with the new regulations.*

Incidentally, as I was attending this meeting, there was and is a rotary drilling unit operating within an eighth of a mile from my home in Southwest White County, IL a few miles outside of Norris City. This has been a common place for Oil and Gas Companies to operate in White County for many years, however the total disrespect this industry has for property and homeowners has increased exponentially. The resulting onslaught has decreased property values of homes and decreased acres of productive farm ground. Southern Illinois is known for its family farms and every acre counts to the farmer. However, excessive drilling is

now consuming farm fields with pumping units, lease roads, and tank batteries. As you are aware, much of the ownership of mineral rights and land surface parted from each other as far back as the 1930's and thus has been a major avenue for the corrupt Oil and Gas industry to exploit. What I have found is that the "landmen" of the industry go to the descendents of the mineral right owners (many of which may not even be a resident of the area and see the destruction that is occurring) offering cash for the right to drill for oil. These "leases" often have little or no protections for the land surface owner and are subjected to daily intrusions into their life and property. Personally, I do not own the mineral rights to the ground that has been raped by the oil industry. We were given a flat, onetime fee for the top use of our ground and will likely never see another dime despite the continued destruction and use of our property. Since oil wells was drilled on my ground, the industry has and continues to subject my property to erosion, salt water discharges, 24 hour a day smoke discharge from burning flares, noxious gas discharges, damaged/destroyed my growing row crops and uses my property daily with no reimbursement, rental, or otherwise compensation for the damages. We have made many calls to my local Department of Natural Resources Office. Calls to the DNR regarding any of the above violations are met with "We have no jurisdiction over that," or a DNR employee will come out and write a minimal fine to the company. These fines equal a slap on the wrist to these oil production companies and I spend too much of my time policing my property for their negligent activity and calling in violation. If fines the fines were steeper, the companies just might try harder to keep their production practices from destroying the landowner's property. The bottom line is the current fines are a "drop in the barrel" to these companies. *To make matters worse, once a spill is called in, the oil company will self-report their salt/oil spills amount totals and the DNR will take their word for this amount even if it is obvious the amount is under-reported!*

On September 1th of this year a flare from an operating well caught the field on fire and came within feet of burning my house down. Trees were damaged and yet I have not received any compensation for what occurred. A "band aid fix" was applied to the flares despite Harlan Dozier (Carmi, IL DNR representative)

requesting the company run these flare lines off our property. Many times after reporting problems we have been told that the DNR can only suggest things like this but have no authority to require a company to improve their practices.

Furthermore, *I want to object to the lax proposed regulations that are full of loopholes that allow the oil industry to continue to operate without any significant standards of ethical operation. Here are a few examples of the loopholes that I found when reading over the regulations:*

1. **Section 245.900 Managing Natural Gas and Hydrocarbon Fluids During Production**

For wells regulated by this Part, *permittees shall be responsible for minimizing the emissions associated with venting of hydrocarbon fluids and natural gas during the production phase* to safely maximize resource recovery and minimize releases to the environment (Section 1-75(e)(4) of the Act). d) *If the permittee establishes that it is technically infeasible or economically unreasonable to minimize emissions associated with the venting of hydrocarbon fluids and natural gas during production using the methods specified in* subsections (b) and (c), *the Department*, in consultation with the Agency as the Department deems appropriate, *shall require the permittee to capture and direct any natural gas produced during the production phase to a flare.*

By allowing this regulation to stand as written, it will allow oil companies to release whatever they so choose simply by documenting that it is not cost effective to capture it! But, in turn, I as a homeowner with 13 operating wells within a 1/4 of a mile of my home have to breathe in noxious fumes 24/7 all because the company doesn't want to pay for proper collection? *These loopholes must be closed!*

Another example:

2. **Section 245.910 Uncontrolled Emissions from Storage Tanks Containing Natural Gas and Hydrocarbon Fluids**

a) In addition to the requirements of Section 245.900, *uncontrolled emissions exceeding 6 tons per year from storage tanks* containing natural gas or hydrocarbon fluids *shall be recovered*

and routed to a flare that is designed in accordance with 40 CFR 60.18 and is certified by the manufacturer of the device.

I can personally take you on a tour of wells in Norris City and you will see that there are NO COLLECTION OF FUMES FROM ANY TANK BATTERIES! And, 6 TONS/YEAR is the proposed regulation?! People are living around these tank batteries and this proposed regulation does nothing to protect anyone from these noxious fumes. How are you planning to measure the 6 ton/year standard? If you are counting on self reporting from the oil companies you will find grossly inadequate reporting. "Regulations" such as this will allow the oil companies to continue policing themselves.

Another example:

3. .Section 245.1010 Plugging Previously Abandoned Unplugged or Insufficiently Plugged Wells

Prior to conducting high volume horizontal hydraulic fracturing operations at a well site, the permittee shall cause to be plugged all previously abandoned *unplugged* or insufficiently plugged *well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the* geologic *formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations* pursuant to the requirements of this Section (Section 1-95(b) of the Act) c) If the permittee is unable to locate an abandoned unplugged well or insufficiently plugged well identified by the Department for plugging before high volume horizontal hydraulic fracturing operations begin, the permittee may receive a waiver of the plugging requirement from the Department after demonstrating a diligent effort to locate the abandoned unplugged well or insufficiently plugged well in the field.

"Diligent Effort" is NOT measurable and thus is a loophole that will be taken full advantage of in order to save a dime on behalf of the oil company. There should be NO waivers for the plugging requirement. Diligent effort to the corrupt industry is directly tied to cost of that effort so they will spend very little effort. What protection is there for landowners in this regulation for the "unlocated" or "insufficiently plugged wells" when the fracking takes place and a huge saltwater/oil spill is produced from the activity? In our experience the company will SELF REPORT damages and the local DNR well inspectors will

write a minimal fine to the company. Damages for the landowners will be NONEXISTANT.

Another example:

Section 245.1020 Restoration of Lands Other than the Well Site and Production Facility

Unless contractually agreed to the contrary by the permittee and the surface landowner, *the* permittee *shall restore any lands used by the* permittee *other than the well site and production facility to a condition as closely approximating the pre-drilling conditions that existed before the land was disturbed for any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations.* a) *Restoration shall be commenced within 6 months* after *completion of the well* site *and* shall be *completed within 12 months.*
b) *Restoration shall include, but is not limited to:*
1) *repair of tile lines,*
2) *repair of fences and barriers,*
3) *mitigation of soil compaction and rutting,*
4) *application of fertilizer or lime to restore the fertility of disturbed soil, and*
5) *repair of soil conservation practices such as terraces and grassed waterways.* (Section 1-95(c) of the Act)

A restoration should start IMMEDIATELY and be completed within one month---Why should the landowner be penalized for up to a year? Keep in mind, for any farmer that has land, every acre counts and 6-12 months could be an entire growing season.

Another example:

4. **Section 245.1100 Suspension, Revocation, Remediation and Administrative Penalties**

The Department may, through the enforcement process set forth in this Subpart, suspend or revoke a high volume horizontal hydraulic fracturing permit, order actions to remediate, or issue administrative penalties for one or more of the following causes:
a) *providing misleading, or materially untrue information in a permit application process or in any document or information provided to the Department* (Section 1-60(a)(1) of the Act);
b) *violating any condition of the permit* (Section 1-60(a)(2) of the Act);
c) *violating any provision of or any regulation adopted under the Act or the Illinois Oil and Gas Act* (Section 1-60(a)(3) of the Act);
d) *using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere* (Section 1-60(a)(4) of the Act);

e) *having a high volume horizontal hydraulic fracturing permit, or its equivalent, revoked in any other state, province, district, or territory for incurring a material* ILLINOIS REGISTER
DEPARTMENT OF NATURAL RESOURCES NOTICE OF PROPOSED RULE

In this section, "The Department ***may***" should the read "The Department ***WILL***" revoke all rights and privileges to operate in the State of Illinois for an indefinite period of time with significant fines as to make it cost prohibitive to be a corrupt operator in this State. *This is yet another example of a loophole that will be taken full advantage of by corrupt producers.*

Yet another example:

6.**Section 245.1120 Director's Decision**
a) Upon receipt of a Notice of Violation, the Director or Director's designee shall conduct an investigation and may affirm, vacate or modify the Notice of Violation. In determining whether to affirm, vacate or modify the Notice of Violation, the Director shall consider:
1) whether the facts support the violation set forth in the Notice of Violation;

2) the seriousness of the violation, including any harm to public health, aquatic life, wildlife, the environment or damage to property;
3) the permittee's history of previous violations, including violations at other locations and under other permits.
A) A violation shall not be counted if the Notice of Violation or Director's Decision is the subject of pending administrative review by the Department under Section 245.1130, or judicial review under the Administrative Review Law and the rules adopted under that Law, or if the time to request a review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision.
B) No violation for which the Notice of Violation or Director's Decision has been vacated shall be counted;
4) the degree of culpability of the permittee;
5) whether the remedial action to address the violation set forth in the Notice of Violation is completed within the time set forth in the Notice of Violation; and
6) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by any person or by the permittee.
b) Modification to the Notice of Violation may include:
1) any different or additional remedial actions required to address the violation and the time within which the remedial actions must be completed;
2) assessment of administrative penalties not to exceed $1,000 a day for each and every act of violation;
3) probationary or permanent modification or conditions on the permit, which may include special monitoring or reporting requirements;

4) suspension of the permit; and
5) revocation of the permit.

c) The Director shall determine whether to assess administrative penalties based on the factors set forth in subsection (a). Administrative penalties shall not be assessed for a violation of Section 245.1100(g). If an administrative penalty is assessed by the Department, the administrative penalty shall be computed as follows, but shall not exceed $1,000 per day for each and every act of violation:
1) Administrative violations are violations of any submission, reporting or notification requirements of this Part, including, but not limited to, providing incorrect, misleading, incomplete or materially untrue information regarding permittee registration, permit application, permit modification, permit transfer, or permit bonding, and failing to properly comply with the reporting and Department notification requirements set forth in the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit, and shall be assessed on a permittee-specific basis. The Department may assess a penalty for an administrative violation as follows:
A) No previous violation of the same rule: $50.
B) One previous violation of the same rule: $100.
C) Two previous violations of the same rule: $150.
D) Three previous violations of the same rule: $200.
E) Four or more previous violations of the same rule: $500.

2) Operating violations are violations of all other requirements of this Part not covered by subsection (c)(1), including, but not limited to, operating a well required to be permitted under the Act without first obtaining a proper permit from the Department, constructing or operating a well in violation of the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit. The Department may assess a penalty for an operating violation by considering elements of subsections (c)(2)(A), (B) and (C) as follows:

A) History of Violations:
i) No previous violation of the same rule: $100.
ii) One previous violation of the same rule: $250.
iii) Two previous violations of the same rule: $500.
iv) Three previous violations of the same rule: $750.
v) Four previous violations of the same rule: $1,000.
vi) Five or more previous violations of the same rule: $2,500.
B) Seriousness:
i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $100; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $250; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $1,000.

ii) If the violation created a hazard to the safety of any person: add $2,000.

For an industry with record profits, these penalties/fines DON'T even come close to hold these companies accountable. It is a joke to make these

fines so small. The fines are not enough to change the negligent practices that are prevalent.

Final topics that MUST BE ADDRESSED in these proposed regulations:

- The amount of Well Inspectors and law enforcement specific to this industry in this area is grossly inadequate. This industry is extracting multitudes of cash from this state with no law enforcement oversight. Fines MUST reflect the damage being done.
- Who is ensuring that the mineral rights owners are actually being paid for the oil that is being extracted and the division orders of the leases are accurate? I know the answer to that question. NO one. More regulations must assure individuals are being paid for their rights.
- There is additionally NO mention of the township and County roads that the oil industry is abusing. They drive daily on the roads even in the winter when the roads have posted weight limits. The road commissioner reports he is powerless to stop them. There should be a section here for maintenance and restoration of these roads. There should be significant fines to make it cost prohibitive to break these posted weight limits.

In conclusion, the above notes are just a ***few examples*** of the loopholes and lax penalties that are rampant in these proposed rules. Our hope is that you, as an attorney that is employed by the Illinois Department of Natural Resources who has NO influence by the oil industry, will scour these regulations and identify them in order to hold this industry accountable.

Finally, I extend an invitation to the committee tasked with conducting these hearings on these proposed rules to come to White County and meet with me

on my property. We can go for a drive, see the "salt kills", smell the hydrogen sulfide as well as other noxious fumes, see the smoke roll for the gas flares that is evidently not cost effective to capture or conserve, and see the damage to our roads. It would be more enlightening for the committee to see what is occurring first hand than to hear about it from a 4 minute or less speech at a hearing or from one of the multitude of oil industry lobbyists describing their hardships in Springfield. I look forward to your possible visit.

Please do not hesitate to contact me to set up a time: Kurt Sutton 618-384-6175.

Sincerely,

Kurt Sutton

Kurt Sutton

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

The Rules:

Section 245.110, Definitions
" 'Real Property' definitions
'Real property' means the surface, subsurface or mineral rights of land.
'Real property interest' means ownership in the surface, subsurface or mineral rights of land.
'Real property surface interest' means ownership in only the surface rights of land.

Section 245.210(a)(16)(A) & (B)
"a) *Every applicant for a permit under this* Part *must submit the following information to the Department on an application form provided by the Department* (Section 1-35(b) of the Act):
***
16) Landowner and Permittees Information
A) *The names and addresses of all* landowners *of any real property* surface interest in land *within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties* (Section 1-35(b)(16) of the Act);
B) *The names and addresses of all* persons with an oil and gas lease in land *within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties* (Section 1-35(b)(16) of the Act); ***"

Section 245.250(a)(1)(A) & (B)
"a) *The applicant shall provide the following public* and governmental *notice* (Section 1-40(c) of the Act):
1) *Applicants shall mail specific public notice *** to*:
A) *all persons identified as* landowners *of* any *real property* surface interest in land *within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties*;
B) *all persons identified as* persons with an oil and gas lease *within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties*; ***"

The Statute:

HFRA uses the term "owner of real property" both in Section 1-35(b)(16) (permit application) and in Section 1-40(c)(1) (public notice). But DNR modified that term in its proposed rules, as set out above. Because real property includes surface rights, subsurface rights, and mineral rights, among others, DNR's definitions are inconsistent with the statute.

Section 1-35(b)(16) of HFRA
"(b) Every applicant for a permit under this Act must submit the following information to the Department on an application form provided by the Department:
***

12/31/13
Public Comment for DNR First Notice of Proposed Rules under
the Hydraulic Fracturing Regulatory Act (HFRA)

THE PROPOSED REGULATORY SCHEME WOULD DEPRIVE PROPERTY OWNERS OF THEIR PROPERTY RIGHTS WITHOUT NOTICE & WITHOUT COMPENSATION

This comment is in response to Sections 245.110, 245.210(a)(16), and 245.250(a)(1) of the Proposed Rules, published at 37 Illinois Register 18097 on November 15, 2013.

Comment:

The proposed regulatory scheme for high volume horizontal fracturing (HVHF) would illegally deprive many property owners of their property without notice and without compensation--thus, without due process of law.

Under Illinois law, a person who owns the full bundle of rights in land owns the surface and all that is below it. Miller v. Ridgley, 2 Ill. 2d 223 (1954); Save Our Little Vermillion Environment, Inc., v. Illinois Cement Co., 311 Ill. App. 3d 747 (3d Dist. 2000). So, when a landowner owns the full bundle of rights in the land, any drilling on, under, or through that land without the landowner's consent is an illegal trespass and an unconstitutional taking. Similarly, any access to the surface without the landowner's consent is a trespass.

Even where there has been a severance of a mineral estate, the surface owner typically has not transferred all rights in the subsurface; instead, the surface owner has transferred just the rights to access the minerals. In other words, the surface owner retains all the other sticks in the bundle of land rights aside from those specifically transferred. "It is the settled law of this State that oil and gas in place are minerals but by reason of their fugacious qualities they are incapable of ownership distinct from the soil. [Citation.] They belong to the owner so long as they remain under the land, and if an owner makes a grant of them to another by lease [citation], by mineral deed [citation], or mineral deed for a term [citation], it is a grant only of the oil and gas that the grantee may take from the land, as well as the right to enter upon the land for the purpose of prospecting and operating wells. No title to it vests in the grantee until it is actually removed from the ground[;] thus oil and gas in the earth cannot be subject to an ownership distinct from the soil so long as they remain in the earth." Murbarger v. Franklin, 18 Ill. 2d 344 (Ill. 1960).

The proposed regulatory scheme assumes that once there has been a severance, the owner of the mineral rights owns all the subsurface rights. This is not always the case and likely is not be the usual situation. Even when mineral rights have been severed, the right to access the minerals might not preclude the exercise of other rights in the subsurface owned by others, depending on the deed or the contract.

Reliance on the statutory integration proceeding for a vertical well does not change

COPY

Public Comment on the Proposed Rules for Horizontal Hydraulic Fracturing
Submitted for the Public Hearing at Rend Lake College, Ina, IL
December 3, 2013

Topic: DNR's Duties and Responsibilities to Protect the Residents of Southern Illinois

Proposed Rules Involved:

Subpart C: Permit Decisions,
Section 245.300 Permit Decisions
Subpart H: High Volume Horizontal Hydraulic Fracturing Preparations and Operations,
Section 245.800 General Conditions and Requirements

Statutory Sections Involved:

Section 1-53(a)(4) High volume horizontal hydraulic fracturing permit; determination; judicial review.
Section 1-75 High volume horizontal hydraulic fracturing operations.
Section 1-130 Rules.

Thank you for the opportunity to present this comment.

In Section 1-130 of the regulatory statute, the legislature granted DNR authority to adopt rules to carry out the legislature's purposes.

There are at least two legislative purposes in the regulatory statute. While the legislature intended to create the statutory authority for horizontal fracking to occur in Illinois, it also explicitly conditioned its approval of horizontal fracking on the safeguarding of public health and public safety, and the protection of the environment.

This purpose is set forth explicitly in two places in the regulatory statute--Section 1-75 (a)(2) and Section 1-53(a)(4). DNR has ackowledged the former, verbatim, in its proposed Section 245.800. The legislature's Section 1-75(a)(2) and DNR's proposed Section 245.800 state as follows:

"Section 1-75. High volume horizontal hydraulic fracturing operations.
(a) General.
***
(2) All phases of high volume horizontal hydraulic fracturing operations shall be conducted in a manner that shall not pose a significant risk to public health, life, property, aquatic life, or wildlife.:

The term "significant risk" is not defined, which will be problematic.

But with respect to the legislature's purpose as stated in Section 1-53(a)(4), DNR has changed the legislature's language, which would result in lowering the standard explicitly created by the legislature. The legislature stated as follows in Section 1-53 (a)(4):

"Section 1-53. High volume horizontal hydraulic fracturing permit; determination; judicial review.

12/21/13
Public Comment for
IDNR Notice Of Public Hearing On Proposed Rules under the Hydraulic Fracturing Regulatory Act

DEFICIENT NOTICE OF PUBLIC HEARINGS IN EFFINGHAM, DECATUR, AND CARBONDALE

This comment is in response to paragraph 4 of the Notice Of Public Hearing On Proposed Rule, published at 37 Illinois Register 19747 on December 6, 2013.

Comment:
DNR did not provide the required public notice for the public hearings in Effingham, Decatur, and Ina, because the notice for each of those hearings was not published in the Illinois Register at least 20 days before the hearing. Although the Illinois Administrative Procedure Act allows DNR to hold a public hearing, in response to a request for a hearing, less than 20 days after public notice in the Illinois Register if the notice of hearing is published in the notice of proposed rulemaking (5 ILCS 100/5-40), DNR has chosen by rule to require a minimum of 20 days' notice. DNR's adopted rule for scheduling public hearings states as follows:

"The Hearing Officer shall set a time and place for hearing and shall give notice as follows, at least 20 days prior to the date of the hearing;

a) to the proponent, by mail;
b) to members of the general public, by means of a general news release and notice in the Illinois Register." 2 Ill. Admin. Code 825.140.

The notice of the public hearings in Effingham, Decatur, and Carbondale was published in the Illinois Register on December 6, 2013. The Decatur hearing took place on December 17, 2013, and the Carbondale hearing took place on December 19, 2013. Each of those hearings was held on less than 20 days' notice. The Effingham hearing was cancelled and rescheduled to December 16, 2013, and took place on that date. Notice of that rescheduled hearing was NEVER published in the Illinois Register.

Thus, DNR's public hearings in Effingham, Decatur, and Carbondale were in violation of its own administrative rules. In those three areas, these violations deprived the citizens of a meaningful opportunity to be heard.

The remedy for these violations is either an additional hearing in Effingham, Decatur, and Carbondale, each with the required minimum 20 days' notice, or alternatively, a new First Notice.

Submitted by
Vito Mastrangelo, P.O. Box 1253, Mt. Vernon, IL 62864

#13872

12/21/13
Public Comment for
IDNR First Notice of Proposed Rules under the Hydraulic Fracturing Regulatory Act

DEFICIENT NOTICE OF PUBLIC HEARINGS IN CHICAGO & INA

This comment is in response to paragraph 12 of the Notice of Proposed Rule, published at 37 Illinois Register 18097 on November 15, 2013, at page 18099.

Comment:
DNR did not provide the required public notice for the public hearings in Chicago and Ina, because the notice for each of those hearings was not published in the Illinois Register at least 20 days before the hearing. Although the Illinois Administrative Procedure Act allows DNR to hold a public hearing, in response to a request for a hearing, less than 20 days after public notice in the Illinois Register if the notice of hearing is published in the notice of proposed rulemaking (5 ILCS 100/5-40), DNR has chosen by rule to require a minimum of 20 days' notice. DNR's adopted rule for scheduling public hearings states as follows:

"The Hearing Officer shall set a time and place for hearing and shall give notice as follows, at least 20 days prior to the date of the hearing;

a) to the proponent, by mail;
b) to members of the general public, by means of a general news release and notice in the Illinois Register." 2 Ill. Admin. Code 825.140.

The notice of the public hearings was published in the Illinois Register on November 15, 2013, while the Chicago hearing took place on November 26, 2013, and the Ina hearing took place on December 3, 2013. Each of those hearings was held on less than 20 days' notice.

Thus, DNR's public hearings in Chicago and Ina were in violation of its own administrative rules. In those two areas, these violations deprived the citizens of a meaningful opportunity to be heard.

The remedy for this violation is either an additional hearing in Chicago and an additional hearing in Ina, each with the required minimum 20 days' notice, or alternatively, a new First Notice.

Submitted by
Vito Mastrangelo
P.O. Box 1253
Mt. Vernon, IL 62864

12/21/13
Public Comment for
IDNR Notice Of Public Hearing On Proposed Amendment under the Oil and Gas Act

DEFICIENT NOTICE OF PUBLIC HEARINGS IN EFFINGHAM, DECATUR, AND CARBONDALE

This comment is in response to paragraph 4 of the Notice Of Public Hearing On Proposed Amendment, published at 37 Illinois Register 19746 on December 6, 2013.

Comment:
DNR did not provide the required public notice for the public hearings in Effingham, Decatur, and Ina, because the notice for each of those hearings was not published in the Illinois Register at least 20 days before the hearing. Although the Illinois Administrative Procedure Act allows DNR to hold a public hearing, in response to a request for a hearing, less than 20 days after public notice in the Illinois Register if the notice of hearing is published in the notice of proposed rulemaking (5 ILCS 100/5-40), DNR has chosen by rule to require a minimum of 20 days' notice. DNR's adopted rule for scheduling public hearings states as follows:

"The Hearing Officer shall set a time and place for hearing and shall give notice as follows, at least 20 days prior to the date of the hearing;

a) to the proponent, by mail;
b) to members of the general public, by means of a general news release and notice in the Illinois Register." 2 Ill. Admin. Code 825.140.

The notice of the public hearings in Effingham, Decatur, and Carbondale was published in the Illinois Register on December 6, 2013. The Decatur hearing took place on December 17, 2013, and the Carbondale hearing took place on December 19, 2013. Each of those hearings was held on less than 20 days' notice. The Effingham hearing was cancelled and rescheduled to December 16, 2013, and took place on that date. Notice of that rescheduled hearing was NEVER published in the Illinois Register.

Thus, DNR's public hearings in Effingham, Decatur, and Carbondale were in violation of its own administrative rules. In those three areas, these violations deprived the citizens of a meaningful opportunity to be heard.

The remedy for these violations is either an additional hearing in Effingham, Decatur, and Carbondale, each with the required minimum 20 days' notice, or alternatively, a new First Notice.

Submitted by
Vito Mastrangelo, P.O. Box 1253, Mt. Vernon, IL 62864

13874

12/21/13
Public Comment for
IDNR First Notice of Proposed Amendments under the Oil and Gas Act

DEFICIENT NOTICE OF PUBLIC HEARINGS IN CHICAGO & INA

This comment is in response to paragraph 12 of the Notice of Proposed Amendment, published at 37 Illinois Register 18081 on November 15, 2013, at pages 18081-82.

Comment:
DNR did not provide the required public notice for the public hearings in Chicago and Ina, because the notice for each of those hearings was not published in the Illinois Register at least 20 days before the hearing. Although the Illinois Administrative Procedure Act allows DNR to hold a public hearing, in response to a request for a hearing, less than 20 days after public notice in the Illinois Register if the notice of hearing is published in the notice of proposed rulemaking (5 ILCS 100/5-40), DNR has chosen by rule to require a minimum of 20 days' notice. DNR's adopted rule for scheduling public hearings states as follows:

"The Hearing Officer shall set a time and place for hearing and shall give notice as follows, at least 20 days prior to the date of the hearing;

a) to the proponent, by mail;
b) to members of the general public, by means of a general news release and notice in the Illinois Register." 2 Ill. Admin. Code 825.140.

The notice of the public hearings was published in the Illinois Register on November 15, 2013, while the Chicago hearing took place on November 26, 2013, and the Ina hearing took place on December 3, 2013. Each of those hearings was held on less than 20 days' notice.

Thus, DNR's public hearings in Chicago and Ina were in violation of its own administrative rules. In those two areas, these violations deprived the citizens of a meaningful opportunity to be heard.

The remedy for this violation is either an additional hearing in Chicago and an additional hearing in Ina, each with the required minimum 20 days' notice, or alternatively, a new First Notice.

Submitted by
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013975

12/22/13
Public Comment for
IDNR Notice Of Public Hearing On Proposed Amendment under the Oil and Gas Act

VIOLATION OF ILLINOIS ADMINISTRATIVE PROCEDURE ACT AT PUBLIC HEARING IN INA--REGARDING THE AVAILABILITY OF AGENCY REPRESENTATIVES TO ANSWER QUESTIONS FROM THE PUBLIC

This comment concerns the public hearings held pursuant to paragraph 12 of the Notice of Public Hearing on Proposed Amendment, published at 37 Illinois Register 18081 on November 15, 2013, at pages 18081-82.

Comment:

Section 5-40 of the Illinois Administrative Procedure Act provides as follows:

"At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency's proposal and the rulemaking process." 5 ILCS 100/5-40.

I attended the public hearing in Ina (11/15/13). At that hearing, DNR representatives were present on the panel, along with the hearing officer. However, the hearing officer made various statements that informed the citizens in attendance that the panel members would NOT answer questions. For example, the hearing officer stated that the DNR representatives were there to "listen", that they would not respond to any comments, and that it was not a question-and-answer session.

Thus, because the agency officials were not available to answer general questions regarding the proposal and the rulemaking process, these public hearings were held in violation of the Illinois Administrative Procedure Act.

The remedy for these violations is either an additional hearing in Ina or, alternatively, a new First Notice with the opportunity for new public hearings and a new public comment period.

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#13876

12/22/13
Public Comment for
IDNR Notice Of Public Hearing On Proposed Amendment under the Oil and Gas Act

VIOLATION OF ILLINOIS ADMINISTRATIVE PROCEDURE ACT AT PUBLIC HEARINGS IN EFFINGHAM AND CARBONDALE--REGARDING THE AVAILABILITY OF AGENCY REPRESENTATIVES TO ANSWER QUESTIONS FROM THE PUBLIC

This comment concerns the public hearings held pursuant to paragraph 4 of the Notice Of Public Hearing On Proposed Amendment, published at 37 Illinois Register 19746 on December 6, 2013.

Comment:

Section 5-40 of the Illinois Administrative Procedure Act provides as follows:

"At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency's proposal and the rulemaking process." 5 ILCS 100/5-40.

I attended the public hearings in Effingham (12/16/13) and Carbondale (12/19/13). At each of those hearings, DNR representatives were present on the panel, along with the hearing officer. However, at each of the hearings, the hearing officer made various statements that informed the citizens in attendance that the panel members would NOT answer questions. For example, the hearing officer stated that the DNR representatives were there to "listen", that they would not respond to any comments, and that it was not a "question-and-answer session".

Thus, because the agency officials were not available to answer general questions regarding the proposal and the rulemaking process, these public hearings were held in violation of the Illinois Administrative Procedure Act.

The remedy for these violations is either additional hearings in Effingham and Carbondale or, alternatively, a new First Notice with the opportunity for new public hearings and a new public comment period.

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#13877

12/22/13
Public Comment for
IDNR Notice Of Public Hearing On Proposed Rules under the Hydraulic Fracturing Regulatory Act

VIOLATION OF ILLINOIS ADMINISTRATIVE PROCEDURE ACT AT PUBLIC HEARING IN INA--REGARDING THE AVAILABILITY OF AGENCY REPRESENTATIVES TO ANSWER QUESTIONS FROM THE PUBLIC

This comment concerns the public hearing held pursuant to paragraph 12 of the Notice of Public Hearing on Proposed Rule, published at 37 Illinois Register 18097 on November 15, 2013, at page 18099.

Comment:

Section 5-40 of the Illinois Administrative Procedure Act provides as follows:

"At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency's proposal and the rulemaking process." 5 ILCS 100/5-40.

I attended the public hearing in Ina (11/15/13). At that hearing, DNR representatives were present on the panel, along with the hearing officer. However, the hearing officer made various statements that informed the citizens in attendance that the panel members would NOT answer questions. For example, the hearing officer stated that the DNR representatives were there to "listen", that they would not respond to any comments, and that it was not a question-and-answer session.

Thus, because the agency officials were not available to answer general questions regarding the proposal and the rulemaking process, these public hearings were held in violation of the Illinois Administrative Procedure Act.

The remedy for these violations is either an additional hearing in Ina or, alternatively, a new First Notice with the opportunity for new public hearings and a new public comment period.

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013873

12/22/13
Public Comment for
IDNR Notice Of Public Hearing On Proposed Rules under the Hydraulic Fracturing Regulatory Act

VIOLATION OF ILLINOIS ADMINISTRATIVE PROCEDURE ACT AT PUBLIC HEARINGS IN EFFINGHAM AND CARBONDALE--REGARDING THE AVAILABILITY OF AGENCY REPRESENTATIVES TO ANSWER QUESTIONS FROM THE PUBLIC

This comment concerns the public hearings held pursuant to paragraph 4 of the Notice Of Public Hearing On Proposed Rule, published at 37 Illinois Register 19747 on December 6, 2013.

Comment:

Section 5-40 of the Illinois Administrative Procedure Act provides as follows:

"At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency's proposal and the rulemaking process." 5 ILCS 100/5-40.

I attended the public hearings in Effingham (12/16/13) and Carbondale (12/19/13). At each of those hearings, DNR representatives were present on the panel, along with the hearing officer. However, at each of the hearings, the hearing officer made various statements that informed the citizens in attendance that the panel members would NOT answer questions. For example, the hearing officer stated that the DNR representatives were there to "listen", that they would not respond to any comments, and that it was not a "question-and-answer session".

Thus, because the agency officials were not available to answer general questions regarding the proposal and the rulemaking process, these public hearings were held in violation of the Illinois Administrative Procedure Act.

The remedy for these violations is either additional hearings in Effingham and Carbondale or, alternatively, a new First Notice with the opportunity for new public hearings and a new public comment period.

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013873

12/31/13
Public Comment for IDNR's First Notice of Proposed Rules Under the Hydraulic Fracturing Act

AMBIGUITIES AND INCONSISTENCY WITH HFRA

Background:
This draft rule is proposed under the Hydraullic Fracturing Regulatory Act (225 ILCS 732) and would be codified as 62 Ill. Adm. Code 245, under Subpart A: General Provisions.

This Rule does not fix the legislature's ambiguous definitions of fracking operations, and also, it includes DNR"s attempt to limit the application of the Hydraulic Fracturing Regulatory Act (HFRA) in a way inconsistent with the HFRA.

Comment 1

In subsections (a) and (b), DNR creates a new name for fracking operations described in section 1-98 of the HFRA--"Medium Volume Horizontal Hydraulic Fracturing Operations" (medium-volume HHFO), which DNR purports to regulate in Subpart L. Subpart L consists of only one section, with only one requirement--a completion report. In other words, this scheme creates a separate category of operations that are not subject to the regulations applicable to "high-volume" HHFO. There is an ambiguity in the HFRA that is not corrected here. In subsection (a) here, for "high-volume" HHFO, the definition is 8,000 gallons per stage OR more than 300,000 gallons total; this is the definition that the legislature set out in the HFRA for high-volume HHFO. (225 ILCS 732/1-5.) But the definition of what DNR calls "medium-volume" HHFO is 8,000 gallons AND less than 300,001 gallons; this is what the legislature set out in the HFRA for "hydraulic fracturing operations". But under these definitions an operation that is "medium-volume" could also be "high-volume", and vice versa.

Comment 2

Subsections (a) and (b) attempt to change the applicability of the fracking regulatory statute to operations after June 17, 2013, the date the Governor signed the bill. But the definition of high-volume HHFO in the statute has no such limitation, and the statute's application explicitly reaches back in time to operations that occurred before June 17, 2013. (225 ILCS 732/1-20.) Even a horizontal well without fracking needs a permit under the Hydraulic Fracturing Regulatory Act (HFRA) if fracking is planned at the well. (225 ILCS 732/1-30.) Thus, the insertion of the phrase "since June 17, 2013" in subsections (1) and (2) is inconsistent with the HFRA.

Comment 3

Subsection (c) of this Rule states,

12/31/13
Public Comment for IDNR's First Notice of Proposed Rules Under the Hydraulic Fracturing Regulaory Act

RADIOACTIVITY IN FRACKING OPERATIONS: MORE LOOPHOLES

Summary:
Subsection (d)(1) of Section 245.850 provides for testing of fracking fluids only one time--during the early flowback stage--and only for "naturally occurring radioactive materials". Incredibly, the proposed rules do not include any standards or protocols to follow if testing of flowback does show unacceptable levels of radioactivity. The proposed rules do not require the testing of "produced water", nor do they require testing for added radioactive materials, like depleted uranium, which can be used in the perforation/fracturing operation. These deficiencies, cumulatively or singly, would pose a significant risk to the public health and safety, property, aquatic life, and wildlife, in violation of section 1-75(a)(2) of the Hydraulic Fracturing Regulatory Act.

Section 245.850 Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal or Recycling, Transportation and Reporting

Comment 1:

Notably absent from these proposed rules is a requirement for the testing of "produced water", the fluid that returns from the well during the later stage of production (after flowback). Under the proposed rules, "produced water" can be stored on site and/or can be "recycled", yet there is no testing requirement.

Naturally occurring radioactive material (NORM) is found in "produced water" also. See *Technologically enhanced naturally occurring radioactive materials in the oil industry (TENORM)*, Nukleonika 2009;54(1):3−9, and sources cited therein, especially for TENORM in produced water in the U.S., available at http://www.nukleonika.pl/www/back/full/vol54_2009/v54n1p003f.pdf. See also

NORM is also found on scale in oil pipes and on fracking equipment. See Kentucky Resources Council Proposes Comprehensive Plan For Investigating Radiological Contamination In Martha Oil Field (August 11, 2005), http://www.kyrc.org/webnewspro/112381723236086.shtml.

Although "produced water" is distinguishable enough from flowback that it is treated as a separate type of fluid by the legislature and DNR, and discharge onto the ground or into surface water or water drainage way is prohibited, produced water is not tested for radioactivity. This despite the fact that this fluid will be in contact with the naturally occurring radioactive elements in the ground for a longer period that the flowback. Why should workers on the site risk their health? Why should transporters be in the dark about the radioactivity levels of produced water? How can DNR ignore the risk of storing in tanks, "recycling", and/or transporting radioactive material?

12/31/13
Public Comments for IDNR's First Notice of Proposed Rules Under the Oil and Gas Act

PUBLIC COMMENTS FOR PART 240, SECTION 240.796, SEISMICITY

Background:
This draft rule is proposed under the Oil & Gas Act (225 ILCS 925/)
and would be codified as 62 Ill. Adm. Code 240, under Subpart G: Well Construction, Operating and Reporting Requirements for Class II UIC Wells.

This rule sets out regulations concerning earthquakes caused by injection wells.

Comment 1 - First Notice, Paragraph 6:

In this paragraph, DNR's First Notice replies to this question, "Published studies or reports, and sources of underlying data, used to compose this rulemaking", with this answer: "None." Just what did DNR base this rule on? Did DNR base this proposed rule on any new information published after the legislature introduced the bill (May 15, 2013)? DNR has a duty to consider recent data on the issue of induced seismicity.

For example, see:

"Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States", Nicholas J. van der Elst et al., DOI: 10.1126/science.1238948, Science 341, 164 (2013).

"Why America's Heartland is Earthquake Country", United States Geological Service, September 30. 2013,
http://www.usgs.gov/newsroom/article.asp?ID=3706&from=rss#.UohRF40hRL8 (last visited November 16, 2013)

Comment 2 - Proposed Rules, Section 240.796

In subsection (a), "Applicabiity", DNR proposes that this rule apply ONLY to Class II UIC injection wells, not to any other. DNR has not proposed any rules for fracking wells. This is insufficient protection of the population in southern Illinois where citizens are at risk of a major earthquake. Southern Illinois sits above two active seismic zones: the New Madrid and the Wabash Valley.

There are two distinct earthquake risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are NO rules establishing guidelines for stopping fracking wells in the event of earthquakes, and NO considerations for siting any wells specifically in active seismic zones. That omission is a reckless disregard for the safety of Southern Illinois

12/31/13
Public Comments for IDNR's First Notice of Proposed Rules Under the Oil and Gas Act

TWO DISTINCT EARTHQUAKE RISKS

Comment: In subsection (a), "Applicability", DNR proposes that this rule apply ONLY to Class II injection wells, not to any other. DNR has not proposed any rules for fracking wells. This is insufficient protection of the population in southern Illinois where citizens are at risk of a major earthquake. Southern Illinois sits above two active seismic zones: the New Madrid and the Wabash Valley.

There are two distinct earthquake risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are NO rules establishing guidelines for stopping fracking wells in the event of earthquakes, and NO considerations for siting any wells specifically in active seismic zones. That omission is a reckless disregard for the safety of Southern Illinois residents, their property, and the ecology of the region.

Furthermore, in light of recent studies (see below), the risk of earthquakes can extend far beyond local areas. See:

http://www.earth.columbia.edu/articles/view/3072 : A new study is the latest to tie a string of unusual earthquakes, in this case, in central Oklahoma, to the injection of wastewater deep underground. Researchers now say that the magnitude 5.7 earthquake near Prague, Okla., on Nov. 6, 2011, may also be the largest ever linked to wastewater injection. Felt as far away as Milwaukee, more than 800 miles away, the quake—the biggest ever recorded in Oklahoma--destroyed 14 homes, buckled a federal highway and left two people injured.
http://geology.gsapubs.org/content/early/2013/03/26/G34045.1
http://www.usgs.gov/newsroom/article.asp?ID=3706&from=rss#.UohRF40hRL8 "Why America's Heartland is Earthquake Country", United States Geological Service, September 30. 2013
"Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States", Nicholas J. van der Elst et al., DOI: 10.1126/science.1238948, Science 341, 164 (2013).

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013883

12/31/13
Public Comment for IDNR's First Notice of Proposed Rules Under the Hydraulic Fracturing Act

COMMENT: WATER QUALITY MONITORING ALONG THE LENGTH OF HORIZONTAL WELL BORES

Section 245.600 Water Quality Monitoring

Section 245.600(b)(1) of the proposed rules provides for the testing and monitoring of water sources within 1,500 feet of the well site. Among the many problems with the monitoring provisions, the proposed rules do not provide for testing along the horizontal leg of the well bore, which can extend for up to two miles from the well site. This is a reckless disregard of the known risk of the underground migration of toxic fluids from a horizontal well bore, especially when hydraulic fracturing involves the use of explosive charges and especially in areas known for the risk of higher-magnitude earthquakes.

In a report issued on September 5, 2012, the U.S. Government Accountability Office acknowledged this risk:

"Oil and gas development, whether conventional or shale oil and gas, pose inherent environmental and public health risks, but the extent of these risks associated with shale oil and gas development is unknown, in part, because the studies GAO reviewed do not generally take into account the potential long-term, cumulative effects."

--*Information on Shale Resources, Development, & Environmental and Public Health Risks*, U.S. Govt Accountability Office, GAO-12-732 (2012), "What GAO Found".

The agency mentioned specifically the risk of underground migration of toxic gases and chemicals:

"[A] number of studies and publications GAO reviewed indicate that shale oil and gas development poses risks to water quality from contamination of surface water and groundwater as a result of erosion from ground disturbances, spills and releases of chemicals and other fluids, or underground migration of gases and chemicals." (Emphasis added.)

Water testing and monitoring should be required all along the length of any horizontal well bores.

(The Government Accountability Office is an independent, nonpartisan agency that works for Congress.)

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#13934

12/31/13
Public Comment for IDNR's First Notice of Proposed Rules Under the Hydraulic Fracturing Act

DNR'S RULES SHOULD INCLUDE A PROVISION THAT WOULD AUTHORIZE THE RECOVERY OF ATTORNEY FEES FOR THOSE WHO SUCCESSFULLY CHALLENGE A PERMIT APPLICATION

The Statutes:
Section 1-102(c) of the Hydraulic Fracturing Regulatory Act (225 ILCS 752/1-102(c)) allows a circuit court to award attorney fees where a person successfully sues to enforce compliance with the Act:

"(c) The court, in issuing any final order in any action brought under this Section, may award costs of litigation (including attorney and expert witness fees) to any party, on the basis of the importance of the proceeding and the participation of the parties to the efficient and effective enforcement of this Act."

Also, section 10-55(c) of the Illinois Administrative Procedure Act (5 ILCS 100/10-55 (c)) allows a circuit court to award attorney fees to a party who successfully challenges a DNR rule in court:

"(c) In any case in which a party has any administrative rule invalidated by a court for any reason, including but not limited to the agency's exceeding its statutory authority or the agency's failure to follow statutory procedures in the adoption of the rule, the court shall award the party bringing the action the reasonable expenses of the litigation, including reasonable attorney's fees."

The Rules:
But DNR's proposed rules do not allow for an award of attorney fees for an interested person who hires an attorney and successfully challenges a permit application. Given the typical situation--a vast disparity in financial resources between the typical industry applicant, on the one hand, and an adversely affected individual landowner or other interested person on the other, the ability to hire and pay for an attorney will be essential to ensuring a fair hearing on a contested permit application.

Needed Revision:
Section 245.310 should be revised to include a provision for the reimbursement of attorney fees to a person who successfully challenges a permit application.

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McGUIREWOODS

JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

January 3, 2014

BY ELECTRONIC MAIL AND HAND DELIVERY

Mr. Robert G. Mool
Office of Legal Counsel, Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Re: Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act (62 Ill Adm Code 245: 37 Ill Reg 18097)

To Whom It May Concern:

Halliburton Energy Services, Inc. ("HESI") appreciates the opportunity to comment on the proposed rule as drafted by the Illinois Department of Natural Resources. HESI generally supports the proposed hydraulic fracturing disclosure regulations found in the statute and the proposed rule. Nevertheless, HESI asks the Department to amend certain provisions of the proposed rule relating to trade secret protections that are vital to HESI's operations.

HESI is a leading provider of services to the energy industry and is the global leader with respect to hydraulic fracturing services. Over the past 60 years, HESI has performed hydraulic fracturing services on hundreds of thousands of wells in a wide variety of geographic settings and formations. Hydraulic fracturing services are a core component of HESI's oil and gas field services. As a result, HESI is interested in assuring that hydraulic fracturing operations are performed in the most environmentally responsible and effective manner. However, a couple sections of the proposed rule should be amended to remain consistent with the Hydraulic Fracturing Regulatory Act as passed by the Illinois General Assembly.

The proposed rule creates a new undefined term "Contractor" and rewrites the statute as it relates to the "Contractor"

Section 1-77 (a) of the Hydraulic Fracturing Regulatory Act establishes provisions requiring a "permittee" or "applicant, or person who will perform the high volume horizontal hydraulic fracturing operations at the well" to submit chemical disclosures

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within 21 days prior to performing the hydraulic fracturing operations. In fact, the statute employs the phrase "permittee, applicant, or person who will perform the high volume horizontal hydraulic fracturing operations at the well" throughout this section of the law.

At the same time, certain provisions of Section 1-77 apply only to "the person performing high volume hydraulic fracturing operations." In particular, Section 1-77(a) provides that the person performing high volume hydraulic fracturing operations may adjust or alter the contents of the fluid during the treatment process to respond to unexpected conditions, provided that notice is given to the Department. In addition, Section 1-77(c) sets forth reporting and other requirements that apply only to persons performing high volume hydraulic fracturing operations.

Section 245.700 and Section 245.710 of the proposed rule addresses these requirements by bifurcating or creating separate sections for the "permittee" and a new category of "contractor." "Contractor" is neither defined by this proposed rule nor the statute. The Department's decision to create separate sections addressing the rights and responsibilities of a permittee and contractor reflects the fact that permittees can perform hydraulic fracturing operations themselves (rather than hiring a service company) but the way the Department has gone about it results in two key issues.

First, as drafted Section 245.700 does not make clear that the obligations in that section apply to a permittee only to the extent that it is also the "person performing high volume hydraulic fracturing operations." Under the statute, a permittee that uses a contractor to perform hydraulic fracturing operations (as is typically the case) has no obligation to provide the Department with master lists of chemicals to be used. Under those circumstances, the permittee would not be able to provide complete lists of chemicals because it would not have access to its contractor's trade secret information and the Legislature took great care in structuring the Act to ensure that contractors were not required to provide permittees with proprietary information.

Second, under proposed Section 245.710 a contractor no longer has the right "to alter or adjust the contents of the fluid." Such right exists under the statute if the permittee or the person who will perform the high volume horizontal hydraulic fracturing operations at the well gives the Department notice of the change by email within 24 hours of the change. Under the proposed rule, only the permittee retains this right. Not only is this deviation from the statute beyond the scope of the Department's delegated authority, but is directly contrary to the law passed by the General Assembly.

This section of the proposed rule is not only legally invalid as it has usurped the authority of the legislature by rewriting the statute, it is also impractical. Where a permittee uses a contractor to perform hydraulic fracturing operations, the permittee would not be in possession of the chemical information required to comply with this section as it relates to trade secret information. The legislature contemplated this practicality and therefore allowed the person performing the hydraulic fracturing operations (which could be either the permittee or a "contractor") to change the contents of the fluid upon proper notification to the Department. Without a change to this section consistent with the law,

the rule will most likely be held invalid and also unworkable as many fluid adjustments will require a 21 day delay.

Accordingly, Section 745.700 (a) should be amended to clarify that it only applies if the "permittee" is performing the hydraulic fracturing treatment:

> If the chemical disclosure information required by Section 245.210 (a)(8) is not submitted at the time of the permit application, and the permittee is the entity performing the high volume horizontal fracturing operations, then the permittee shall submit this information to the Department in electronic format no less than 21 calendar days before performing the high volume horizontal hydraulic fracturing operations.

In addition, Section 245.710 should be amended to clarify that the "contractor" can alter or adjust the contents of the fluid under certain conditions if it provides the Department notice of the change by email within 24 hours of the change by adding:

> Section 245.710(d) Nothing in this Section shall prohibit the contractor performing the high volume horizontal hydraulic fracturing operations on behalf of the permittee from adjusting or altering the contents of the fluid during the treatment process to respond to unexpected conditions, as long as the contractor performing the high volume horizontal hydraulic fracturing operations on behalf of the permitee notifies the Department by electronic mail within 24 hours of the departure from the initial treatment design and includes a brief explanation detailing the reason for the departure.

The proposed rule creates disclosure requirements and imposes penalties on trade secret holders that are unsupported by the statute

Under Section 1-77 (f) of the statute, an "applicant, permittee or the person or entity performing the high volume horizontal hydraulic fracturing operations" is required to submit to the Department two separate chemical disclosures, one "redacted" version which blocks trade secret information and another "un-redacted" version which does not block trade secret information. At all times, the Department is to protect the trade secret information except in the instance of a spill, Section 1-77 (m), or in the treatment of a patient, Section 1-77 (l).

Section 1-77 (l) of the Hydraulic Fracturing Regulatory Act allows the Department to disclose certain trade secret information to health care professionals under certain circumstances. Namely, it allows for the "*provision of information furnished under a trade secret* (emphasis added) to a health professional that states a need for the information and articulates why the information is needed." Section (l) further specifies the terms and conditions of the use of the trade secret information.

The Section 745.730 of the proposed rule, however, has created a complex four-tiered process for health professionals to obtain this information from both the Department and "trade secret holders." The first two methods are "in an emergency health care situation," the second two methods are "in a non-emergency health care situation."

Under neither scenario did the statute provide for a specified period of time to respond nor for penalties in the event that the response was delayed. Instead, the statute granted rulemaking authority consistent with Section 1-77(l) of the statute. The rulemaking authority was specific; to create rules regarding how the "information furnished under a trade secret..." is to be provided to medical professionals and how the information is to be used and protected.

The General Assembly provided that the trade secret information must be provided in two forms; "redacted" and "un-redacted," to allow the Department the ability to respond to health care situations and potential spills. Otherwise, the trade secret information could remain in the possession of the trade secret holder, rather than the State. Instead, the General Assembly prescribed the "redacted" model to allow the Department to directly respond to these healthcare situations.

Under the proposed rule, in an emergency, the health professional can retrieve this information by and through a request to the Department. The Department is under no time constraints as to its response to the emergency. Second, a health professional can retrieve this information by and through a request to the trade secret holder which has a two-hour time constraint to respond.

In a non-emergency, the health professional can retrieve this information by and through a request to the Department. The Department has two business days to respond. Second, a health professional can retrieve this information by and through a request to the trade secret holder which must respond within the same business day.

Ironically, the non-emergency response time could be shorter than the response time required in an emergency; for example, if a trade secret holder received a request at 4:59 p.m., it could essentially be required to respond instantaneously in a situation where there is no emergency. In addition, it is not clear why a non-emergency situation would even require a time constraint for trade secret holders when the information is available from the Department and it is not an emergency situation; i.e. time is not of the essence.

As a practical matter, Halliburton remains committed to responding to both potential spills and health care situations on a 24 hour a day/seven day a week basis. However, a trade secret holder should not be subjected to unwarranted time constraints and penalties when the information required is in the possession of the Department, is not prescribed by statute, and open to potential abuses. At a minimum, the time constraints as applied to the trade secret holder and or the Department should be consistent; "as quickly as possible" in an emergency and "within 2 business days" in a non-emergency.

Therefore, Section 245.730(b)(2) should be amended as follows:

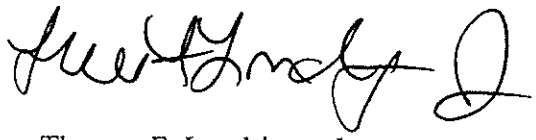
> "call the trade secret holder at any time (24 hours/7 days a week) and submit a completed request for information to the trade secret holder directly by fax or email. The trade secret holder shall respond to the health professional as ~~soon~~ quickly as possible~~, but in case more than 3 hours,~~ by fax or other methods determined by the trade secret holder to be a secure means of disclosure."

Section 245.730(c)(2) should be amended as follows:

> "call the trade secret holder at any time (24 hours/7 days a week) and submit a completed request for information to the trade secret holder directly by fax or email. The trade secret holder shall respond to the health professional ~~within the same business day~~ 2 business days by fax or other methods determined by the trade secret holder to be a secure means of disclosure."

For these reasons, HESI respectfully requests the Department to amend its proposed rule as outlined above. HESI appreciates the opportunity to submit these comments and would welcome the opportunity to discuss its comments and the proposed rule with the Department and its staff.

Sincerely,



Thomas F. Londrigan, Jr.
Counsel for Halliburton Energy Services, Inc.

cc: Stuart Kemp
Stephen Flaherty

013890

JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Comment to be submitted to the IDNR, 12/19/2013

Happy Holidays! And I would like to start by asking the IDNR to extend the comment period, scheduled to end January 3, 2014, into February 2014, to give citizens adequate time to fully evaluate and respond to the issues raised by these rules, and spend the holidays with our families and friends rather than studying and writing.

My name is Jan Thomas and I am from Murphysboro where my husband and I are the proprietors of the Douglass School Art Place. We rent studios to artists, provide a public access venue for art exhibitions and performances, and have our own art glassblowing studio. "The Doug" is housed in Murphysboro's historic segregated elementary school, the Frederick Douglass School, which was the educational home for hundreds of students from 1897-1966. In the twenty years we have stewarded the school, dozens of alumnae have returned and reunioned, telling countless stories of what the school meant to them in their lives. We are in process of applying for Historic Preservation Status for the school. But let's face it, the Doug is a huge pile of bricks, critically vulnerable to earthquakes. Our concern is that fracking, and specifically, waste injection wells, will induce the big earthquake that has been lurking in the New Madrid earthquake fault for two hundred years, and reduce our beloved art place to a pile of rubble.

According to the U S Geological Survey, "The strongest earthquakes recorded in the continental US....were centered in eastern Missouri near the border with Kentucky and Tennessee. In the winter of 1811-1812, a series of three earthquakes of magnitudes 8.4 to 8.7 and maximum intensities of XI occurred near New Madrid, Missouri. These shocks were so strong that observers reported that the land distorted into visible rolling waves. They changed the course of the Mississippi River; they made church bells ring in Boston and Washington, D.C. Because the surrounding area was mostly undeveloped at the time, few deaths were reported and these events stirred relatively little attention then." Today is a different story; thousands of people live and work here and the potential for loss of life and property has exponentially grown. And we also now know that another major earthquake fault, the Wabash, lies a short distance to our east.

The IDNR rules, as proposed, make very little allowance for this critical issue. The "traffic light control system" allows for up to four fracking induced earthquakes of up to magnitude 4.9 before an injection well must be shut down, even near these serious fault lines. 4.9 doesn't seem like much, although it can cause property damage and injuries, but truly nobody knows what IS the likelihood of more serious quakes near these known serious fault lines. Especially as there are no rules for allowable injection pressures and volumes of waste water. That there is a correlation between these values and the quantity and strengths of induced quakes has been known since the 1960's when the first induced quakes were confirmed near Denver, Colorado; they resulted from a deep injection well drilled by the US Army at the Rocky Mountain Arsenal for injection of waste chemicals. That well was closed in 1967, but anomalous earthquakes continued for several years. What have we learned in this intervening half century?

According to the U.S Geological Survey (USGS), the problem is escalating, with more than 300 earthquakes above a magnitude 3.0 occurred from 2010-2012 in the midwest and east, compared with a

much lower national average rate of 21 earthquakes per year observed from 1967-2000, before high volume horizontal fracking appeared on the stage, a five-fold increase.

There is also no requirement in the proposed rules for adequate seismic monitoring near each proposed well, which the USGS says is necessary to truly ascertain whether and to what extent the injection well is responsible for any induced quakes. And there is no requirement for well operators to maintain insurance to potentially compensate property owners for damages and injuries caused by induced earthquakes. We don't even allow people to drive a CAR without adequate insurance.

Stanford University geophysicist Mark Zoback is a proponent of fracking who nevertheless acknowledges the dangers of induced seismicity, and recommends these minimum precautions:

1. Avoid injection into active faults and brittle rock. I think this includes a requirement for the IDNR to consult with the Illinois State Geological Survey, which was mandated by the regulatory law passed last spring by the Illinois General Assembly, but apparently was not done. How else are danger areas to be identified?
2. Select formations for injection where pore rock pressure will not be changed by injection, and limit injection rates and volume.
3. Require seismic monitoring arrays to be installed where injection is being practiced.
4. Establish protocols in advance to define how operations will be modified or curtailed if seismicity is triggered, including clear requirements for reducing injection rates, or stopping injection altogether, if seismicity is being triggered.

To which I would add:

5. Establish some significant fines for violations which lead to seismic events. As it stands now, these multi-billion dollar companies will be fined the cost of a take-out meal and a movie for violations which could cost southern Illinoisans their lives and livelihoods. How can we think that they will take that seriously?
6. Require insurance/bonding adequate to cover earthquake damages to individuals, businesses and public institutions.

Thank you in advance for the work you will be doing to fix these problems.

Jan Thomas
900 Douglass St.
Murphysboro, IL 62966

Jan@artapult.com

Radioactivity and Hydraulic Fracturing

Sabrina Hardenbergh
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JAN 8 2014
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The Illinois Hydraulic Fracturing Act, 098-0022, and the IDNR proposed Administrative Rules are not adequate to protect Illinois citizens from the radioactivity associated with shale and the handling of hydraulic fracturing waste water and other debris. Already the state of Illinois has suggested that residents test their homes for radon with the existing oil and coal industry and its impact on the geology, and we do not need release of more of this with fracking, as it puts people at risk for cancer.

Radium 226 has been found to be highly concentrated in fracking waste water in other regions in the country where this industry is already operating. The half-life of Ra-226 is 1600 years, so this radioactivity hangs around for a long time, endangering our life. Moreover, besides Ra-266, uranium, Ra-288, bismuth-214, lead 214, actinium-228, thallium-208 and radon gas (mentioned above) end up in the shale debris, flowback water, and produced water. This exposes surface water, air, land and residents, plus wildlife and domestic animals and plants to this radioactivity. With this process the frack wells become MORE

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to pay for this themselves. We do already have the OSHA regulations though, and the 420 ILCS 20 IL Low Level Radioactive Waste Management Act that should be specified in the Rules, and followed. The IL EPA and IDPH must monitor the radiation and cancer rates in the fracking regions, and all down-wind, and watershed areas.

In Public Act 098-0022, sections 1-75 and 1-82, the fracking operations must be conducted so as to protect public health and the environment. Therefore, IDNR's Rules must specify:

Sect. 245.850: Before plugging + site restoration, the ground adjacent to tanks and flowback pits will be tested for radioactivity. Specify standards, level for emergency procedures, reporting to IEMA, worker protections, disposal methods, use of wells, proper transport, reporting to landowners, town, county, EPA, IDPH, CSC. Include 420 ILCS 20 spec.

Section 245.940 – ?

Section 245.1200 – ?

Require monitoring of all fracking debris, flowback water, produced water for radioactivity throughout the whole drilling, production, + shut down phases.

If positive for radioactivity, a series of mitigation →

G

Dept. of Natural Resources
Office of Land Resources

IDNR
One Natural Way
Springfield IL 62906

12/27/2013

RE: Section 240.796 Seismicity

In subsection (a), "Applicability" IDNR proposes that this rule apply to ONLY Class II injection wells and not to any others. IDNR has not proposed any rules for fracking wells. This is insufficient protection of the population of Southern Illinois where citizens are at risk of a major earthquake, as Southern Illinois is situated ~~atop~~ atop 2 active seismic zones: The New Madrid and the Wabash Valley.

There are 2 distinct earthquake ~~risks~~ risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are NO rules establishing guidelines for stopping fracking wells in the event of earthquakes, and NO considerations for siting any wells specifically in active seismic zones. That omission is a reckless disregard for the safety of Southern Illinois residents, their property, and the ecology of the region.

Furthermore, in light of recent

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F

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12/27/2013

IDNR
ONE NATURAL WAY
SPRINGFIELD IL 62906

RE: LACK OF DATA SOURCES USED TO COMPOSE THESE PROPOSED RULES

ON PAGE 3, PARAGRAPH 6 OF THE PROPOSED HYDRAULIC FRACTURING REGULATORY ACT ADMISTRATIVE RULES, STATES, "PUBLISHED STUDIES OR REPORTS, AND SOURCES OF UNDERLYING DATA, USED TO COMPOSE THIS RULEMAKING" **NONE.**

THERE IS SIGNIFICANT NEED FOR FURTHER STUDY OF HORIZONTAL HYDRAULIC FRACTURING TECHNOLOGY PRIOR TO ITS USE IN THE STATE OF ILLINOIS. IF THE TECHNOLOGY WERE AS SAFE AS THE INDUSTRY CLAIMS, WHY ARE THERE RECURRENT ACCIDENTS AND VIOLATIONS IN STATES WHERE FRACKING IS ALREADY OCCURRING?

ONE AVAILABLE RESOURCE WOULD BE THE 24 PAGES OF REFERENCES CITED IN THE DEC 2012 EPA'S STUDY OF THE POTENTIAL IMPACTS OF HYDRAULIC FRACTURING ON DRINKING WATER RESOURCES. (HTTP://WWW.EPA.GOV/HFSTUDY)

FURTHERMORE, THE IMPLEMENTATION OF THE HYDRAULIC FRACTURING REGULATORY ACT SHOULD BE POSTPONED UNTIL FURTHER, COMPREHENSIVE, LONGITUDINAL RESEARCH IS CONDUCTED

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Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12/27/20

IDNR
ONE NATURAL WAY
SPRINGFIELD IL 62906

RE: SECTION 245.210

COMMENT: CHEMICAL DISCLOSURE REPORT: UN
STANDARDS FOR THE EXERCISE OF DISC
BY IDNR

SECTION ~~245.210~~ 245.210 STATES THAT t
EVERY APPLICANT FOR A PERMIT UNDER THIS
MUST SUBMIT CERTAIN INFORMATION, INCL
A CHEMICAL DISCLOSURE REPORT IDENTIFYING
CHEMICAL AND PROPPANT ANTICIPATED TO BE
HYDRAULIC FRACTURING FLUID FOR EACH STATE
HIGH VOLUME HORIZONTAL FRACTURING OPERATI

HOWEVER, SECTION 245.210 (a)(8) allows an appl
to postpone submission OF A CHEMICAL DISCLOSURE
IF IT "... documents to the Dept's satisfaction" u
information is not available at the time the applicat
is submitted [...]" The criteria for documenting
Dept's satisfaction is subjective, vague, and
ambiguous. The Dept should revise the propos
rule to provide objective standards for t
exercise of discretion by the Dept under
Section 245.210 (a)(8).

MARY SWANSON
CARTERVILLE IL

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

IDNR
1 NATURAL WAY
SPRINGFIELD, IL 62906

12/27/20

Re: Subpart A: General Provisions
NO SECTION, AS ISSUE IS NOT ADDRESSED IN REGS. REG
POTENTIAL RISKS FROM TOR
ACTIVITY // NATURAL DISASTERS

THERE ARE NO SAFETY REGULATION PROPOSED TO ADDRESS RISKS ASSOCIATED TORNADO ACTIVITY/WEATHER RELATED NATU DISASTERS. DESPITE THE FACT THAT ILLINOIS HAS EXPERIENCED 674 TORNADO THE PAST 10 YEARS, IN ADDITION TO OTHER WEATHER RELATED DISASTERS (INC MICROBUR DERECHOS, ICE STORMS, FLOODS, ETC)

BECAUSE OF THE SEVERITY OFTEN A ATED WITH TORNADO ACTIVITY, DEBRIS OFTEN DISTRIBUTED AS MUCH AS 150 M AWAY. THIS RAISES CONCERNS ABOUT STORE FLOWBACK WATER & TANKS FILLED WITH FRA FLUID OR PRODUCED WATER.

IT IS IMPERATIVE THAT ISSUES RELAT NATURAL DISASTERS SUCH AS TORNADOS, FLOODS, ET AL. BE ADDRESSED AS RELATED TO THEIR IMPACT BY & ON FRACKING OPERATIONS.

MARY SWANSON
CARTERVILLE, IL

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12/27/20.

IDNR
ONE NATURAL WAY
SPRINGFIELD IL 62906

PARTIC.
RE: SECTION 245.1120 Director's Decisions

IDNR proposes to fine violators of i
rules from $50 (less than one tha
a typical traffic ticket) to $250
violation and add $1000 for actual
causing environmental harm and up
$2000 for "creating a hazard to th
safety of any person." These are
companies making millions/billion
profits. These fines present NO
DETERRENCE WHATSOEVER to
the oil and gas extractors operat
safely. These fines must be
increased exponentially and the
violators must be held responsible
compensatory and punative damages
for rule violations.

MARY SWANSON
CARTERVILLE, IL
62918

U13

JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNCEL

12/27/20

IDNR
1 Natural Way
Springfield IL 62598

RE: Subpart A: General Provisions
Section 245.216 Permit Application
Requirements

This section relates to cities, villages, & municipalities giving consent to fracking operations occurring within their borders. As most fracking operations will lie outside of incorporated areas, the communities / residents affected will be deprive of their rights to grant or deny consent for these operations despite the fact that these operations will affect cities / non incorporated entities significantly as far as infrastructure, noise & light pollution, water, and soil contamination.

While it's understood this is a part of the NOT and not the ~~safety regs~~ administrative rules, it is an issue that needs to addressed at some level in order to serve the entire population of the state. It may be possible that IDNR can make a suggestion that this Act be amended.

Mary Swanson
Greenville
62246

JAN 3 2014

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12/27/2013

IDNR
1 Natural Way
Springfield IL 62906

RE: Subpart A: General Provisions
Section 245.206 Registration Procedure

This section requires all applicants for perm must disclose to IDNR "all findings of a serious violation or an equivalent violat under Federal, Illinois or other state law regulation in the development of or operat of an oil or gas exploration or producti ~~is~~ te via hydraulic fracturing b registrant or any parent, subsidiary, or affiliate of the registrant within previous 5 years."

The term "serious violation" is no clearly defined. There is no guideline, it easy for violators to claim they didn report a violation because they didn think it was "serious." Instead, applicants should be required to disc ALL violations alleged by by public authorities and any fines + findings therefrom. Also, there is no reas rationale for limiting it to 5 yrs p They should be required to report ALL violations ever —

MARY SWANSON

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

12/27/20

IDNR
ENGINEERING
SPRINGFIELD IL 62706

RE: SECTION 245.800 · GENERAL CONDITIONS AND R
MENTS IN HIGH VOLUME HORIZONTAL FRACTURING
PARATIONS & OPERATIONS

Both workers and residents near high vol
fracking operations are exposed to crystalline
dust from the use of frack sand. This causes
significant health hazard. An irreversible lu
disease, silicosis, is the condition most often
related to breathing crystalline silica dust,
as well as lung cancer, pulmonary tubercu
other airway diseases, autoimmune disorde
chronic renal disease, and other health condit
NIOSH (The National Institute for Occupation
Safety and Health) has published a detailed
on the hazards of workers being exposed to sil
dust from frack sand available at https://www.
gov/dts/hazardalerts/hydraulic_frac_hazard.a
This report contains specific suggestions as to h
worker exposure to crystalline silica dust f
frack sand use during hydraulic fracturi
operations can be reduced. In addition, any p
exposure of residents to silica dust from frack sa
must be eliminated by a combination of the pro
listed, comprehensive air sampling, and set
adequate to prevent residents from being s

U13982

Comment to the IDNR re Fracking Regulations 27 November 2013

Subpart F: Water Quality. Section 245.600: Water Quality Monitoring

Comment: Section 245.600(b)(1) of the proposed rules provides for the testing and monitoring of water sources within 1,500 feet of the well site. Among the many problems with the monitoring provisions, the proposed rules do not provide for testing along the horizontal leg of the well bore, which can extend for up to two miles from the well site. This is a reckless disregard of the known risk of the underground migration of toxic fluids from a horizontal well bore, especially when hydraulic fracturing involves the use of explosive charges and especially in areas known for the risk of higher-magnitude earthquakes.

In a report issued on September 5, 2012, the U.S. Government Accountability Office (an independent, nonpartisan agency that works for Congress) acknowledged this risk:

"Oil and gas development, whether conventional or shale oil and gas, pose inherent environmental and public health risks, but the extent of these risks associated with shale oil and gas development is unknown, in part, because the studies GAO reviewed do not generally take into account the potential long-term, cumulative effects." --From: Information on Shale Resources, Development, and Environmental and Public Health Risks, U.S. Government Accountability Office, GAO-12-732 (2012), "What GAO Found".

The agency mentioned specifically the risk of underground migration of toxic gases and chemicals: "[A] number of studies and publications GAO reviewed indicate that shale oil and gas development poses risks to water quality from contamination of surface water and groundwater as a result of erosion from ground disturbances, spills and releases of chemicals and other fluids, or underground migration of gases and chemicals."

Water testing and monitoring should be REQUIRED all along the length of any horizontal well bores.

Jan Thomas
900 Douglass St.
Murphysboro, IL 62966

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JAN 3 2014
Dept. of Natural Resources

Comment to the IDNR re Fracking Regulations 18 November 2013

Part 240 Seismicity: "Section" 240.796 Seismicity

"IDNR's rules tacitly assume that fracking causes earthquakes, as various levels of fracking-created earthquake intensities, with appropriate "color-coding," are described. The oil and gas industry's "best practice" guidelines say there should be no fracking in seismically sensitive areas. The Illinois Emergency Management Agency rates southern Illinois, situated between the Wabash and New Madrid earthquake zones, in the highest category of earthquake danger. How can the IDNR justify allowing fracking AT ALL in such a location, when even the industry admits the peril?"

Jan Thomas
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Murphysboro, IL 62966

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JAN
Resources

013904

Comment to the IDNR re Fracking Regulations 19 November 2013

Section A: General Provisions

This comment is in reference to Page 3, Paragraph 6 of the Proposed Hydraulic Fracturing Regulatory Act administrative rules, which states: "Published studies or reports, and sources of underlying data, used to compose this rulemaking: None" In other words, the State of Illinois is going to allow us to be fracked without consulting ANY of the published studies on the matter, especially those which deal with the serious contamination of drinking water which has occurred in other states where fracking is allowed. This seems to me to be a clear violation of Article XI of the Illinois Constitution which states:

SECTION 1. PUBLIC POLICY - LEGISLATIVE RESPONSIBILITY
The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

It is clear to me that these proposed administrative rules completely fail to "maintain a healthful environment" for even this current "generation."

Jan Thomas

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JAN 3

Comment to the IDNR re Fracking Regulations 11 November 2013

Part 240: Seismicity. Section 240/796 Seismicity

In subsection (a), "Applicability", DNR proposes that this rule apply ONLY to Class II injection wells, not to any other. DNR has not proposed any rules for fracking wells. This is insufficient protection of the population in southern Illinois where citizens are at risk of a major earthquake. Southern Illinois sits above two active seismic zones: the New Madrid and the Wabash Valley.

There are two distinct earthquake risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are NO rules establishing guidelines for stopping fracking wells in the event of earthquakes, and NO considerations for siting any wells specifically in active seismic zones. That omission is a reckless disregard for the safety of Southern Illinois residents, their property, and the ecology of the region.

Furthermore, in light of recent studies (see below), the risk of earthquakes can extend far beyond local areas. See:

http://www.earth.columbia.edu/articles/view/3072 : A new study is the latest to tie a string of unusual earthquakes, in this case, in central Oklahoma, to the injection of wastewater deep underground. Researchers now say that the magnitude 5.7 earthquake near Prague, Okla., on Nov. 6, 2011, may also be the largest ever linked to wastewater injection. Felt as far away as Milwaukee, more than 800 miles away, the quake—the biggest ever recorded in Oklahoma--destroyed 14 homes, buckled a federal highway and left two people injured.
http://geology.gsapubs.org/content/early/2013/03/26/G34045.1
http://www.usgs.gov/newsroom/article.asp?ID=3706&from=rss#.UohRF40hRL8 "Why America's Heartland is Earthquake Country", United States Geological Service, September 30. 2013
"Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States", Nicholas J. van der Elst et al., DOI: 10.1126/science.1238948, Science 341, 164 (2013).

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RECEIVED
JAN 3 2014
Dept. of Natural Resources

Comment to the IDNR re Fracking Regulations 25 November 2013

Subpart K: Enforcement. Section 245.1100 Suspension, Revocation, Remediation and Administrative Penalties

Section 245.1100 states that the Department may revoke for a wide variety of infractions:

"The Department may, through the enforcement process set forth in this Subpart, suspend or revoke a high volume horizontal hydraulic fracturing permit, order actions to remediate, or issue administrative penalties for one or more of the following causes..." But the rules are too lax when the violation involves failing to follow guidelines when building/developing a well or testing its integrity. In those circumstances, the rules should require MANDATORY revocation of the permit.

Provisions in Section 1-70 of the Hydraulic Fracturing Regulatory Act (Well preparation, construction, and drilling) require adherence to the American Petroleum Institute (API) standards when developing and testing oil and gas wells. A strong case can be made that these are the most important sections in the law because their objective is to reduce the risks of well blowouts, fires and explosions along with the attendant risks of injury or death to workers, adverse public health outcomes to nearby residents, and the pollution of groundwater, air, and soil.

There are reasons why failure to adhere to section I-70 MUST result in permit revocation:

1. If well operators shortcut the well development standards in Sec. 1-70 or if the well fails any of the required tests in Sec. 1-70, the adverse events cited above become much more likely. Pollution of aquifers is also much more likely and this pollution can be easily overlooked.
2. Other states have experienced major problems with some rogue companies that systematically and persistently engage in high-risk, cost-cutting violations of regulations, such as these. If some companies are allowed to violate Section 1-70, others will follow their lead.
3. It was the violation of the provisions in Sec. 1-70 that lead to the Deepwater Horizon explosion in the Gulf of Mexico on 20 April 2010. That explosion claimed 11 lives and led to the largest environmental disaster in American History.

Automatic permit revocation for violations of Sec. 1-70 could prove to be one of the more effective ways to insure higher levels of safety and environmental protection in areas where fracking will occur. If the IDNR is not serious about strict enforcement of Sections 245-520/580, then it has already nullified one of the most important set of regulatory standards for the oil and gas industry.

Jan Thomas

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013907

Comment to the IDNR re Fracking Regulations 26 November 2013

Subpart A: General Provisions. Section 245.210: Permit Application Requirements

This section states that "when an application is made to frack a well site located within the limits of any city, village or incorporated town, the application shall state the name of the city, village, or incorporated town and be accompanied with a certified copy of the official consent for the high volume horizontal hydraulic fracturing operations to occur from the municipal authorities where the well site is proposed to be located. No permit shall be issued unless consent is secured and filed with the permit application."

This is excellent for municipalities but what about counties?

The intent of the legislation was to recognize that local units of government should have decision-making power regarding whether to allow fracking in their jurisdictions. This section demonstrates blatant disregard for the realities of the geography of fracking in Illinois regarding cities compared to counties. Little if any fracking is anticipated within cities. If prior notification and an intentional process of permitting are important for metropolitan communities, why are the proposed rules silent regarding neighborhoods in counties and the families living there?

There is no substantive difference between a municipal or county government in Illinois in its powers other than the issue of Illinois Constitutional Home Rule. However, the lack of county Home Rule has never preempted a county power to issue permits on mineral or oil extraction. Numerous county governments have long histories and traditions in the permitting process regarding mineral and drilling industries. As the current fracking law is largely silent on the issue of county control, IDNR rules should err on the side of history and citizen decision-making. Counties and municipalities of government tax, employ law enforcement, provide social services and infrastructure. The regulatory differentiation between the rights of residents in municipalities vs. counties creates a group of second class citizens. These second class citizens have fewer rights in their ability to participate and ultimately determine the type and quality of energy extraction allowed in their neighborhoods.

Five counties in southern Illinois have passed resolutions to ban or place a moratorium on fracking within their county limits. This is a clear indication of the will of the people in those affected counties, which these IDNR regulations completely ignore. AND counties will be the ones left with infrastructure damage to repair when the frackers leave.

Jan Thomas
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Murphysboro, IL 62966

013908

Comment to the IDNR re Fracking Regulations 30 November 2013

Subpart B: Registration and Permitting Procedures. Section 245.220: Permit Bonds or Other Collateral Securities

Section 245.220 states, "The bond shall be in the amount of $50,000 per permit or a blanket bond of $500,000 for all permits." (Section 1-65(a) of the Act)

WHAT?????? These people make millions of dollars!

Plugging a well alone costs more than $50,000. In the study "Who Pays the Cost of Fracking?: Weak Bonding Rules for Oil and Gas Drilling Leave the Public At Risk", PennEnvironment Research & Policy Center reported documented instances in which fracking wells have cost $700,000 or more to plug. And what about if it explodes? I bet that costs way more, even if we're just counting the money and not the suffering.

Besides, these companies usually frack a group of wells, not just one. Does that mean that a $500,000 bond might have to cover a hundred wells? What if they all fail? Why not, if they were all drilled by the same people, using the same techniques, equipment and workers? By my math, that comes out to $5000 per well. Who pays the difference?

Individual bonds should be required for every well, in the amount needed to cover the real costs of damages that have been proven to be the outcome of fracking-well accidents, as well as the real costs of plugging the well itself.

Jan Thomas
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013909

Comment to IDNR re Fracking Regulations 1 December 2013

Subpart G: Chemical Disclosure; Trade Secrets. Section 245.720 Department Publication of Disclosures and Claims of Trade Secret

Section 245.720(d) of the Proposed Hydraulic Fracturing Regulatory Act administrative rules, states: IDNR allows permit applicants to withhold chemical disclosure information under a claim of "trade secret" if they can establish that (1) the information has not been published, disseminated, or otherwise become a matter of general public knowledge, and (2) the information has competitive value.

Citizens have to wonder WHO is defining "competitive value" here? It seems to me that fracking companies can just claim whatever they want if there is no clear definition in the rules. And why should a competitive edge between one fracking company and another take precedence over the health and safety of Illinois citizens and our environment? That's outrageous! Fracking companies should be required to disclose ALL of the chemicals and proppants they will use. And that information should be available to the public, too.

"Competitive value" must not in any way supersede a determination of the public right to know and the Illinois Constitutional provision of a healthy and safe environment for its citizens. Fracking companies must not be given more power than the basic claim of the regulatory law, which is to protect the environment of Illinois.

Jan Thomas

900 Douglass St.

Murphysboro, IL 62966

JAN 3 '14

013910

Comment to the IDNR re Fracking Regulations 30 December 2013

Subpart H: High Volume Horizontal Hydraulic Fracturing Preparations and Operations (245.800-245.870)
Section 245.850: Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal or Recycling, Transportation and Reporting Requirements

Subsection (d)(1) of Section 245.850 provides for testing of fracking fluids only one time--during the early flowback stage--and only for "naturally occurring radioactive materials" (NORM). However there is no requirement for testing "produced water" for radioactivity, even though it is more likely to contain it, having been in contact with underground radioactive substances for longer than flowback water. How can rules be justified which allow this water to be stored on site, and even "recycled" when no one knows how radioactive it is? Evidence is accumulating from other states that it is VERY RADIOACTIVE indeed. See Technologically enhanced naturally occurring radioactive materials in the oil industry (TENORM), Nukleonika 2009; 54(1):3−9, and sources cited therein, especially for TENORM in produced water in the U.S., available at http://www.nukleonika.pl/www/back/full/vol54_2009/v54n1p003f.pdf.

NORM is also found on scale in oil pipes and on fracking equipment. (See Kentucky Resources Council Proposes Comprehensive Plan For Investigating Radiological Contamination In Martha Oil Field. August 11, 2005. http://www.kyrc.org/webnewspro/112381723236086.shtml.)

Failure to test produced water for radioactivity is unacceptable. On site workers will be at risk and not even know it, as well as workers who transport the produced water, and the general public who may be exposed should accidental spills occur. And we KNOW they do occur with alarming frequency. Also, radioactivity cannot be removed by "recycling," and it lasts for thousands of years. If we can't just leave it in the ground as we should, we must at least adequately test for it and make good provisions for handling it.

At a bare minimum, the rules should require that "produced water" be tested at two separate intervals across time for radioactivity. This is already required in Pennsylvania. The rules should also require that the requirements of the Illinois Low Level Radioactivity Waste Management Act be followed.

Jan Thomas
900 Douglass St.
Murphysboro, IL 62966

013911

Comment to the IDNR re Fracking Regulations 31 December 2013
Subpart A: General Provisions. Section 245.110: Definitions

IDNR identifies the definition of an "Affected Patient" as "a person receiving health care services from a health professional for an illness or injury diagnosed by the health professional to be caused by exposure to any chemicals used in high volume horizontal hydraulic fracturing operations that are subject to a claim of trade secret by a permittee or contractor."

PROBLEM: This definition is circular: in order to learn what chemical was used, a physician must first test for that chemical so s/he can prove s/he has a right to disclosure of the proprietary chemical. How can a doctor diagnose exposure to a secret chemical used in high volume fracking before s/he knows what the secret chemicals are to test for?

Jan Thomas

900 Douglass St.

Murphysboro, IL 62966

013912

Comment to the IDNR re Fracking Regulations 31 December 2013

Subpart A: General Provisions. Section: None

I am genuinely concerned that the draft regulations make no provision for safety measures in the event of a tornado at a fracking site. Illinois has a lot of tornadoes--674 in the last ten years! And really bad ones, too. The worst tornado in U.S. recorded history struck my town of Murphysboro in 1925, destroying over half the town and killing almost 300 people. It was so bad it was named The Tri-State Tornado for the 600 mile path it cut through Missouri, Illinois & Indiana. Imagine if it had been laden with poisonous fracking chemicals and radioactive produced water, "temporarily" stored in open ponds or inadequate tanks. It would have rained down on most of the midwest, exposing us all to serious danger.

A big swath of Washington IL was flattened by a tornado on Sunday, 11/17/13. So was the city of Harrisburg a couple of years ago—8 dead.

Every county in Illinois has had multiple tornados as demonstrated by the maps in the following links:

- http://www.isws.illinois.edu/atmos/statecli/tornado/ilmaps.htm
- http://www.isws.illinois.edu/atmos/statecli/tornado/NewMaps/MRCC_TornadoTracks_1950.png

I think the IDNR should make some studies of tornado safety as it applies to fracking sites, equipment, emergency procedures and such issues, and draft some good regulations about them in the final rules.

Thank you.

Jan Thomas

900 Douglass St.

Murphysboro, IL 62966

013913

Comment to the IDNR re Fracking Regulations 31 December 2013

Subpart B: Registration and Permitting Procedures. Section 245.210: Permit Application Requirements

Section 245.210 requires permit applicants to submit a Water Source Management plan; "If fresh water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, a water source management plan that shall include the following information:"...source of ground or surface water, how much water to be used, months of use, methods to minimize fresh water use, methods used to minimize adverse impact to aquatic life...

Which sounds good as far as it goes but there are some serious problems:

1. While there is a required water management plan, this plan does not require application to local municipal, water district or other governmental control units requesting use of their ground or surface water resources. In fact, if fracking is allowed, local government has no authority to deny water to a frack well operator, even in the case of drought.
2. There is no process for sharing the frack operator's water plan with other state or regional agencies responsible for water usage (e.g. Illinois EPA, East Central IL Regional Water Supply Planning Committee) for their input on whether the plan is adequate, and how usage relates to possible drought situations.
3. There are no minimum regulatory thresholds regarding the amount of water to be used, the impact of water use given drought situations, actual impact on aquatic life, impact on existing human, industrial and agricultural water immediate needs, and potential future impacts.

The IDNR itself reports that southern Illinois experienced "D4 – Exceptional Drought" conditions from July through December of 2012. These 12 counties are the ones where most of the fracking is projected to occur. Many of our communities have "at risk public water supplies" which will fail in a major drought. And the East Central IL Regional Water Supply Planning Committee identified that Springfield has a greater than 50% probability their water system will be unable to meet projected water use with a drought of record. Then by 2020, Bloomington and Decatur's water systems will be inadequate to meet demand as well. WATER IS THE MOST PRECIOUS RESOURCE WE HAVE. It's just critical not to squander it.

The average water use by a frack operator is significant and will have an impact on water usage. According to federal EPA, the average frack uses 4.4 million gallons of water. And wells can be fracked multiple times.

At the very least we desperately need these changes:

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1. Any governmental unit that involves itself in local or regional water issues must review the frack operator water source management plan with the power to affirm, reject or modify the plan.
2. If a county or geographic area is identified as being in a drought, frack operations will cease.
3. IDNR must develop scientifically based high minimum, specific standards of water usage protecting existing human, agricultural and industrial use. A frack operator's water source management plan must adhere to these formal standards.

Jan Thomas

900 Douglass St.

Murphysboro, IL 62966

013915

Comment to the IDNR re Fracking Regulations

Subpart C: Permit Decisions: "Section" 245.300 Permit Decisions

In Section 1-130 of the regulatory statute, the legislature granted IDNR authority to adopt rules to carry out the legislature's purpose--basically to allow fracking in a safe manner.

This purpose is set forth explicitly in two places in the regulatory statute--Section 1-75(a)(2) and Section 1-53(a)(4). IDNR has acknowledged 1-75 verbatim, in Section 245.800(2) of the proposed rules: "All phases of high volume horizontal hydraulic fracturing operations shall be conducted in a manner that shall not pose a significant risk to public health, life, property, aquatic life, or wildlife."

But IDNR's proposed Section 245.300 changes the legislative words "will be conducted" to "are reasonably expected to be conducted". This lowers the standard and is inconsistent with the legislature's stated purpose. "Will be conducted" is a mandate; "reasonably expected to be conducted" is more like a request. (And the oil and gas industry are perfectly free to ignore "requests.")

If hydraulic fracturing outcomes in Illinois mirror effects of other states, we can "reasonably expect" that the industry will cut corners and violate standards. There have been over 3000 violations in PA since 2009 and they are not minor violations. They involve infractions such as:

* 224 violations of "Failure to properly store, transport, process or dispose of residual waste.
* 143 violations of "Discharge of pollutional material to the waters of Commonwealth.
* 140 violations of "Pit and tanks not constructed with sufficient capacity to contain pollutional substances.

The residents of Illinois are depending on IDNR to protect their health, their safety, and the safety of their water, air, and soil. IDNR needs to return to the legislation's intent and mandate that hydraulic fracturing operations WILL ONLY BE CONDUCTED in a manner that will protect the public health and safety and prevent pollution or diminution of any water source."

Jan Thomas
900 Douglass St.
Murphysboro, IL 62966

Jan@artapult.com

Richard J. Whitney
1801 New Era Rd.
Carbondale, IL 62901

January 3, 2013

Robert G. Mool
Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
bob.mool@illinois.gov

Re: Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

Transmitted by E-mail and U.S. Mail

Dear Mr. Mool:

I am a resident of Carbondale, Illinois, work in Mt. Vernon, Illinois, as an attorney, and, among other things, presently serve as state chair of the Illinois Green Party. While I am not writing this letter in an official capacity on behalf of the Party, it is fair to say that the concerns and views expressed here reflect the Green Party's core values and are shared by the vast majority of its members.

I can also state, as a matter of record, that the Illinois Green Party, which represents a significant constituency in Illinois, categorically opposes fracking altogether, as we believe that the technology is inherently hazardous to human and other life. Moreover, even assuming, *arguendo*, the delusional premise that the hazards attendant to use of the technology itself could be reduced to a degree that society would regard as an "acceptable" level of risk, use of this technology would still be unacceptable for a broader reason: *Any* technology that has as its objective the recovery and combustion of more fossil fuels, and/or keeping refined fossil fuels at a market price at which they remain a favored means of supplying heat or energy, thereby emitting more greenhouse gases, contributes to the unfolding *global disaster* of human-caused global climate change. The horrific effects of global climate change (environmental, health *and* economic) are now visiting all life on the planet on an almost daily basis, even though those dire effects are – pardon the pun – still just getting "warmed up."

That said, I understand and acknowledge that IDNR's task is to carry out the will of the Illinois legislature (plainly at odds though it is with the will of the people), to allow fracking in Illinois under certain specified circumstances, as set forth in the Hydraulic Fracturing Regulatory Act. That Act also requires that "[a]ll phases of high volume horizontal hydraulic fracturing operations shall be conducted in a manner that shall not pose a significant risk to public health, life, property, aquatic life, or wildlife." § 1-75(a)(2). I am certain that I am not the first person to point out that these two objectives are inherently contradictory, thereby making the IDNR's task

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literally impossible. But even if one assumes that this provision has to be interpreted (i.e., misread) as requiring "risk minimization," consistent with best available technology and best practices, etc., then the draft regulations currently proposed by the agency are *still* woefully inadequate.

In that regard, I hereby adopt, as reflecting my own views, and incorporate by reference, *all* of the criticisms that have been tendered by the organization Illinois People's Action, and its members, as may be found at its website, http://www.illinoispeoplesaction.org/, and those tendered by its regional companion organization, Southern Illinoisans Against Fracturing Our Environment (SAFE), at its website, http://www.dontfractureillinois.net/.

I also adopt, and incorporate by reference, many of the criticisms raised by the Illinois Environmental Council, the Natural Resources Defense Council, and other environmental organizations, in a separate letter sent to you under date of January 3, 2014 – in particular, their comments pertaining to the procedural deficiencies of the Act (re the permitting application, review and modification processes), and the failure to address the issue of fracking in which something other than water (such as foam or gas) is used as the base substance.

Beyond these multitudinous criticisms of the proposed regulations, I would like to focus some additional attention on shortcomings in the proposed rules with respect to seismic activity or earthquakes, *including some points that I have not seen raised by others*, and the peculiar dangers of radioactive contamination – and the unique danger presented by the potential combined impact of both factors.

I. Seismic Dangers

There are two distinct earthquake risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are no provisions in the rules establishing guidelines for stopping fracking wells in the event of earthquakes. (Section 240.796, applies only to Class II injection wells, not fracking wells.) There also are no provisions barring the siting of wells (fracking or injection) in or near active seismic zones. Considering that Southern Illinois sits above two active seismic zones -- the New Madrid and the Wabash Valley zones (as well as adjoining fault systems, such as the Cottage Grove system) – such omissions are in reckless disregard for the safety of Southern Illinois residents, their property, and the ecology of the region.

A review of seismic hazards as calculated by the U.S. Geological Survey reveals that Southern Illinois is one of the nation's "hot spots" for potentially damaging or even catastrophic seismic activity. *See Seismic Hazard Maps for the Conterminous United States, 2008*, USGS Scientific Investigation Map 3195; *2008 United States National Seismic Hazard Maps*, USGS Fact Sheet 2008-3018 (April 2008); *Earthquake Hazard in the New Madrid Seismic Zone Remains a Concern*, USGS Fact Sheet 2009-3071 (August 2009). Three of the most intense earthquakes ever recorded in this country were those that occurred in December 1811 - February 1812, centered near New Madrid, Missouri. According to a February 1, 2013 press release by the

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Illinois Emergency Management Agency (*Governor Quinn Urges Illinoisans to Join Biggest Earthquake Drill in Midwest History*), a 2008 study conducted by the University of Illinois Mid-America Earthquake Center projected that a comparable earthquake today would result in "3,500 fatalities, 2.6 million people without electricity and $300 billion in direct economic losses. Bridges, docks, highways and water infrastructure would be in shambles."

The latter-cited USGS Fact Sheet from 2009 states: "the USGS estimates the chance of having an earthquake similar to one of the 1811-12 sequence in the next 50 years is about 7 to 10 percent, and the chance of having a magnitude 6 or larger in 50 years is 25 to 40 percent."

Given these alarming projections, the question is directly posed: If a New Madrid-type quake would destroy bridges, docks and highways that are built to contemporary engineering and construction standards, what would it do to fracking wells, collection ponds and, especially, Class II injection wells – even those built to the semi-exacting standards required by existing and the projected regulations? I set out trying to answer that question, and, after researching the literature available through the federal Environmental Protection Agency and its Underground Injection Control (UIC) program. While I cannot claim that my research was literally exhaustive, it strongly indicates that the answer is: *No one has any idea.*

Certainly there is nothing in the applicable federal regulations, found at 40 C.F.R. §§ 146.21 - 146.24, that indicates that seismic dangers are even considered by the U.S. EPA. The regulations operate at a high level of generality, noting, for example, that the "[p]hysical and chemical characteristics of the injection zone" must be considered for new Class II wells, and largely deferring the specifics to the state agencies. *See also Technical Program Overview: Underground Injection Control Regulations*, U.S. E.P.A., Office of Water 4606, publication 816-R-02-025 (December 2002) (describing regulatory scheme and permitting process; no mention made of seismic activity as a siting, design or construction factor); *Casing and Cementing Requirements for Exiting Class II Wells*, U.S. E.P.A. UIC Ground Water Program Guidance No. 25 (July 27, 1981) (no mention made of seismic activity as a siting, design or construction factor).

Interestingly, the U.S. EPA Office of Water still lists as a guidance document a publication from 1977 that *does* address the issue of siting injection wells near seismically active zones. Again, it is remarkable for its lack of specificity, but it's advice is clear: *Don't do it.* The publication, Warner and Lehr, *An Introduction to the Technology of Subsurface Wastewater Injection*, EPA-600/2-77-240 (December 1977), deals with the subject in Chapter 4, "Criteria for Injection Well Site Evaluation." Figure 4-1, a flow-chart therein, recommends that unless a region is "free of seismic activity," it should be "closed" to subsurface injection, with "no subsurface disposal allowed." Figure 4-8 shows Southeastern and South-Central Illinois as being in the moderate-to-major earthquake forbidden zone, with a much larger swath of the state being in a still-hazardous "minor damage" zone. The ensuing discussion states: "The past history of earthquake activity in an area must be considered because an earthquake might potentially damage injection well facilities or alter geohydrologic conditions. In addition, because of the possibility that injection may introduce earth tremors, the susceptibility of an area to such induced seismic activity should be examined." *Id.* at 138.

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Thus, even in 1977, the danger of injection-induced earthquakes was known to geologists – and they specifically cautioned against siting injection wells in "areas" susceptible to seismic activity. In the very next paragraph, the authors cite, as case-in-point number one, the New Madrid seismic zone. Again, this document, though dated, remains an official guiding document of the U.S. EPA Office of Water – and it appears to be the only one to address the issue of siting injection wells in or near seismically active zones.

The available literature raises far more questions than it provides answers – and that is precisely the point that IDNR must take into account in re-drafting any proposed regulations. *We don't know enough.* Where are the engineering studies showing whether a fracking well or a Class II injection well – even one that scrupulously adheres to all applicable regulatory standards – will maintain integrity in the event of an earthquake of magnitude 6, 7 or 8.5? Where are the studies showing how far away from the epicenter integrity will be maintained, at what different durations and intensities of shaking, and under what soil and subsurface conditions? Where are the studies showing what countervailing construction methods and standards might reduce the risk?

Relatedly, where, in the proposed regulations, does it provide for closure, testing and remediation of all well sites in the event of a major earthquake – whether induced or otherwise?

As pervasive as gambling has become in our society, the Hydraulic Fracturing Regulatory Act does not authorize the IDNR to engage in that pastime when drafting regulations intended to ensure that permitted fracking "*shall not* pose a significant risk to public health, life, property, aquatic life, or wildlife." (Emphasis added.) § 1-75(a)(2).

Regarding induced earthquakes, recent studies show that the risk of earthquakes can extend far beyond local areas. See:

http://www.earth.columbia.edu/articles/view/3072 : A new study is the latest to tie a string of unusual earthquakes, in this case, in central Oklahoma, to the injection of wastewater deep underground. Researchers now say that the magnitude 5.7 earthquake near Prague, Okla., on Nov. 6, 2011, may also be the largest ever linked to wastewater injection. Felt as far away as Milwaukee, more than 800 miles away, the quake—the biggest ever recorded in Oklahoma–destroyed 14 homes, buckled a federal highway and left two people injured.

http://geology.gsapubs.org/content/early/2013/03/26/G34045.1

http://www.usgs.gov/newsroom/article.asp?ID=3706&from=rss#.UohRF40hRL8 "Why America's Heartland is Earthquake Country", United States Geological Service, September 30. 2013

"Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States", Nicholas J. van der Elst et al., DOI: 10.1126/science.1238948, Science 341, 164 (2013).

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Currently the "traffic light alert" system set up by the rules allow for up to four fracking-induced earthquakes of at least magnitude 4.9 -- even near the New Madrid or Wabash fault lines -- before a company has to shut down an injection well. The rules do not call for the implementation of a seismic monitoring system that can accurately assign responsibility to particular fracking operators in the event fracking operations do induce earthquakes. The rules also fail to require insurance from well operators when it comes to property damage and injuries incurred by residents, business, or public institutions as a result of seismic activity tied to fracking.

The proposed regulations do not provide adequate protection of the population in southern Illinois where citizens are at risk of a major earthquake. A great deal more study and examination of this issue needs to be undertaken before one could even begin to draw up a more responsible set of rules. Until that work has been completed, fracking should not be permitted in the southern half of the state. I would suggest – at a minimum – that no premist shall issue in areas projected by the USGS to have a greater than 2 percent chance, over a 50-year period, of experiencing horizontal shaking in excess of 0.16 g. (See USGS Fact Sheet 2008-3018.) That is only a suggestion, not a "recommendation," since the only rational recommendation I can make is for fracking to be prohibited altogether. But the agency would at least have a somewhat more defensible position if it were to adopt such a standard.

II. Radiation Dangers

Illinois shale has above-average levels of radioactive elements. The US Geological Survey itself has found that produced water in Southern Illinois has radioactive Radium-226 levels that are 67 times the maximum contamination level allowed by the EPA. (See USGS Fact Sheet, FS-142-99, which describes oil fields in Southeast Illinois in the top 10 percent of radiation level, with "markedly higher radioactivity.)

Unfortunately, section 245.850 of the proposed rules provides for testing of fracking fluids only once – during the early flowback stage – and only for "naturally occurring radioactive materials." The rules do not require testing for added radioactive materials, like depleted uranium, which can be used during well-bore perforation in the fracturing operation and has a half-life of 4- ½ billion years.

The proposed rules include no standards for determining acceptable or unacceptable radioactivity levels in flowback – and no protocols or enforcement mechanism if the flowback water tests high for radioactivity. This glaring omission is frankly absurd. It appears that the testing is for a purely academic purpose, not protecting public and environmental health.

The proposed rules do not require the testing of "produced water," the water produced from a well in conjunction with oil or natural gas production, which presents the greatest danger of radioactive exposure. The rules do not contain any provision to test for radon in wellhead gas, radium scale in pipe, equipment and crude oil bottom sediment -- used as "road oil." And of course, there is no enforcement mechanism for radioactive contamination in these categories, either, since there can be no enforcement if there is no mandatory testing and setting of standards.

013921

The proposed rules contain no notice requirements for potentially affected residents and workers. There is not provision for workers to wear radiation detection badges or devices. The proposed rules do not test work areas for levels of radioactivity that would call for OSHA standards of occupational safety. The proposed rules include no safety measures for the transport of radioactive waste. They would also apparently allow for the disposal of radioactive contaminated waste in Class II injection wells, which are not designed to safely contain radioactivity.

These deficiencies, cumulatively or singly, would pose a significant risk to the public health and safety, property, aquatic life, and wildlife, in violation of section 1-75(a)(2) of the Hydraulic Fracturing Regulatory Act. The regulations should provide for cradle-to-grave testing for radioactivity, at frequent intervals, and in all phases of the operation, with enforcement provisions, including cessation of fracking operations, if radioactive contamination poses a significant danger to human or environmental health.

III. The Unique Combination of Hazards Specific to Southern Illinois

Finally, as much as the danger of fracking and related hazardous waste disposal in or near a seismic zone, and the danger of radioactive contamination from fracking operations, each *independently* presents high levels of risk (especially in Southern Illinois) that demand, at the very least, correspondingly high levels of regulatory protection, the *combination* of these two categories of risk magnify the overall quantum of risk presented. In other words, should a major seismic event occur after fracking operations have begun, the presence of radioactive contaminants in frack water, produced water and no-longer-contained waste would obviously elevate the destructiveness of the consequences. That possibility adds weight to the argument in favor of erring on the side of caution – by creating a broad "no frack/no new injection" zone and enacting the radioactive testing and enforcement regimen suggested herein.

For these, and numerous other reasons, as reflected in the comments that I have adopted by incorporation, I must protest the current manifestation of the regulations as woefully inadequate. Thank you for your attention to this matter.

Sincerely,

Richard J. Whitney

013922

Hello: my name is AJ Beck and I find it extremely unfair to find that this bill does nothing to address workers safety.

As a construction worker who sees employees regularly not follow OSHA requirements I find it hard to believe that IDNR wouldn't at least require basic OSHA work safety. especially as the fatality rate for gas and oil workers is 7.6 times higher than other industries.

Please implement minimum worker safety requirements, raise the level of fines for violations, and have a 3 strikes and they are shut down policy.

RECEIVED
JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Happy Holidays
AJ Beck
Carbondale IL

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Hi my name is Judy Jordan and I am greatly concerned about the huge disaster which fracking could cause, namely a huge earthquake.

Section 1-53 of the regulatory bill requires that fracking operations be conducted in a "manner that will protect the public health and safety and prevent pollution." How is that possible in the New Madrid and Wabash Valley Earthquake zones and in the Illinois 1100 year floodplain?

The Illinois Emergency Management Agency identifies these areas as severe earthquake zones with ratings of "Destructive" and "Ruinous." Historically earthquakes of over 7 on the Richter scale have occurred in these areas. It has been scientifically proven that fracking causes an increase in earthquakes. Private Insurance companies have already cancelled earthquake insurance on some homes and raised insurance premiums on others. Without doubt fracking causes earthquakes even in areas without major active fault lines.

IDNR must ban all fracking in or near the Wabash and New Madrid Seismic Zones. The cost of lives and destruction of homes and businesses is not worth what little profit might be made. Furthermore large earthquakes will damage pipelines, injection wells, fracking wells, open air pits causing a huge environmental →

U13924

JAN 3 2011

Hello my name is Judy Jordan [illegible] I am very concerned that health professionals do not have access to the type of chemicals used in fracking.

There are tremendous health and safety risks with dumping tons of toxic or radioactive waste into bedrock. IDNR rules (sec. 245.730) impede the ability of affected patients to acquire immediate treatment. There are over 353 secret chemicals might be involved and the rules require that doctors test for "secret" chemicals, in order to get fracking companies to disclose what chemicals are used. How are doctors to test for 353 chemicals? A person exposed to toxic chemicals need immediate treatment.

IDNR gives medical professionals only 2 options: call a Trade Secret holder or call IDNR during "normal business hours." Even in a medical emergency the "Trade secret holder" & "IDNR don't have to disclose what chemicals are used & IDNR gives no medical advice to determine who the "Trade secret holder" is. Worst case scenario: floods, earthquake, or tornado expose 1000's of more people to these chemicals. Fumes or contact & 1000's, probably tens of thousands or hundreds of thousands of people die. IDNR must give medical professionals the tools to do their jobs by giving them access to what chemicals are used.

RECEIVED
JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNCEL

Hi, My name is Judy Jordan

I just heard on NPR yesterday, December 27, 2013, that the fatality rate of hydraulic fracturing workers has more than doubled in the last few years.

The fatality rate of workers ~~dying~~ on all time record high in 2012.

In addition to dangerous working conditions and excessive and exhausting long hours (16-20) which result in workers falling asleep behind the wheel endangering not only their own lives but those of the residents beyond other drivers, ~~frack~~ workers at frack pads are also exposed to radiation and silica dust. Silica dust and radiation are known to increase cancer rates. The oil and gas industry don't test for radiation and silica exposure thus escaping regulation since there are no data on exposure.

EPA must require fracking operators to adhere to OSHA rules and regulations.

EPA must develop rules which address dangerous workplace conditions, including limiting work shifts, working conditions, and truck transportation to and from operations.

013926

Hello My name is Judy Jordan and I am very concerned about

the chemicals used in hydraulic fracturing and the chemical disclosure and claims of Trade Secret, as ~~stated~~ in Section 245.722d of the Proposed Hydraulic Fracturing Regulatory Act administrative rules which IDNR allows permit applicants to withhold chemical disclosure information if they can establish (1st) the information has not been published, disseminated or otherwise become matters of general public knowledge, and 2) the information has competitive value. However the rules do not define "competitive value" and IDNR should not allow companies to define that.

Any information which IDNR has on file should be disclosed to the public and it should define "competitive value" in a way that champions the public's right to know of the protection of the citizens and the environment.

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JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

November 15, 2013

Robert G Mool
Department of Natural Resources
One Natural Way
Springfield, IL 62906

The hydraulic fracking act is unconstitutional and violates Article XI, which states each person has the right to a healthful environment for this and future generations.
Fracking is inherently unsafe and poses numerous threats to our water supplies, threats to air quality, exacerbates climate issues with methane gas released during the process and by flaring, poses serious health threats by releasing radioactive particulate matter into the air, water and soil, as well as increased rates of upper respiratory disease from the silica sand mining in surrounding communities and puts citizens of IL at risk of earthquakes in the Wabash and New Madrid fault zones.
Rules will not protect future generations from the unseen and unknown avenues of pollution and environmental crisis that fracking will bring to our communities.

Tabitha Tripp
1730 McCloud Loop
Anna, IL 62906

013928

RECEIVED
Department of Natural Resources
OFFICE OF LEGAL COUNSEL

IDNR
One natural way
Springfield. IL 62702-1271

Reference to Page 3, Paragraph 6 Proposed hydraulic fracturing Act administrative Rules. "Published Studies or reports, and underlying data, used to compose this rulemaking: NONE"

???

Of all the ridiculous things ... Of all the assinine possibilities of complete and udder nonsense this agency could put on paper.... This takes the cake! I personally handed Michael Ziri several recent research papers regarding seismicity & hydraulic fracturing. To blatently disregard what has been handed to your agency in good faith to help this department craft better rules and not make a mockery out of all of State agencies, but alas, this is a big fail. Instilling zero confidence in this department and administration to fully protect our environment & the good people of ILLINOIS.

613929

SAFE

PO Box 199, Anna, IL 62906 ⊛ www.dontfractureillinois.net ⊛ 618-697-1183

Southern Illinois won't survive poorly regulated fracking

More studies confirm impacts of fracking unadressed by proposed regulation

Illinois residents are being subjected to a massive science experiment with potentially disastrous consequences. New studies confirm previous research showing that fracking causes earthquakes along with a variety of public health and social impacts.

- Science Magazine reports on a study showing that fluid injection used in the fracking process leads to additional seismic activity that can be triggered by distant earthquakes. http://www.sciencemag.org/content/341/6142/164.full
- The New Madrid fault could be particularly susceptible, stating that the presence of critically loaded faults and potentially high fluid pressures from injecting fluids will push the fault zone to a critical state. http://www.sciencedirect.com/science/article/pii/S0012821X13002963
- A major Food and Water Watch study in Pennsylvania shows that rural fracking communities suffer more than they benefit. Social costs include increases in heavy-truck crashes, sexually transmitted disease rates, and arrests for disorderly behavior. http://documents.foodandwaterwatch.org/doc/Social_Costs_of_Fracking.pdf
- The Journal of Nursing covers public health impacts associated with fracking. Common symptoms of people living near fracking sites include upper respiratory problems, abdominal pain, nose bleeds, skin rashes, risk of endocrine disruption, headaches, exposure to known carcinogens and more. http://www.scribd.com/doc/146275066/Fracking-Environment-Health-AJN-2013
- A study done in Ohio shows that fracking release dangerous levels of radiation from shale formations, with concentrations of radium-226 that are up to 30 times background. http://rwma.com/OHIO_FACT_SHEET_6-13-13.pdf
- The Environmental Health Project of Pennsylvania reports of findings of public health impacts and ongoing health issues with citizens who live near gas drilling activities. http://www.environmentalhealthproject.org

"It bothers me that the bill is being presented as a model for other states...it's not adequate."
- Ann Alexander, Natural Resource Defense Council fracking bill negotiator – Mother Jones, June 18, 2013

"A region's economic and environmental strength is based on the availability of clean water."
- Pat Quinn, July 15, 2013

Concerned citizens groups in Southern Illinois include, Friends of Bell Smith Springs, Heartwood Forest Council, Regional Association of Concerned Environmentalist, SAFE and Vinyard Indian Settlement

RECEIVED
JAN 3 2014
Dept. of Natural Resources
013933

IDNR
One natural way
Springfield, IL 62702-1271

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JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Page? Section 240/796

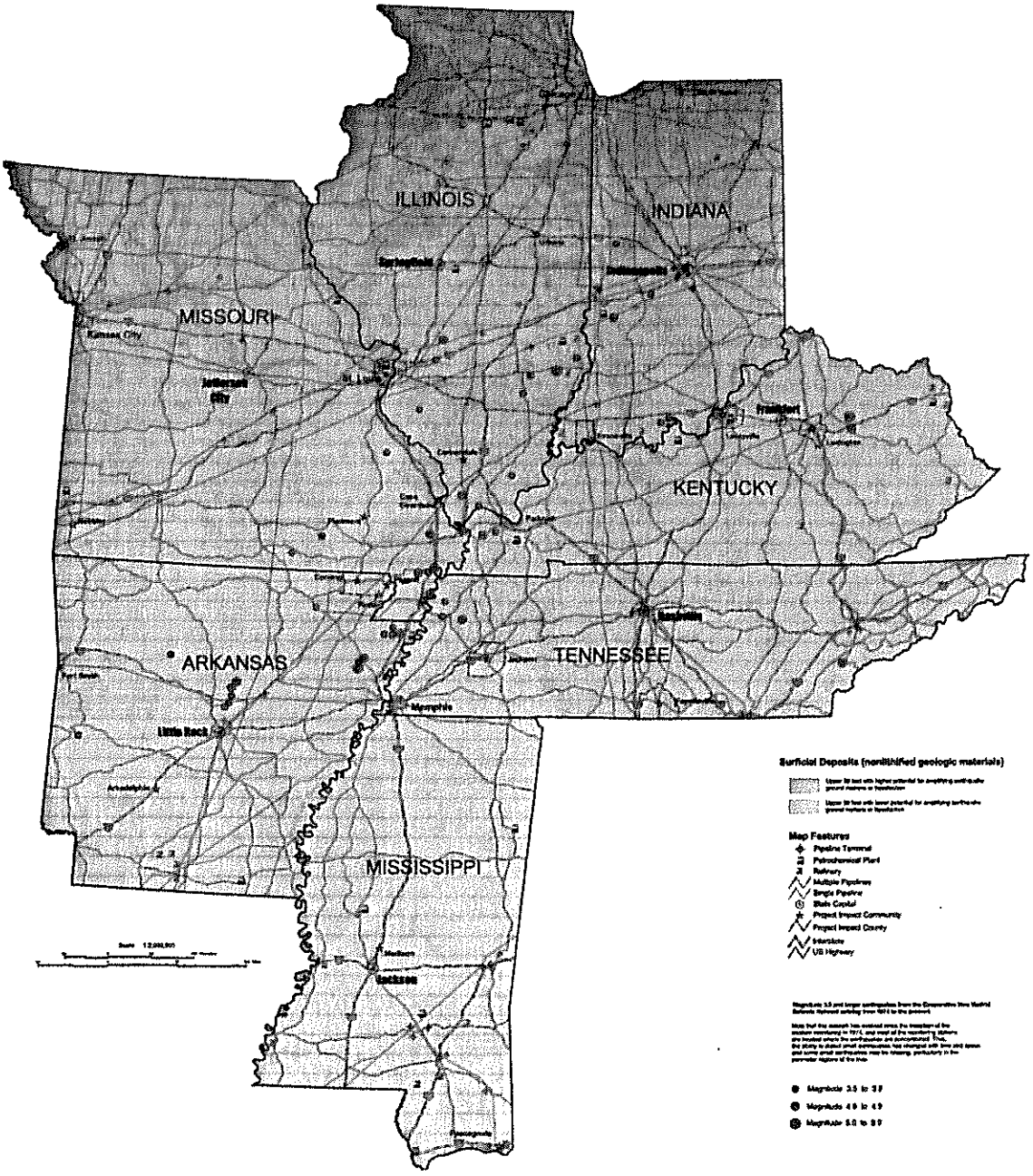
Seismicity Please consider research of the liquifaction map in seismic zones when considering permits in a flood plain.

How many times have I driven by an oil tank with an earthen berm just off Interstate 64 east of Rt 4 in the flood plain of Beaucoup Creek and the oil tank and berm were in a flooded area. Who knows what was leaking out.

Attaching the liquifaction map - flood plain map for your research.

U13931

Soil Amplification/Liquefaction Potential Map



Surficial Deposits (nonlithified geologic materials)

Upper 30 feet with higher potential for amplifying earthquake ground motions or liquefaction

Upper 30 feet with lower potential for amplifying earthquake ground motions or liquefaction

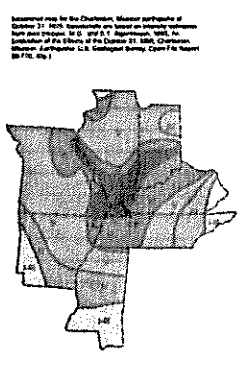
Map Features

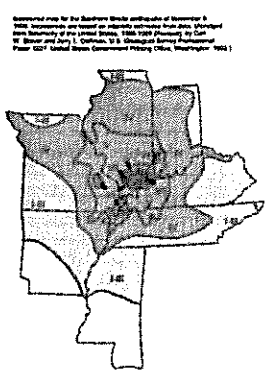
- Pipeline Terminal
- Petrochemical Plant
- Refinery
- Multiple Pipelines
- Single Pipeline
- State Capital
- Project Impact Community
- Project Impact County
- Interstate
- US Highway

Magnitude 3.5 and larger earthquakes from the Cooperative New Madrid Seismic Network catalog from 1974 to the present

Note that this network has evolved since the inception of the modern monitoring in 1974, and most of the monitoring stations are located where the northeastern and southwestern limits of the seismicity is distinct (small earthquakes may be missed), particularly in the northeastern portion of the area.

- Magnitude 3.5 to 3.9
- Magnitude 4.0 to 4.9
- Magnitude 5.0 to 5.9





The following gives damage descriptions for the Modified Mercalli Intensity Scale:

Intensity	Description of Effects
I	Not felt except by a very few under especially favorable conditions.
II	Felt only by a few persons at rest, especially on upper floors of buildings.
III	Felt quite noticeably by persons indoors, especially on upper floors of buildings. Many people do not recognize it as an earthquake. Standing motor cars may rock slightly. Vibrations similar to passing of a truck. Duration estimated.
IV	Felt during the day by many indoors, by few outdoors. At night, some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.
V	Felt by nearly everyone; many awakened. Some dishes, windows broken. Unstable objects overturned. Pendulum clocks may stop.
VI	Felt by all, many frightened. Some heavy furniture moved; a few instances of fallen plaster. Slight damage.
VII	Damage negligible in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable damage in poorly built or badly designed structures; some chimneys broken.
VIII	Damage slight in specially designed structures; considerable damage in ordinary substantial buildings with partial collapse. Damage great in poorly built structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned.
IX	Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.
X	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations. Rails bent.
XI	Few, if any (masonry) structures remain standing. Bridges destroyed. Rails bent greatly.
XII	Damage total. Lines of sight and level are distorted. Objects thrown into the air.

Cooperatively Produced By:

Association of CUSEC State Geologists

USGS science for a changing world

Association of Central United States Earthquake Consortium (CUSEC) State Geologists

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Amplification/Liquefaction Hazard Map

This map shows areas of higher and lower potential for amplification of earthquake ground motion by soft (unconsolidated geologic materials) and for liquefaction of earthquake-induced water in the upper 30 feet of the ground. The upper 30 feet is the depth at which most people build their homes and where earthquakes cause the most damage. Areas of higher potential are likely to experience more damage to buildings and other structures than areas of lower potential. Damage is expected to be greatest in the green areas if an event of earthquake magnitude (Modified Mercalli Intensity) VII and greater

Earthquakes in the Central United States have also caused soil failures because the shallow geologic materials efficiently transmit seismic motion over great distances. Also, liquefaction does not require a large earthquake (M6.0), approximately 20 feet thick, and greater are present at most locations, there is the potential for the earthquake ground motions to be amplified.

Many areas on this map are mapped for amplification and/or liquefaction potential based on the geologic conditions in geologically similar areas where strong ground shaking. These areas have experienced moderate earthquakes (M5.0 to M6.0) in the past. Both past and greater are assumed as part of this work. There is the earthquake ground motions to be amplified.

Many areas on this map are mapped for amplification and/or liquefaction potential based on the geologic conditions in geologically similar areas where strong ground shaking. These areas have experienced moderate earthquakes (M5.0 to M6.0) in the past. Both past and greater are assumed as part of this work. There is the earthquake ground motions to be amplified.

Features on this Map

On this map, yellow indicates where the upper 30 feet of soil is susceptible to amplification of earthquake ground motion or to liquefaction during an earthquake. These areas are expected to experience greater damage to buildings and other structures than areas of lower potential. Areas of lower potential are shown in green. Areas of lower potential are expected to experience less damage to buildings and other structures than areas of higher potential. Areas of lower potential are shown in green. Areas of lower potential are expected to experience less damage to buildings and other structures than areas of higher potential.

This map also shows the location of earthquakes of magnitude 3.5 and larger. The small maps (inserts) show the general pattern of Modified Mercalli intensities for the October 31, 1895 Charleston, Missouri earthquake and the November 6, 1811 Kingston, Illinois earthquake. The isoseismal (equal intensity) lines, ranging from I to XII, in small arc-shaped areas of higher intensity (VII and greater) damage and ground failure (liquefaction) are centered on the New Madrid seismic zone in southeastern Missouri, northeastern Arkansas, western Kentucky, and western Tennessee.

Related Unified Hazard Maps

The Central United States Earthquake Consortium (CUSEC) is now developing a series of maps that will show the Modified Mercalli Intensity (MMI) and Peak Ground Acceleration (PGA) that have a 2% chance of being exceeded in the next 50 years. These maps will be developed for the entire CUSEC region and will be published by the U.S. Geological Survey (USGS) and the Federal Emergency Management Agency (FEMA). These maps will be used by the National Earthquake Hazards Reduction Program (NEHRP), the insurance industry, and emergency management agencies. The maps will be developed in cooperation with the U.S. Geological Survey and CUSEC's emergency management and geological agencies. The maps will be developed in accordance with the National Earthquake Hazards Reduction Program (NEHRP), the insurance industry, and emergency management agencies. The maps will be developed in cooperation with the U.S. Geological Survey and CUSEC's emergency management and geological agencies. The maps will be developed in accordance with the National Earthquake Hazards Reduction Program (NEHRP), the insurance industry, and emergency management agencies.

This map is a second revision of our first published compilation of this type. A major suite of 1:2,500,000 sheets (plus 1 inch = 32 miles) was published to show the whole region on a single sheet and to help plan for larger scale projects. In FEMA and similar publications. This second revision has a set of maps published at 1:1,000,000 (about 1 inch = 16 miles). Many previous features identified separately in the interpretation of the 1:2,500,000 scale have been combined (integrated) and the 1994 NEHRP Recommended Provisions for the Development of Seismic Regulations for New Buildings. The states of soil classification for amplification by the wider high-end effect of this and similar Earth Science Survey and subsidized for amplification by the end of 1995. A third phase of mapping (scale of 1:250,000 (1 inch = 3.937 miles)) is planned for 1996 and 1997.

This third phase is designed to assist in FEMA's Project Impact program and other Federal, State, and local hazard mitigation and plans. The Soil Project Impact cities in each state are shown with gold stars on the map.

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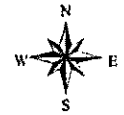
Soil Amplification/ Liquefaction Potential Map

Showing Areas of Relative Potential for Shaking and/or Liquefaction from Earthquakes



USGS-932

100-YEAR FLOODPLAIN IN ILLINOIS

The 100-year floodplain represents that portion of the topography that would be inundated during a flood event which has a 1% chance of occurrence in any given year. The mapped 100-year floodplain area represents the best available data as of July 2009. FEMA DFIRMs with floodzones mapped in both incorporated and unincorporated areas are utilized in 21 counties. Illinois State Water Survey digitized floodzones in unincorporated areas are utilized in the remaining 81 counties where DFIRMs are not yet available

Statewide 100-Year Floodplain Acreage

12.1% Percent of State in 100-Year Floodplain
4,341,872 Acres in 100-Year Floodplain
18,651,281 Acres in State

100-Year Floodplain by County

County	County Acreage	Floodplain Acreage	Percent of County in Floodplain
ADAMS	510,720	19,200	3.8
ALEXANDER	149,760	29,440	19.7
BOND	245,760	11,520	4.7
BOONE	168,960	1,920	1.1
BROWN	194,560	5,760	3.0
BUREAU	584,960	11,520	2.0
CALHOUN	107,520	17,280	16.1
CARROLL	306,560	1,920	0.6
CASS	239,360	11,520	4.8
CHAMPAIGN	624,640	11,520	1.8
CHRISTIAN	456,960	1,920	0.4
CLARK	307,200	1,920	0.6
CLAY	294,400	1,920	0.7
CLINTON	292,480	1,920	0.7
COLES	341,120	1,920	0.6
COOK	1,635,840	1,920	0.1
CRAWFORD	287,360	1,920	0.7
CUMBERLAND	219,520	1,920	0.9
DE KALB	391,040	1,920	0.5
DE WITT	281,600	1,920	0.7
DOUGLAS	275,200	1,920	0.7
DU PAGE	213,120	1,920	0.9
EDGAR	384,000	1,920	0.5
EDWARDS	141,440	1,920	1.4
EFFINGHAM	307,200	1,920	0.6
FAYETTE	453,120	1,920	0.4
FORD	311,040	1,920	0.6
FRANKLIN	272,000	1,920	0.7
FULTON	541,440	11,520	2.1
GALLATIN	205,440	1,920	0.9
GREENE	362,240	11,520	3.2
GRUNDY	264,960	1,920	0.7
HAMILTON	270,080	1,920	0.7
HANCOCK	568,960	11,520	2.0
HARDIN	112,640	1,920	1.7
HENDERSON	235,520	11,520	4.9
HENRY	541,440	11,520	2.1
IROQUOIS	1,030,400	1,920	0.2
JACKSON	368,640	11,520	3.1
JASPER	317,440	1,920	0.6
JEFFERSON	357,120	1,920	0.5
JERSEY	223,360	11,520	5.2
JO DAVIESS	373,760	1,920	0.5
JOHNSON	219,520	1,920	0.9
KANE	324,480	1,920	0.6
KANKAKEE	506,880	1,920	0.4
KENDALL	202,240	1,920	0.9
KNOX	461,440	11,520	2.5
LAKE	301,440	1,920	0.6
LA SALLE	1,145,600	11,520	1.0
LAWRENCE	227,200	1,920	0.8
LEE	464,640	1,920	0.4
LIVINGSTON	1,030,400	1,920	0.2
LOGAN	419,840	1,920	0.5
MACON	365,440	1,920	0.5
MACOUPIN	556,160	11,520	2.1
MADISON	453,120	11,520	2.5
MARION	367,360	1,920	0.5
MARSHALL	242,560	1,920	0.8
MASON	384,000	1,920	0.5
MASSAC	148,480	1,920	1.3
MCDONOUGH	365,440	1,920	0.5
MCHENRY	387,840	1,920	0.5
MCLEAN	1,030,400	1,920	0.2
MENARD	203,520	1,920	0.9
MERCER	341,120	1,920	0.6
MONROE	239,360	11,520	4.8
MONTGOMERY	437,760	1,920	0.4
MORGAN	384,000	1,920	0.5
MOULTRIE	222,080	1,920	0.9
OGLE	487,680	1,920	0.4
PEORIA	388,480	1,920	0.5
PERRY	277,120	1,920	0.7
PIATT	282,240	1,920	0.7
PIKE	564,480	11,520	2.0
POPE	203,520	1,920	0.9
PULASKI	114,560	1,920	1.7
PUTNAM	107,520	1,920	1.8
RANDOLPH	364,160	11,520	3.2
RICHLAND	231,040	1,920	0.8
ROCK ISLAND	280,960	1,920	0.7
SALINE	242,560	1,920	0.8
SANGAMON	1,030,400	1,920	0.2
SCHUYLER	220,800	1,920	0.9
SCOTT	148,480	1,920	1.3
SHELBY	487,680	1,920	0.4
ST CLAIR	411,520	11,520	2.8
STARK	183,040	1,920	1.0
STEPHENSON	365,440	1,920	0.5
TAZEWELL	1,030,400	1,920	0.2
UNION	227,200	1,920	0.8
VERMILION	1,030,400	1,920	0.2
WABASH	141,440	1,920	1.4
WARREN	341,120	1,920	0.6
WASHINGTON	341,120	1,920	0.6
WAYNE	437,760	1,920	0.4
WHITE	341,120	1,920	0.6
WHITESIDE	437,760	1,920	0.4
WILL	1,030,400	1,920	0.2
WILLIAMSON	272,000	1,920	0.7
WINNEBAGO	341,120	1,920	0.6
WOODFORD	388,480	1,920	0.5

* Calculations were based on 2005 FEMA Digital data, or the DFIRMS that include floodplain mapped in both the unincorporated and incorporated areas.

Calculations for counties without digital data were based on floodplain mapped in unincorporated areas. The Illinois State Water Survey created the unincorporated floodplain data based on Flood Insurance Mapping Agency (FIMA) Q3 Digital Flood Insurance Program (DFIRM) maps and Flood Insurance Boundary maps. In all 1988 Flood data is incomplete and is not reproduced or distributed by the FEMA format.

Legend

- Stream
- Water Body
- 100-year Floodplain 1% Chance of Occurrence
- Municipal Boundary
- County Boundary

Base data:

FEMA DFIRM data: ...

Base data from Water Survey, Atlas, and Geological survey maps digitized from U.S. Geological Survey topographic maps developed by the Natural Resources Conservation Service from aerial photography by the Illinois Department of Transportation.

Office of Water Resources
August 6, 2009

013933

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Springfield. IL 62702-1271

Received
JAN 8 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Section 240/796 Seismicity

If an earthquakes occuring in the New Madrid or Wabash Fault zone, due to fracking or injection wells and a home owner's property is damaged - then who is liable for the damage?

How will the state based on its proposed rules of red/yellow/green light be able to protect Illinoisans from an earthquake and from damage after it quake has already happened. This is an absurd rule to think that this is some how protecting citizens.

The department has not taken into account post earthquake testing of any drill sites, or injection wells to insure mechanical integrity of the casings.

There are no guidelines to even stopping any fracking from continuing post earth-quake to await inspection of equipements, sites, or the general area.

Earthquakes are not predictable or even stoppable once occuring Based on the evidence of 1812, better to be over protected than under protected when it comes to mother Nature or Fracking induced earthquakes.

01-5934

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Fines: 245.1120. Directors Decisions.

Your fines are absurd for multi million dollar - make that nearly 120 Billion in profit greedy companies. Of all the ways for IL to rake in some serious cash for its budget deficit would be to increase these fines exponentially. Pathetic fins, such as $50, will not deter these companies from polluting. They wont even deter them following the law. If profit margins & quaterly profits are the motivation for taking millions of gallons of clean, drinkable Water then what pray tell will keep these companies from just paying these miniscule fines and fracking us, ruining our farmland, and leaving tax payers with pollution & toxic dumps to pay for.

Make it worth our times as a state to even bother with allowing frackers in Illinois. If fines deter me from speeding and following the law - then assumably if larger fines ~~were~~ were on the books, then it might, might deter industry from polluting and making them follow the rules.

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JAN 8 2014
Dept. of Natural Resources

Subpart A- General Provisions. 245.210

City, Villages or incorporated town shall consent to drilling
-What about unincorporated areas where drilling is more likely to occur. Counties will bear the brunt of the expense of this industry in terms of social services, emergency services bridge & road maintence rural infastructure such as water lines should water sources become contaminated.

The people of these unincorprated area are under your protection & care. It would be prudent to let these citizens have some say so as to what is best for them in their counties.

Grant the right of counties to consent to drilling permits as well as grant counties the authorities to levy fees for local permits, building permits, special use permits.

We know what is best for our little communities. We should have a say so in protecting ourselves from fracking.

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8 2014
Dept. of Natural Resources
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Section 245.200 Registration Procedures
"all findings of serious violation ... for the previous 5 years"
Define serious.

Why not make the companies disclose all violations for public viewing if they want to frack here. They should be proud of a clean or near clean record if they are serious about being a good neighbor. All previous violations that pose a public health risk or danger to the environment should be considered when applying for a permit.

613937

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Section. 245. 1100

Please Strengthen these rules, they are too lax when it comes to suspending or revoking a permit when a company fails to follow guidelines when building or constructing a well or losing its integrity.

The state should mandatorily revoke Permit. There should be no rewards for being sloppy.

Tabitha Tripp

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JAN 3 2014
Dept of Natural Resources
Office of Legal Counsel

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One natural way
Springfield. IL 62702-1271

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JAN 8 2014
Dept. of Natural Resou
OFFICE OF LEGAL COUN

Section 245.210(a)(3)

Your subjective, vague and ambiguous criteria for chemical disclosure at the time of permit application is another fine example of negligence in the department. Ethical agency would in fact impose rules that are objective & quantifiable by anyone person and leave no room for loose language especially if and when it pertains to toxic chemical of which the majority are known to be carcinogenic.

The department should revise this rule and hold to the "must submit" stated in 245.210

Tabitha Tripp

013939

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JUL 8 2014
Dept. of Natural Resource

Section. 245.720

Department should Publish all the chemicals the company will be using to frack with at the time the permitee applies for a permit. Not wait until after conducting the chemical operations as stated in Section. 245.700.(a)

Chemical list should be available and given to to public for opportunity to review prior to the permit hearing. This would also allow for citizens to test water ~~the department~~ appropriately for the correct chemicals

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013947

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Section 245.700
Chemical disclosures by Permitee.

There is an old adage "It's better to ask for forgiveness later, than to receive permission first"

For many reason the rule that states the permitee may submit information within 24 hours After altering the contents of the fluid injected. Section 245.700(b) and by e-mail no less.

When deding with the commons such as water or air, the permittee should not be allowed to ask for forgiveness later. Permission should come first.

013941

Sarah Baumgarten

IDNR proposes to fine violators of the rules from $50 to $2,500 per violations. Most of the companies that will be conducting the hydraulic fracturing make tens of millions of dollars, or in many cases even more. "Accidents" are inevitable if hydraulic fracturing were to take place, and the evidence behind this statement is roaring through the Earth, from the mouths every being that now has to live with the after effects of "fracking". Such minor penalties for violation of water resources are not worth the repercussion of an inevitable accident

The well being of the people rests in the quality of fresh water. We can't make new water, and we cannot depend on melting glaciers, or shipping our water in by trucks. How can these huge companies threaten our water supply and not be considered a public health threat to the nation? Man thinks whatever witty laws he creates are somehow superior to the laws of Mother Nature, but the laws of nature will surely deflate the laws of man. Here in Southern Illinois many people are living off potable well water in the areas of proposed fracking sites. Some of these people are my family and friends. We are harboring the confluence of the Mississippi and the Ohio River. If one water body, whether it be aquifer, stream or river, is polluted all water bodies will be affected by the inevitable effects of hydraulic fractruring. The confluence of the Mississippi and Ohio River are part of a major watershed that travels through many states, nurturing birds throughout their migration, feeding the bellies of fishermen, and harmonizing with the Gulf of Mexico.

For those of you who are not familiar with the Cache River wetlands, it is home to Cypress and Tupelo tress that have lived many millenniums. It has experienced its own fight, and has made a phenomenal recovery. The Cache River wetlands are a gold mine of bio-diversity, and shelter a very special bird that has barely fought its way off the endangered species list. That bird is the Prothonotary Warbler, people come from all over to see this bird, and they only nest along the swamps of the Cache River. As do Great White Egrets, Belted Kingfishers, and Barn Owls. Over 300 different birds migrate along the Mississippi and Ohio River to nest or pass through Southern Illinois. If the watersheds were contaminated not only will it affect the health of a human body, but also it will greatly affect these birds, and they will not return.

A lot of the proposed "fracking" sites are near tributaries that flow into the Cache River, and that is a scary thought to think about. Not only are these sites located near tributaries of the Cache, but they are on top of crucial aquifers that are supplying Southern Illinoisans fresh water. There is already scientific proof that hydraulic fracturing fluids and methane contaminate landowners water source. There are also personal stories that testify to this living nightmare of passing out in showers, bloody noses, and a long list of long-term health issues. Contaminated water doesn't only hurt the landowner, but most of the landowners bought out by

013942

the natural gas companies are farmers. The livestock and crop that these farmers take care of cannot stomach water that has been contaminated with methane, or "fracking fluid waste."

Another concern that has been voiced just as frequently as contaminated water is, earthquakes. We live on two major fault lines, and THERE IS scientific proof across the boards, stating that hydraulic fracturing has increased the intensity and number of earthquakes. If there was a disastrous earthquake, who will pay for the property owner's damage, the lives lost, and public property damage. Logically thinking into the future, wouldn't a hydraulic fracturing infrastructure come down with everything else in an earthquake? We have to think into the future, Southern Illinois experiences several EF2-EF4 tornadoes throughout the spring, summer, and now fall. These tornadoes would put Southern Illinois in a state of crisis if a hydraulic fracturing rig were to blow up, leak chemicals and methane into the air and water or generate a forest fire.

You may call us "alarmists", "activists", "environmentalists", "Earth lovers." We do love the Earth but we also love people, and other species whether they are mammal or an insect. How come we are labeled and separated from others for caring about fresh clean water, healthy soil to grow food from, and the health of the general public? How is it that we are activist because we are logically thinking into the future, and the well-being of our grandchildren? Do you really hope that the youngest generation of today will have no fresh water, no forests to hike into, no fish in the rivers, degraded soil that will not grow crops, and life threatening earthquakes? Sure, maybe this sounds a little extreme, but honestly look at what is happening all over the U.S. since hydraulic fracturing has taken effect. It's not just hydraulic fracturing; it is the crude oil, and natural gas operations in general. Trains are derailing and causing huge explosive fires, oil spills occur every week and one more wetland is gone, natural gas operations were not regulated properly and one more aquifer is no longer useable.

According to a recent article in *Forbes Conservative*, and *NYTimes;* hydraulic fracturing is not even profitable. Not only is it not profitable, these companies are extracting the last "tid-bits" of natural gas. There is not even enough natural gas beneath our feet that would justify its worthiness to extract. For once we have to turn our heads to "profit" and "habit", we need to stop allowing crutches for our society to use in order to justify our addiction to fossil fuels. Instead we should be looking into way to create jobs that promote and implement renewable energy sources. Not only should we turn to renewable energy, we should also change our lifestyle to accommodate a life that is less consumptive. We live in a modern economic capitalist society, and we ourselves are seen as profit. We are not just profit; we are living beings that deserve to live a healthy meaningful life.

We are here to join hands in solidarity with the people of New Brunswick, Oregon, Pennsylvania, Alberta, New York, Oklahoma, United Kingdom, and Romania. There are thousands of hands locking together to barricade the road that would allow such an ethically blind industry to poison the waters, air, and soil. The people behind these companies need to remember, they are only human and they are part

Paula Bradshaw
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RECEIVED
JAN 9 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

January 3, 2014

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

Re: Proposed administrative rules implementing the Illinois Hydraulic Fracturing Regulatory Act

To Whom It May Concern:

I have a number of concerns regarding the inadequate protections for public and environmental health and safety concerning the proposed regulations implementing the Illinois Hydraulic Fracturing Regulatory Act. Although I do not have time to state all of them here, I would like to focus on three areas in which the deficiencies in the proposed regulations are especially alarming.

I. Danger of Radioactive Contamination

Illinois shale has above-average levels of radioactive elements. The US Geological Survey itself has found that produced water in Southern Illinois has radioactive Radium-226 levels that are 67 times the maximum contamination level allowed by the EPA. (See USGS Fact Sheet, FS-142-99, which describes oil fields in Southeast Illinois in the top 10 percent of radiation level, with "markedly higher radioactivity.)

Unfortunately, section 245.850 of the proposed rules provides for testing of fracking fluids only once – during the early flowback stage – and only for "naturally occurring radioactive materials." The rules do not require testing for added radioactive materials, like depleted uranium, which can be used during well-bore perforation in the fracturing operation and has a half-life of 4- ½ billion years.

The proposed rules include no standards for determining acceptable or unacceptable radioactivity levels in flowback – and no protocols or enforcement mechanism if the flowback water tests high for radioactivity. This glaring omission is frankly absurd. It appears that the testing is for a purely academic purpose, not protecting public and environmental health.

The proposed rules do not require the testing of "produced water," the water produced from a well in conjunction with oil or natural gas production, which presents the greatest danger of radioactive exposure. The rules do not contain any provision to test for radon in wellhead gas, radium scale in pipe, equipment and crude oil bottom sediment -- used as "road oil." And of course, there is no enforcement mechanism for radioactive contamination in these categories,

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either, since there can be no enforcement if there is no mandatory testing and setting of standards.

The proposed rules contain no notice requirements for potentially affected residents and workers. There is not provision for workers to wear radiation detection badges or devices. The proposed rules do not test work areas for levels of radioactivity that would call for OSHA standards of occupational safety. The proposed rules include no safety measures for the transport of radioactive waste. They would also apparently allow for the disposal of radioactive contaminated waste in Class II injection wells, which are not designed to safely contain radioactivity.

These deficiencies, cumulatively or singly, would pose a significant risk to the public health and safety, property, aquatic life, and wildlife, in violation of section 1-75(a)(2) of the Hydraulic Fracturing Regulatory Act. The regulations should provide for cradle-to-grave testing for radioactivity, at frequent intervals, and in all phases of the operation, with enforcement provisions, including cessation of fracking operations, if radioactive contamination poses a significant danger to human or environmental health.

II. Danger of Earthquakes

There are two distinct earthquake risks: (1) the risks from injection wells inducing earthquakes that would not otherwise occur and (2) the risks of substantial injuries and damages created when the toxic fracking fluid left in the ground, in pipelines, and in wells (injection and otherwise) is let loose as a result of a major earthquake. There are no provisions in the rules establishing guidelines for stopping fracking wells in the event of earthquakes. (Section 240.796, applies only to Class II injection wells, not fracking wells.) There also are no provisions barring the siting of wells (fracking or injection) in or near active seismic zones. Considering that Southern Illinois sits above two active seismic zones -- the New Madrid and the Wabash Valley – such omissions are in reckless disregard for the safety of Southern Illinois residents, their property, and the ecology of the region. There is a complete absence of data establishing the ability of frack wells or injection wells to withstand and maintain integrity in the event of a major earthquake of 7, 8 or higher on the Richter scale; no engineering studies to determine what might be a safe distance from the epicenter of such a quake. Integrity is just being assumed, which is, by definition, reckless.

Regarding induced earthquakes, recent studies show that the risk of earthquakes can extend far beyond local areas. See:

http://www.earth.columbia.edu/articles/view/3072 : A new study is the latest to tie a string of unusual earthquakes, in this case, in central Oklahoma, to the injection of wastewater deep underground. Researchers now say that the magnitude 5.7 earthquake near Prague, Okla., on Nov. 6, 2011, may also be the largest ever linked to wastewater injection. Felt as far away as Milwaukee, more than 800 miles away, the quake—the biggest ever recorded in Oklahoma–destroyed 14 homes, buckled a federal highway and left two people injured.

http://geology.gsapubs.org/content/early/2013/03/26/G34045.1

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http://www.usgs.gov/newsroom/article.asp?ID=3706&from=rss#.UohRF40hRL8 "Why America's Heartland is Earthquake Country", United States Geological Service, September 30, 2013

"Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States", Nicholas J. van der Elst et al., DOI: 10.1126/science.1238948, Science 341, 164 (2013).

Currently the "traffic light alert" system set up by the rules allow for up to four fracking-induced earthquakes of at least magnitude 4.9 -- even near the New Madrid or Wabash fault lines -- before a company has to shut down an injection well. The rules do not call for the implementation of a seismic monitoring system that can accurately assign responsibility to particular fracking operators in the event fracking operations do induce earthquakes. The rules also fail to require insurance from well operators when it comes to property damage and injuries incurred by residents, business, or public institutions as a result of seismic activity tied to fracking.

The proposed regulations do not provide adequate protection of the population in southern Illinois where citizens are at risk of a major earthquake. A great deal more study and examination of this issue needs to be undertaken before one could even begin to draw up a more responsible set of rules. Until that work has been completed, fracking should not be permitted in the southern half of the state.

III. The Failure to Inform Victims and Health-Care Workers of the Chemicals to Which They Are Being Exposed

There are tremendous health and safety risks that come with pumping tons of highly toxic and radioactive water deep into our bedrock. But the proposed rules allow the actual chemicals to be kept secret, so not even doctors and health care workers know what toxins have been involved when they see a sick patient.

Section 245.730 of the IDNR rules impede the ability of affected patients that come in contact with highly toxic fracking pollutants to acquire immediate treatment.

Even though the law requires IDNR to provide health professionals about the chemicals used in fracking when that information is necessary to treat a patient, the rules provide a circular definition of an "affected patient" which requires doctors to test for exposure to secret chemicals in order to get fracking companies to disclose exactly what these secret chemicals are. There are over 353 chemicals used in fracking; expecting physicians to run 353 tests is medically and financially unfeasible, and places the burden on the medical establishment instead of on the fracking company where it belongs.

To make matters worse, the rules give medical professionals only one of two options in the event of a medical emergency - call the IDNR during "normal business hours" or call a "trade secret holder" (Sec. 245.730b1).

IDNR gives no indication of how one can go about identifying who exactly this "trade secret holder" is and how one can actually go about contacting them in the event of an emergency outside of IDNR's business hours.

Finally, the rules do not require IDNR and the trade secret holder to provide information to health professionals; they say the "may" rather than "shall" provide the information. This means they have complete discretion to share – or not share – information about the chemicals involved in fracking, regardless of medical necessity.

This so obviously presents an unacceptable level of risk to persons exposed to fracking or waste chemicals (liquid, solid or gaseous), and to health-care workers, that further elaboration would be superfluous. The list of chemicals used at each fracking operation should be made public, readily accessible to site workers, transportation workers, area residents and all area health-care facilities. So-called trade secrets should not take precedence over the need to respond quickly and decisively to treat persons exposed to toxic and/or radioactive hazards.

For these, and numerous other reasons, I must protest the current manifestation of the regulations as woefully inadequate.

Sincerely,

Paula Bradshaw

Paula Bradshaw

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JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

January 3, 2014

Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Re: Proposed administrative rules for the IL Hydraulic Fracturing Regulatory Act

Dear Mr. Mool:

I spoke and delivered my written comments, as well, at the hearing on December 19, 2013 in Carbondale, IL. However, since then, I have read more of the regulations, which I wish to address in this letter/comment. As I said then, I am a member of the Carbondale City Council, and while I do not speak officially for the City or the Council here, I do believe that that lends me a certain perspective on this issue.

First, most critically, I do not believe that the fines for violations, per sections 245.1110 and 245.1120, are high enough. Carbondale fines its own citizens similar amounts for minor violations – even traffic tickets are higher than your minimum of $50! If a company were to violate these regulations, it could result in thousands of dollars of damage. I would like to see you write PA98-0022 fines and penalties into the rules, instead of the trivial fines in §245.1120(c)1-2 – more like $5,000 for violations, depending on the severity. In addition, I think that the insurance requirements for companies need to be higher, per §245.200(c)1(C), than

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$5,000,000 per occurrence. I think that the company should be required to carry more. I realize that this is a new regulation, so it is hard to come up with a number – what I would like to see your committee do is look at some of the fracking accidents that have occurred in other states, and calculate an average amount from what those cost to clean up.

Another thing that concerns me, as a resident of Southern Illinois, is water usage, storage, and disposal. Section 245.600(b)(1) of the proposed rules provides for the testing and monitoring of water sources within 1,500 feet of the well site, but a well bore can extend for up to 2 miles under ground. This should be expanded to cover 3 miles, to allow for coverage in case of further underground migration, or above-ground migration in streams, rivers, and lakes nearby. In addition, under §245.600(c), follow-up monitoring only needs to occur for up to 30 months after the completion of fracking – and not during an operation. That should be extended to annual testing for at least 5 years following any fracking, no exceptions (even if, per subsection (a)(9), a landowner signs an agreement). The company should still be required to test in the area nearby. In subsection (d)(1)(B), under Laboratory Analysis Procedures, the list of items to be tested needs to be vastly expanded. IDNR needs to at the very least insure that the list of chemical indicators in Section 1-85 of the law all be referenced for testing as required by Section 1-80. The companies need to disclose what chemicals they are using so that testing can include any potential irritants. Further, in §245.610(b), if a citizen makes a pollution claim, the Department has up to 30 days to notify the Agency and initiate an investigation, and then has 180 days to "make a reasonable effort to reach a determination within 180

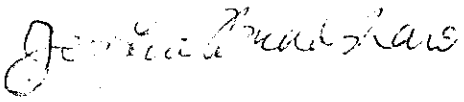
calendar days after receiving the notification." I believe that both of these need to be shortened. The Agency should initiate an investigation within 7 days, and should then make a determination within 90 days. If oil and toxins are gushing in to someone's water, they will potentially not be able to drink that water for that time – 7 days is hard enough to go without water! If it goes any longer, the company should have to reimburse them for those expenses of finding another water source, and should also have to, under §245.615(a), *permanently* "restore or replace the affected water supply..." The word "temporarily" should be removed from that paragraph. A person's water should not be a temporary supply. Section 245.630, Prohibitions, should be amended to include any and all toxic substances that these companies use, as well as any radon or other radioactive substances that fracking may release from the ground.

I have many other suggestions, but I suspect that you have heard most of them in other peoples' comments. I just want to close by emphasizing that you read and consider each specific comment. I would also like to see IDNR hire a team of scientists (complete with a seismologist, hydrologist, chemist, at least) to review the regulations, after your revisions, to be sure that, for example, if there is an earthquake, the regulations protect Illinois's natural resources from contamination if there is a 8.0 earthquake. Same with a hydrologist, who can make sure that, if we have a 100-year-level flood, the requirements on water storage are strict enough to make sure that frack fluids will not spread into Illinois' watershed. It should also be reviewed by insurance experts, who can ensure that people will be protected if something goes wrong.

Finally, I would urge the IDNR to send every municipality and county in the southern area a copy of these regulations, so that they have a chance to review the rules to ensure that they are sufficient to address the idiosyncrasies that each area may have. For example, at the December 19th hearing, the Jackson County Health Department administrator spoke about the costs that her department would have to incur, were they to have to expand their well testing, which fracking would most certainly impact. This is just one example; I am sure that other administrators would have other concerns that perhaps even I have not considered in either of my letters to you.

Thank you again for considering these and other comments. I am sure you have a challenging task ahead of you, but I again urge you to review these regulations with the goal of protecting Illinois' natural resources for future generations in mind.

Sincerely,



Jessica Bradshaw

Hi My Name is Judy Jordan and I am very concerned about the injection of fracking wastewater into the ground causing Man-Made earthquakes.

It has been well documented for years that the injection of fracking water into the ground causes earthquakes.

Earthquake insurance has already been cancelled in some county on many structures (houses) and premiums raised on others so when the earthquakes happen as they will, who will ultimately pay for the destruction of peoples' houses?

The Traffic Light control system proposed by IDNR is far too simplified and lax and jeopardizes the lives, homes, & businesses of thousands of southern Illinois residents.

There are little or no penalties or consequences operating wells which cause earthquakes.

IDNR does not require insurance from well operators for property damage and injury and as I said before private insurance companies are cancelling insurance, so again, who is going to pay for the damage?

The science is clear that fracking causes earthquakes & businesses know it - why else would private insurance companies cancel earthquake insurance

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JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Illinois Department of Natural Resources 12/27/13

I am submitting this comment to express my concern over the absence of adequate safeguards in the proposed regulations regarding hydraulic fracturing, with specific reference to the risk of introducing radioactive particles and emissions into water supplies and the surface environment.

The U.S. Geological Survey has found that radioactive particles found in Illinois shale are among the highest in concentration in the U.S. Frack waste water is known to contain dangerous concentrations of Radium 226, literally thousands of times the maximum contamination level allowed in water or soil under current EPA regulations.

Section 245.850(d)(1) provides for testing of fracking fluids only during the early flowback stage, and only for naturally occurring radioactive materials. The proposed rules make no provision for what enforcement measures would ensue if the testing shows hazardous levels of radioactivity, or even what standards or findings would trigger enforcement, of any kind.

The proposed rules make no provision for testing of "produced water," even though produced water will be in contact with radioactive elements underground for longer periods than flowback water, and therefore will be much more likely to carry higher levels of radioactivity.

The proposed rules make no provision for testing added radioactive materials, such as depleted uranium, which is sometimes used in the fracturing operation.

The proposed rules make no provision for testing work areas, and workers themselves, for exposure to radioactivity. - 013953

The proposed rules make no provision for reporting unsafe levels of

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Dept. of Natural Resources
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Hello my name is AJ Beck and I want to know how the fines on administrative and operating violations can be so low. Also why isn't there a limit on how many times the law can be broken?

I ask do you to raise the fines for these serious violations of human and environmental safety to a level that would actually deter companies from just going forward breaking the law and paying the extremely small fines.

Why is there no serious ~~dams~~ to stop companies from polluting?

Please implement fines to the level of violations under the Clean water or Air Act, and have a 3 strikes and they are ~~out~~ Shut down policy.

Dreaming of a Happy New Year

AJ Beck
Carbondale IL

013954

JAN 3 2014
Department of Natural Resources
OFFICE OF LEGAL COUNSEL

Thank you for joining us today, a very cold day. My name is Georgia de la Garza. I am with Shawnee Hills Hollers of southern Illinois. I have been asked to take on a big responsibility from many organizations from Chicago to southern Illinois to use my voice so thousands could be heard. We are here in solidarity with Friends of Belle Smith Springs, Race, Shawnee Sierra Group, Shawnee Vinyard Settlement, Frack Free of Illinois and PDA. Many other organizations have called the last few days giving their support of our message.

January 3, 2014, The deadline for the comment period. This day is an important day, for these thousands of concerned citizens of Illinois, who have educated themselves on high volume horizonatal hydraulic fracturing and on the proposed rules of the regulatory act on fracking.

When we heard of fracking coming to Illinois two years ago, organizations and long time activist started calling each other. It was good to hear old voices and it has been amazing to hear new ones from all age groups. We started educating ourselves, we kept talking, we started organizing. We made a decision then, "We do not want HVHF in Illinois." We started teaching communities of their civil liberties and began non-violent direct action training.

Governor Quinn signed the fracking bill June 17, 2013 and promised citizens of Illinois we would take the lead in having the toughest regulations on fracking. The regulatory act was written by a group of large people from the IDNR, environmental groups, oil and gas industry, labor representatives and lawmakers. As we all are aware now of the dangerously weak written rules of the regulatory act we stand and say we reject the act. We are not focusing on the rules and regulations. We are focusing on a ban fracking.

We heard the cries of illness, bad smells, sick animals, fire water, reoccurring earthquakes, domestic violence, sexual assaults, people's property being devalued, light pollution, degradation of roads, truck noise, the list is longer. We hear the cries from New York, Pennsylvania, Texas, Colorado, Oklahoma, Kansas. We watched citizens come together and ban fracking. They stand in solidarity with us today.

Illinois Department of Natural Resources provided us with an opportunity to write our record number of comments on the rules and 20,000 people knew the importance of their voice. Many of you from organizations from Chicago to southern Illinois have traveled in harsh weather conditions to prove to our lawmakers we are in solidarity, our voice is one and nothing will silence it.

We have been told at five public hearings held during the comment period not to comment on fracking because "that train has left the station" and were instructed to only speak of the rules pertaining to the regulatory act.

We will not stop talking about fracking. We will not stop asking for a ban on fracking. The train has not left the station. The last time we checked, we still live in the United States of America, protected by our Constitution of free speech and the right to well-being. We live in the state of Illinois. We have experience. We can impeach our Governor and we can change laws.

I would like to introduce Kathi Vinyard, Vice President of the Shawnee Vinyard Settlement in Herod, Illinois. Kathi is a relative of Barney Bush, a long time activist of earth extraction and beloved poet.

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food&waterwatch

January 3, 2014

Food & Water Watch
811 W Evergreen Ave
Chicago, IL 60642

Robert G. Mool
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

RE: Comments on the Hydraulic Fracturing Regulatory Act draft rules

Thank you for the opportunity to comment on the proposed regulations.

On behalf of Food & Water Watch supporters across Illinois, we write to express our deep concern about the impact that widespread drilling and fracking will have on our state.

After general comments about the proposed rules for opening up the state to drilling and fracking, we make twelve specific comments on the proposed rules that support our deep concerns.

General comments:

The Hydraulic Fracturing Regulatory Act was passed by the Illinois legislature, and signed into law, after closed-door negotiations between lawmakers, industry and several environmental groups. At the time, many of us warned that the oil and gas industry's well-paid lobbyists would succeed in watering down the resulting regulations, and that, even so, these regulations would be inadequately enforced.

Fast forward to today. Now, with new rules proposed under the contentious Hydraulic Fracturing Regulatory Act, the Illinois Department of Natural Resources has set the parameters for widespread drilling and fracking for oil and natural gas in the state. As a consequence, the coming oil and gas industry frenzy for profits will enroll Illinoisans, many against their will, in a large, uncontrolled public health experiment.

Nothing highlights this uncontrolled experiment more clearly than the long-term risks to groundwater. Scientists simply do not know the extent to which drilling and fracking hundreds to thousands of new wells in a region will change the way contaminants — not just the cancer-causing fracking chemicals but also the hydrocarbon gases and even radioactive brines — mix and move deep underground over years, or even decades.

Our underground sources of drinking water are simply too vital to our future to risk them for oil and natural gas. It only takes one case of contamination to ruin a community's water source.

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New oil and gas wells with cement or casing failures, aging or abandoned wells with their own leaky casings, new fractures from fracking, and existing natural fractures and faults all combine to create a network of underground pathways through which contaminants can flow. The new rules all but guarantee that new fractures from fracking will connect with existing pathways of contamination.

Of course there are many other problems that the proposed regulations only begin to address. We simply believe that these problems are best avoided altogether, with an outright ban.

Widespread fracking in Illinois, set to target the New Albany Shale, will mar landscapes and fragment forests across the state. It will crowd rural roads with heavy-duty trucks carrying water, chemicals and toxic waste, leading to inevitable accidents and spills. It will leave a costly legacy of local air and water pollution for communities to cope with, long after industry has left town. The proposed rules make all of these outcomes inevitable.

As for the massive volumes of toxic waste generated by drilling and fracking, there are no good options for disposing of it. Injecting it back underground is the industry's favored option, as the proposed rules anticipate, but regardless of the rules, the risk that Illinois will be struck by damaging earthquakes will increase as a consequence of such disposal.

Then there is the issue of climate change. The impacts of climate change are already being felt in Illinois, with less predictable patterns of rainfall, less predictable growing seasons and more frequent extreme weather. The tornadoes that struck our state are testimony to the fact that we cannot afford to further destabilize our climate by deepening our dependence on oil and natural gas. Yet that is precisely what these rules do. Widespread fracking for the oil and natural gas beneath Illinois, and then burning it all, will greatly increase the climate pollution Illinois pumps into the air.

Food & Water Watch and its supporters maintain that Illinois would be best off if we could avoid these problems altogether with a ban on fracking.

Below are twelve specific comments that highlight shortcomings in the proposed rules and that support our deep concerns.

Given these and the many other shortcomings of the proposed rules, there's a tangible sense that in Illinois the deck is stacked in favor of the oil and gas industry, and stacked against individuals and families and that stand to be adversely affected.

Additional comments:

1.

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Understanding of the underlying geology, and hydrology, of regions targeted for fracking is critical to understanding the short-term or long-term risks to underground sources of drinking water posed by fracking.

Section 245.210(a)(6)(A) proposes to look the other way. It would allow the oil and gas industry to avoid getting bogged down in the details and uncertainties inherent to describing the "lithology, extent, thickness, permeability, porosity, transmissive faults, fractures, water or water source content, and susceptibility to vertical propagation of fractures of the confining formations" above the formation targeted for fracking.

Applicants to drill and frack would only have to demonstrate that they put forward a "reasonable" effort toward understanding the underlying geology.

How will a "reasonable inquiry" be determined?

2.

Fracking for so-called "tight oil" in North Dakota regularly means drilling the deep, horizontal portions of the wells for a mile or two (which is about 5,000 to 10,000 feet). This is being done as densely as possible to access and open up the underlying rock so oil can better flow, and the same should be expected if widespread fracking is going to happen in Illinois.

Section 245.210(a)(7)(A), Section 245.815(b) and Section 245.1010 introduce an arbitrary and grossly inadequate measure of 750 feet to protect against so called frack hits, when new fractures from fracking intersect with aging and/or abandoned wells.

First, the distance of 750 feet makes no sense given that the new wells will tunnel a mile or two horizontally through the shale. And second, even if one just considers the new fractures created during fracking, these fractures commonly extend beyond 750 feet. A recent "frack hit" in New Mexico sent fluids up one well that was a half-mile, or 2640 feet, away from the well being fracked.

Pushing injected fluids, chemicals and sand further than anticipated, because of unknown geological knowns (and unknown geological unknowns), happens, not that infrequently, and each time it does we put our vital drinking water resources at risk.
What compromise led to the arbitrary and inadequate threshold of 750 feet?

3.

Section 245.210(a)(11), Section 245.510 and Section 245.830 would allow the oil and gas industry to use open-air waste pits. Volatile compounds in the industry's waste waft off of these pits, and this is believed to be why many people living and breathing near waste pits are having health problems.

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Fracking flowback is the waste fluid that flows up to the surface immediately after fracking. It is a multiphase fluid, meaning it is a mix of liquid and gas, and it's chock full of sand and other earthen bits.

The makeup of the gaseous portion of flowback is not very well characterized. The amounts of the different volatile organic compounds and other hydrocarbon gases in flowback vary by region. Of course many of these gases are harmful, particularly the BTEX compounds (benzene, toluene, ethyl benzene and xylene).

These gases waft off of open-air waste pits.

The liquid portion of the flowback is a mix of the used fracking fluids and so-called formation water, or brine, which had long been trapped deep underground and which has long been full of numerous harmful metals and other chemicals. Of course the spent fracking liquids typically contained harmful chemicals as well, though precisely what chemicals are in it is unknown.

These liquid wastes can spill over liners and contaminate land and watersheds at drilling sites.

Illinois should altogether avoid these pollution problems and ban the use of waste pits in the state.

4.

Section 245.270(a)(1) doubles the arbitrary distance of 750 feet to come up with another arbitrary threshold. The proposed rules would draw a radius of 1500 feet around the site of a proposed well, and those living within that radius would be given priority status for requesting a public hearing on the proposed drilling and fracking.

Again, contrast this distance, 1,500 feet, with the fact that modern wells are fracked all along horizontal, or lateral, boreholes that commonly extend 5,000 to 10,000 feet. In the abovementioned incident in New Mexico, fluids blew out of a well a full half-mile, or 2,640 feet, from the one being fracked.

Local air pollution impacts also extend further than the arbitrary distance of 1,500 feet. One recent study found that people living within a half-mile --- again, that's well over 1,500 feet – from fracking operations faced statistically-significant increase in the risk of cancer and other health problems, compared to people who live farther away from well sites, primarily due to the risk of exposure to the air pollutant benzene

What compromise led to the proposed distance of 1,500 feet in this Section?

5.

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People living farther than 1500 feet from a proposed fracking site would also be allowed to request a public hearing, but the rules are unclear about when requested public hearings would be granted.

According to Section 245.270, a person requesting a hearing must "directly demonstrate" that they have "a real property interest in or use resources of economic, recreational or environmental value that may be adversely affected."

Though it may only move quite slowly, groundwater does move long-distances, and any contamination of shallow groundwater from drilling or fracking operations can move with the slow flow of groundwater.

At any given fracking well site, which direction is groundwater flowing, and how fast is it flowing? Where would any released contaminants flow and how would they affect water quality from nearby water wells?

For a neighbor of a proposed fracking well, getting answers to these questions would require careful scientific study, at significant expense.

Clearly, the state cannot expect individual landowners to undertake such studies before they individually request public hearings, yet state proposes that they would have to in order to "directly demonstrate" the potential adverse effects on them.

And this is just to ensure a public hearing.

Illinoisans can expect the well-heeled oil and gas industry to badger the hearing officers tasked with deciding on whether or not individuals have standing to request public hearings.

Few affected members of Illinois' communities will be in able to bear the responsibility of ensuring their own water well quality, and those that can't will be exposed to the water pollution risks, having been steamrolled by the proposed permitting process.

6.

The proposed regulations would give a bulk discount to the fracking industry on the bonds required as collateral in case a company drills and fracks a well but does not properly plug the well, and restore the well site, before abandoning it.

Aging and abandoned wells are a major pathway for the flow of contaminants that can risk underground sources of drinking water, so for many decades after wells dry up and become abandoned, Illinois will have to ensure they remain sealed.

Section 245.220(b) sets the bond requirement at $50,000 per well, but provides larger oil and gas interests with the opportunity to provide a blanket bond of $500,000 for multiple wells, potentially many more than ten.

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If a company intends to drill 100 wells in the state in a year, then the blanket bond rate translates to a bond of just $5,000 per well.

The bonds should reflect the cost to the state of having to take over well sites in the aftermath of drilling. There is no need to give the largest, most profitable oil companies a bulk discount on bonds.

7.

There is no reason why there should be a cap on the number of days the state has to consider individual permits to drill and frack for oil and gas in the state. As industry knows, each well is different, and carries with it it's own set of potential risks.

Sixty days is much too short of a time between the initial application and the permit decision.

Of course that means that individuals potentially impacted by proposed drilling would have to become aware of an application and develop an informed request for a public hearing within a matter of weeks.

By proposing to require that the state decide on permits in no more than 60 business days after receiving an application, the rules would create the preconditions for rubberstamp approval of permits.

8.

As the above comments have already made clear, the proposed rules have a number of arbitrary setback thresholds – the distances 750 feet and 1,500 feet have already been mentioned.

Section 245.400 of the proposed rules would allow drilling and fracking to occur as close as 500 feet from homes, schools, hospitals, nursing homes and places of worship.

Again, this threshold is arbitrary, and ignores the threat of local air pollutants, which are known to be present much further from drilling and fracking sites than just 500 feet.

This arbitrary threshold ignores the completely open question of how a plume of shallow groundwater contamination can move and chemically change beneath ground over time.

And this arbitrary threshold ignores the fact that wells are drilled laterally, or horizontally, through the targeted rock formations for a mile or more.

9.

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The oil and gas industry has made a habit of blocking access to data and other information that would be needed to evaluate fully the environmental and public health impacts of its operations.

Trade secret exemptions, proposed in Section 245.720, that would allow industry to avoid disclosing its fracking chemicals must be seen in that light.

The proposed rules would ensure that the oil and gas industry can continue to hide precisely which chemicals it uses in fracking fluid.

This means that drilling and fracking wastes will contain unknown chemicals, which can be a problem for first responders tasked with cleaning up spills.

These rules need to put a higher priority on protecting public health than they do on agreeing to industry's convenient claims for trade secret protection.

10.

Following up on how the proposed rules favor trade secret protection over the protection of public health, it is worth focusing on the protocols that Section 245.730 would establish for public health professionals.

Doctors, nurses and first responders faced with treating individuals exposed to fracking chemicals -- potentially including themselves! -- need to quickly know what sort of chemicals they are dealing with so they can ensure they are providing the best treatment possible.

While Illinois may or may not have, at the time of the exposure, the full list of chemicals used, doctors would have to call during business hours in order to find out.

Of course the problem is that accidents don't always happen during business hours.

The rules would say that health professionals can call the company for disclosure at any time, but are doctors really supposed to look up the number for a 24 hr hotline run by a drilling company contractor's subcontractor? With all due respect, this has not been thought out.

Even if doctors and nurses succeed in obtaining the information about what chemicals they are dealing with, they would be forced to sign non-disclosure agreements that restrict their ability to communicate with their peers in ways that advance their profession.

While there is much more than just the chemicals in fracking fluid that makes exposure to the industry's waste harmful, full disclosure of the chemicals being pumped underground would avoid any such problems for public health professionals.

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11.

Section 245.845 and Section 245.910 attempt to address the problem of methane emissions from the sites of oil and gas wells.

Oil is the real prize and the real reason Illinois is being targeted for fracking, but the fracked oil wells are likely to produce significant amounts of natural gas (which is mostly methane) as well as other hydrocarbons (ethane, butane, propane, etc.).

Across North Dakota where, like Illinois, the industry is drilling and fracking for oil, natural gas is leaking, venting and being flared.

With natural gas prices low, it isn't necessarily in the industry's economic interests to capture it and either use it on site to fuel generators or send it via pipeline to the market.

Leaking and venting of methane is a major source of climate pollution in the United States.

While flaring is preferable to venting, it still stands as a tremendous waste. It needlessly pumps massive amounts of carbon dioxide into the atmosphere, at the expense of our climate, and it also pumps harmful particulate matter into the air.

Emissions of air pollutants from drilling and fracking operations should be minimized without deference to the company's finances, but the proposed rules would give this deference.

If a company cannot control its air pollution and climate pollution, then it should not be operating in Illinois.

12.

Section 245.1120 proposes fines for violations that are absurdly low, in light of the profitability of the oil industry and the realistic fiscal requirements of operating effective state oversight of drilling and fracking operations.

Worse, the proposed structure for determining fines is just for regulators to consider – it does not set minimum fines.

The largest fine for operating violations that regulators are encouraged to consider is $2,500 – but that is only if it is the fifth or more time the company has had that same violation in the state. The first violation would only cost the company $100, maybe.

The rules go on to propose utterly arbitrary but ultimately revealing levels of fines for violations that have the potential "to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife."

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If there was a low probability of such damage, the fine regulators might consider is $100.

If there was a high probability of such damage, the agency might consider a $250 slap on the wrist.

If there was such damage, make it $1000.

Now, $1000 is getting off way too light for a violation that leaves a small watershed and stream ecologically wrecked by pollution.

We already know that accidents, leaks and spills of harmful chemicals and waste are inevitable, but at this level of fines, industry can afford to cut corners and Illinoisans can expect the incidents to be more frequent across the state.

Sincerely,

Emily Carroll
Midwest Region Director
Food & Water Watch

RECEIVED
JAN 06 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

TO: Marc Miller, Director, Illinois Department of Natural Resources

From: Chris Prendergast

RE: Proposed Rules for Horizontal Hydraulic Fracturing in Illinois

I reviewed the regulations that the Department of Natural Resources (DNR) proposed for horizontal hydraulic fracturing ("fracking") in Illinois. Below please find thirty recommendations for improvements under sixteen numbered headings, including a few nods of approval for thoughtful rules.

Allow me two general comments at the onset. First, the statute that the Illinois Legislature bequeathed to you permits the energy-extraction companies to use water-injection, when it should have required the use of gelled propane gas. Although not without its own problems, e.g., susceptibility to explosions, *gelled propane gas poses no threat of groundwater contamination*. Since it is a gas, it is *entirely recoverable* and may even be re-used, if the proper technologies are deployed. Moreover, its use would save tens of millions of gallons of drinkable water that otherwise would be lost to water-injection. The companies seeking permits, however, prefer water-injection because (a) it is cheaper operationally, (b) they already invested capital in water-based technologies, (c) they have more experience with those methods, and (d) they are indifferent to the greater environmental risks of water-injection. The DNR, however, not only cares about (d), it was charged by the Legislature to craft regulations that will be "the toughest in the nation." So *require companies seeking a permit to adopt the best practices in the industry, including the use of gelled propane gas*. Since the Legislature was apparently unaware of this alternative when it drafted the statute, DNR will need to work with a legislator to amend the statute to require the use of gelled propane gas. Sen. Michael Frericks (D-Champaign) would do a thorough job of it. Delaying the permitting process to ensure safer and cleaner operations will be well worth it, since the rules you promulgate in 2014 will govern fracking operations for decades. Do not institutionalized the use of the older, cheaper (to the companies), riskier (to us), more wasteful water-injection methods. Finally, while I would welcome the use of gelled propane gas, I still want strong regulations governing its use. *Neither the statute nor your packet of rules contains any regulation regarding the use of gelled propane gas.* Please correct that omission and invite the public to comment on those rules as well.

Second, a study published in November in the *Proceedings of the National Academy of Science* revealed that *atmospheric methane levels across the U.S. are 50-75% higher than current EPA estimates* and *up to 5 times higher* in states like Texas, Oklahoma, and Kansas with extensive oil and gas extraction and refining operations. As you know, methane traps 28 times more heat in the atmosphere than carbon dioxide. As indifferent to global warming as they are to water contamination, fracturing companies prefer to dispose of their surplus natural gas (which is 97% methane) by "flaring." A most inefficient process, flaring pumps methane directly into the air, from whence it rises into the atmosphere. After getting the Legislature to amend the statute to require the use of gelled propane gas, your second imperative is to *draft regulations banning flaring* and requiring the capture of all natural gas and methane emissions at wellheads, storage tanks, and shipping tanks.

In the regulations you draft, let Illinois become the first state to require the use of gelled propane gas and to ban flaring, rather than the last to passively accept the levels of atmospheric and groundwater pollution that the fracturing companies consider cost-effective for them .

I recommend the following changes to your proposed regulations of water-based fracking.

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Regulation 240.400. Seven recommendations.

1. Increase the application fee to $20,000. Start recovering regulatory costs at the permit stage.
2. Increase the minimum distance between fracking operations and the property lines of schools, hospitals, churches, and homes from 500 feet to 1500 feet *and remove the provision allowing homeowners to waive the regulation at the companies' behest*. DNR regulates heath and the environment, not homeowners. The most likely beneficiaries of the homeowner's waiver are absentee landlords and homeowners hoping to sell their newly-devalued property to the energy companies. Neither cares any longer about the neighborhood or the environment.
3. I failed to find a single provision regarding *noise pollution* in your rules regulating fracking near human communities. In other states, the nearly around-the-clock drilling operations drive nearby residents crazy. Please promulgate tough rules regarding noise pollution.
4. Increase the minimal distance between fracking operations and streams, lakes, and rivers from 300 feet to 750 feet and eliminate landowners' waiver rights. 300 feet is just the length of a football field.
5. Increase the minimal distance between fracking operations and nature preserves and water preserves from 750 feet to 1200 feet. These environment resources are too precious to risk during unexpected spillage events and adverse storm-and-wind conditions.
6. Wildlife need protection from noise pollution as well, so require dampers near nature preserves.
7. Increase the minimal distance between fracking operations and public water supplies, particularly in communities reliant upon well water, from 1500 feet to 2500 feet. Whole communities depend on these water sources, so protect them from both the subterranean migration of fracking fluids and from rare adverse events like flooding. I need not remind you to take expected population growth into account when drawing these boundaries.

Regulation 240.796: Seismicity. One recommendation.

Ban fracking operations from active seismic zones above the New Madrid and Wabash Valley earthquake fault lines. Fracking's impact on seismicity is now well established. What is not established is whether *any* wellhead regulation can mitigate these effects. Since the use of gelled propane gas has the same seismic effects, the only option appears to be to ban fracking operations over fault lines.

Regulation 245.110. One recommendation.

Good, but improvable. Since fish and frogs cannot survive in a vacuum, you need to make certain that the *ecosystems* surrounding feeder streams and other bodies of water are protected from chemical pollutants, illegal dumping, trampling by feet and machines, etc. Try "protection of all ecosystems, including trees and plants, within 750 feet of wellheads, storage tanks, and solid waste dumps."

Regulation 245.110-120. One recommendation.

This industry puts employee lives at risk by seeking exemptions from various OSHA regulations, which it successfully achieved in several states. Not in Illinois, please. Add a sentence such as: "To receive a permit, applicants must agree to abide by all current OSHA regulations without exception." This is important because workers are regularly asked to work 12-hour shifts. Exhausted workers injure themselves and others.

Regulation 245.510: Well Drilling, Storage, and Disposal of Drilling Waste. Four recommendations.

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Section (a) allows the use of "tanks or pits" if no oil or polymer-based mud is included in the waste stream. First recommendation: Require the use of tanks for all drilling waste storage. Pits invite the convenience dumping of all kinds of low-volume waste.

Section (c) allows landowners and DNR to jointly approve the storage of drilling waste (other than polymer-based mud) on landowners' property, presumably in "tanks or pits," which translates into pits due to the greater cost of tanks. This rule allows some landowners to profit from the storage of pollution on their property, to the detriment of their neighbors' environment and health. Second and third recommendations: Tighten the rule by insisting that *only enclosed storage tanks be used*, and that the *tanks be kept 300 feet away from neighbors' property lines, access roads, etc.* Fourth recommendation: DNR shall review and approve the language of all private pollution contracts. As local environmental conditions deteriorate, landowners seek to cut their losses by signing such agreements. Have your lawyers review these contracts to ensure that relevant regulations are not being evaded and that distressed landowners are not being deceived by vacuous assurances.

Regulation 245.530: Surface Casing Requirements. One recommendation.

Most of these rules require the companies to meet industry standards, which is fine and expected. However, 245.530 (a) requires the companies to set a depth of "200 feet or 100 feet below the base of the deepest fresh water." Does this not contradict Regulation 240.400, which sets minimal distances between drilling operations and various bodies of fresh water? Am I now to understand that the statute *permits* the companies to fracture geological formations *underneath* bodies of fresh water, provided only that they leave a clearance of 100 feet? Despite fracking's effects on seismic activity, you anticipate no subsequent fracturing of rock and shale beneath these bodies of fresh water? Moreover, you believe that, should such fractures occur, gravity alone will prevent fracking fluids from migrating upwards along these new seams and fractures? Finally, should such fractures occur, you anticipate no leakage from the various bodies of water into the fractured shale formations, thus depleting the water supply above it? Are not these assumptions reckless and foolhardy?

Please modify 245.530 (a) with greater regard for bodies of fresh water and the ecosystems and human habitations that depend on them. Recommendation: Make finer distinctions. For shallow streams that go dry in summer, the rule is fine as it is. For permanent streams, rivers, and lakes, the 100-foot clearance may be adequate for some, but not for others. Exclude the most important water sources, such as large lakes and navigable rivers, from under-drilling. Exclude bodies of fresh water along the New Madrid and Wabash Valley fault lines from under-drilling. For important but less critical bodies of water, a 150-200 foot clearance may be appropriate, depending on the underlying geology. Where fresh water is plentiful in the area, nearby ecosystems are otherwise protected from human interference, and seismic activity is low, a clearance of 100-150 feet below the fresh water source may be appropriate. One rule for all circumstances does not work here.

I still believe that allowing the fracturing companies to drill under bodies of fresh water violates the intent of Regulation 240.400. I urge you to restrict under-drilling to exceptional circumstances, and to promulgate restrictions like the ones suggested above.

Regulation 245.550: Blowout Prevention Equipment. Three recommendations.

The assumption here appears to be that the energy extraction companies' regard for their own self-interest will naturally lead them to deploy only the best blowout preventers in their operations. But suppose, instead, that cost-aversion leads them to haul around from state to state whatever equipment just happens to be in working order at the moment, whatever its quality and reliability may be? DNR

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needs (1) to investigate the range of blowout prevention equipment on the market, (2) to insist that the companies deploy only those models with the best reputations for safety and reliability, and (3) to periodically and randomly inspect the blowout preventers in use.

Regulation 245.580, Subpart F: Independent Third-Party Testing of Water Quality.

Excellent rule.

Regulation 245.610: Water Pollution Investigations. Two recommendations.

Under (a), as written, the rule suggests that only landowners can request an investigation and that the investigation must be conducted by DNR. Both halves of that rule seem restrictive. First, outside parties, with the permission of landowners, should be permitted to test for water quality on private property. Second, outside parties should also be permitted to test nearby streams and lakes on public land, and submit their findings to DNR at their own expense. Naturally, DNR will need to confirm such third-party findings. The more testing the better and data-based claims are always preferred over irate assertions.

Regulation 245.615: Remediation.

Excellent rule. Use it early and often.

Regulation245.620: Rebuttable Presumption. Two recommendations.

Excellent rule. But it covers only water pollution within 1500 feet of a wellhead. Should there not be a comparable rule regarding air pollution? I have yet to find a regulation banning flaring, the chief cause of local stinky air and atmospheric methane pollution. Add here *(1) an unqualified ban on flaring* and *(2) a rebuttal presumption of illegal flaring* if either local or atmospheric methane testing reveals higher-than-baseline amounts of the gas, say, 20% above baseline. Your budget will need to be adjusted to cover the monitoring and baseline testing costs. The Legislature and the Governor wanted the revenue and the jobs. Send them the bills.

Regulation 245.630: Prohibitions. Three recommendations.

Zero discharge of BTEX, fracking fluids, diesel and oil into fresh water? Excellent rule! But what about air pollution, methane pollution in particular? First recommendation: Here is where you can prohibit flaring, identify the air pollutants you will test for, declare their permissible emission levels, prescribe leakage limits and company compliance tests, and describe your own independent monitoring procedures. Second, require the companies to test for methane pollution and natural gas leakage from both fractured shale fields and from wellheads *on a monthly basis.* Third, *DNR must be prepared to exact fines at leaky sites monthly until the leaks are repaired.* Repairs include encasing leaky fractures in the fields until the escaping gases can be recaptured and retrofitting valves at wellheads. You and the companies will also need to test for natural gas leaks at storage tanks and compressor stations. The statute's disinterest in air pollution creates a regulatory vacuum that encourages the companies to pollute at will. Correct the problem.

Regulations 245.700 and 245.710: Chemical Disclosure. Two recommendations.

It is unclear how complete or reliable the disclosures will be. The 21-day notification seems reasonable, but how will DNR know that *all* the chemicals truly have been disclosed without independent testing? Will 21 days be sufficient for you to determine the chemical content of these

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fluids, assuming you have the budget for it? Will you be given samples to test or will you collect your own samples? Environmentalists believe that the companies use "trade secrets" as an excuse to conceal dangerous chemicals in the fluids. If so, the proffered "disclosures" could be only partial. The fact that the companies can switch fluids with a 24-hour notice also disturbs me. *Unless they are switching to a fluid that you have already independently tested, this could be a regulatory loophole*. Overall, I find these two regulations vague and easily evaded. Tighten them up. First recommendation: Demand complete chemical disclosure. Second recommendation: Since human health is at issue, reserve the authority to have independent labs analyze the chemical contents of fracking fluids, confirming or disconfirming the companies' claims. Those independent lab reports can remain confidential -- unless and until they need to be shared with medical personnel in an emergency.

Regulation 245.850 (d) (1): Produced Water. One recommendation.

Testing fracking fluids that return to the well pad: Excellent. However, you omit testing for radioactivity, an important issue for workplace safety. Add that test as well.

Regulation 245.900(e). One recommendation.

What was probably intended as philosophical commitment to cost-benefit analysis in this section will come back to haunt you when the extraction companies' lawyers and PR people quote out of context your phrases about regulations needing to be "cost effective" and not "economically unreasonable." *Every* regulation they oppose will be cost ineffective and economically unreasonable. This language needlessly puts DNR on the defensive for just doing its job. Recommendation: Add a few sentences on externalities to balance out these careless phrases.

Regulation 245.1120: Fines for Non-compliance with Regulations. One recommendation.

The experience of other states shows that the extraction companies obey the code of the wildcatters. Not only are they indifferent to the harms their practices cause to employees and ecosystems, they actively evade regulations and are contemptuous of agencies like DNR. This attitude, shared by both management and labor, is engrained in the culture of the industry. As a result, you need to back up your regulations with constant monitoring of operations and stiff penalties for violations. You don't have the budget for close monitoring, so when you discover a violation, you need to penalize swiftly and painfully. Penalties of $50 to $2500 are inadequate. I recommend $250 to $7500 per violation. If that seems high, recall the 3000+ code violations in Pennsylvania in the last five years.

Concluding Remarks

The 30 recommendations above, if accepted *and enforced* by DNR, will help to reduce the externalities that horizontal hydraulic fracturing generates as the routine by-products of its water-injection methods.

In addition to those 32 specific recommendations, please consider broader changes to the statute, such as requiring the use of gelled propane gas at all or most wellheads in Illinois. That change alone would vitiate the need for hundreds of regulations limiting the known dangers of pumping unrecoverable and migrating chemicals into fractured shale formations. Alas, unaware of this technological advance, the statute regulates only water-injection, in the course of which it concedes generous pollution allowances to the industry, failing, for example, to ban flaring. Now DNR must, on its own, promulgate regulations for the use of gelled propane gas, since companies seeking to extract natural gas will use it as a cost-

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competitive alternative to water-injection. Since you must go beyond the original statue anyway, you may as well ban flaring. Doing so will not only remove one of the worse externalities of the fracking industry, it will also have the beneficial side-effect of encouraging the use gelled propane gas, which has far fewer externalities and will save tremendous amounts of water. With two-thirds of the world's population expected to experience water shortages by 2025, according to the United Nations, water is too precious a resource to squander on an inferior technology.

Finally, having given the silicon-sand industry what it wanted near Ottawa, and now seeing the wasteland your inadequate regulations produced, perhaps DNR has learned a lesson about the need for diligent and tough-minded code enforcement. Appeal to the Governor and the Legislature to sharply increase your enforcement budget. You need more offices, more staff, more inspectors, more testing. Industry will not support you on that, but the public will, provided that you stand up for the public interest and not capitulate to industry pressure, as you did in Ottawa.

Sincerely,

Chris P.

Chris Prendergast

Christopher P. Prendergast is Professor Emeritus of Sociology at Illinois Wesleyan University, Bloomington. His address is 201 Parkview Drive, Bloomington, IL 61701. He may be reached at crispychrisp47@gmail.com.

013970

RECEIVED

JAN 2 2014

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Diana Kleidon
3048 E Poplar Ln
Crete, IL 60417

December 30, 2013

Esq. Robert G. Mool
Office of Legal Counsel, Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool:

Fracking is not a solution, but a problem. We cannot even consider jobs that would come out of fracking when damage from this practice will be devastating causing cancer and other major health problems and death.

Over 300 hundred chemicals would be used in this process. This is unacceptable! The ground water will be contaminated, unfit for consumption for anything living from humans, animals and plant life. Open air waste storage is dangerous. Fracking causes the ground to be unstable. Unstable ground is unacceptable anywhere, anywhere, but in Illinois fracking would be conducted on earth quake zone. My comments are based on fracking that is already taking place in other areas of the U.S. Fracking "side effects" illustrates, it's a bad idea.

Fracking in Illinois is a big negative for the State of Illinois. Please no fracking in Illinois.

Sincerely,

Diana Kleidon

ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

Jan. 2, 2014

RECEIVED
JAN 03 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Dear Mr. Mool,

This package contains 279 public comment letters collected by the Environmental Law & Policy Center (ELPC) regarding the Illinois Hydraulic Fracturing Regulatory Act Draft Implementing Regulations. ELPC collected these letters through an electronic third-party system and did not modify the language chosen by each individual.

As discussed by phone with your administrative assistant, Ronda Brown, we are submitting print versions of the original comments submitted by each individual and expect them to be included in the official public record for this rulemaking. If it would be helpful, we would be happy to also provide a Word document with these same comments.

For your convenience, we have provided a spreadsheet with the contact information of each person who submitted a public comment through our system. We have also distinguished between letters that utilized language from resources we provided and letters that were drafted separately. Whenever possible, these letters include specific references to the draft regulation's relevant subparts and sections.

I would greatly appreciate if you could confirm your receipt of these materials. I can be reached at kcoleman@elpc.org or (312) 795-3710.

Thank you in advance for your time and assistance.

Sincerely,

Katie Coleman
Environmental Law & Policy Center

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(312) 673-6500 • www.ELPC.org
Nancy Loeb, Chairperson • Howard A. Learner, Executive Director
Columbus, OH • Des Moines, IA • Jamestown, ND • Madison, WI • St. Paul, MN • Sioux Falls, SD • Washington, D.C.

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51 Public Comment Letters Submitted to IDNR via ELPC's Interface (modified language)

First_Name	Last_Name	Street	City	State	ZIP	Response_Date
Olga	Abella	12129 N 675th St	Robinson	IL	62454-4227	12/12/2013 11:10
Debra	Bendis	433 Pleasant St	Woodstock	IL	60098-3238	11/21/2013 11:51
Glory	Bilalli	95 W Grand Ave	Lake Villa	IL	60046-8641	12/12/2013 12:12
Nancy	Brandt	222 E Chestnut St Apt 16b	Chicago	IL	60611-2389	11/22/2013 16:58
Michael	Bryson	712 Cornelia St	Joliet	IL	60435-5912	12/17/2013 5:55
Katie	Coleman	436 Harrison St	Oak Park	IL	60304-1466	11/18/2013 11:10
Angela	Daidone	21 E Chestnut St	Chicago	IL	60611-2050	11/21/2013 10:15
Linda	Forst	2811 W. Taylor	Chicago	IL	60645	12/17/2013 10:48
Jan	Gerske	4720 N Kenmore Ave	Chicago	IL	60640-6553	11/22/2013 8:17
Peter	Gray	4818 N Christiana Ave	Chicago	IL	60625-5202	11/21/2013 12:49
Tom	Hebert	1709 E Vernon Dr	Urbana	IL	61802-7260	12/4/2013 17:28
Andrew	Hoffman	6023 S Park Ave	Morton Grove	IL	60053-2947	12/12/2013 15:18
Nathan	Kipnis	9507 Central Park Ave	Evanston	IL	60203-1103	11/26/2013 13:35
Chris	Kowal	1472 W Berwyn Ave	Chicago	IL	60640-2108	12/12/2013 10:27
Ryan	McCready	829 Forest Rd	La Grange Park	IL	60526-1611	12/12/2013 10:47
Thomas	McDougal	4801 S Kenwood Ave	Chicago	IL	60615-2015	11/25/2013 14:23
Charles	Mies	3417 Wild Prairie Ln	Geneva	IL	60134-3963	11/21/2013 10:57
Alton	Mitchell	1033 Dockside Ct	Naperville	IL	60540-5214	12/12/2013 10:31
John	Morgan	3243 N Volz Dr E	Arlington Heights	IL	60004-1641	12/18/2013 7:19
DENNIS	NELSON	3817 S Winchester Ave Fl 2	Chicago	IL	60609-2011	12/12/2013 13:55
Matthew	Schuneman	4844 N Talman Ave # 1	Chicago	IL	60625-2823	12/2/2013 21:44
Kyra	Shair	1018 W Springfield Ave	Champaign	IL	61821-3303	11/22/2013 7:09
Ellen	Smatlak	28988 N Wade St	Wauconda	IL	60084-3219	11/21/2013 9:38
Kristine	Smith	1005 W Webster Ave	Chicago	IL	60614-3502	11/21/2013 21:03
Jill	Spealman	2s600 Kenilworth Rd	Glen Ellyn	IL	60137-6539	11/25/2013 15:44
Jane	Stein	1306 Knollwood Rd	Deerfield	IL	60015-2331	12/13/2013 8:11
Andrew	Stevens	338 Merrimac St	Park Forest	IL	60466-2314	11/26/2013 12:53
Marti	Swanson	5615 N Ridgeway Rd	Ringwood	IL	60072-9634	11/21/2013 12:14
Joanne	Swanson	3525 N Greenview Ave	Chicago	IL	60657-1317	12/12/2013 12:11
Judy	Wherley	625 E Van Buren St	Villa Park	IL	60181-3321	11/21/2013 9:46
Charlotte	Wood-Harrington	5482 S Hyde Park Blvd	Chicago	IL	60615-5802	11/22/2013 16:02

RECEIVED
JAN 03 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

013973

Ms. Olga Abella
12129 N 675th St
Robinson, IL 62454-4227

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I am very upset that we are allowing fracking to be done in Illinois. Little by little we are destroying our planet, all for profits.Because it is going to happen, we need to have laws that minimize the horrible consequences that fracking can have.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of

Ms. Debra Bendis
433 Pleasant St
Woodstock, IL 60098-3238

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Please continue work to get the rules right on Illinois' fracking. The rules proposed by IDNR on Nov. 15 don't do enough: they undermine the law in several ways.

First, protect the health of American workers by letting them know the chemicals that they'll be exposed to -- why is there any need for "discretion" about health basics?

Second, require that dangerous wastewater always be stored in closed tanks.

Third, don't let IDNR's rules exempt existing fracking wells.

Fourth, don't let IDNR's rules put the burden of proof on residents! Include all of the chemicals.

Please work for residents--their present and their future.

Sincerely,
Ms. Debra Bendis

013975

Ms. Glory Bilalli
95 W Grand Ave
Lake Villa, IL 60046-8641

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking is CRIMINAL and needs to be STOPPED - IMMEDIATELY!!!!!!!!

Sincerely,
Ms. Glory Bilalli

013976

Ms. Nancy Brandt
222 E Chestnut St Apt 16b
Chicago, IL 60611-2389

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

The IDNR needs to follow the letter of the law that was passed on fracking regulations for Illinois. The environmental community participated in the negotiations in good faith, and that good faith is being broken by your draft regulations.

Specifically:
1. Trade secret information about chemicals cannot be protected against disclosure in any way when a patient needs to be treated. this is only common sense.

2. Open pits for storing wastewater should not be stored longer than one week. Period. No wiggle room.

3. The law must apply to all fracking wells, exempting none.

4. Do not weaken the burden of proof required when water pollution is found within 1500 ft. of a fracking operation.

5. Do not let companies change the rules in the middle of the game. Any significant modifications to a permit must undergo ublic scrutiny.

The IDNR represents all the people in the state, not just the companies. The companies signed on to this negotiated agreement and knew what it meant.

Sincerely,
Ms. Nancy Brandt

013977

Dr. Michael Bryson
712 Cornelia St
Joliet, IL 60435-5912

Dec 17, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

If I had my druthers, there would be a fracking moratorium in IL until the US EPA finishes its ongoing study on the environmental and health impacts of fracking for oil and gas, so that any fracking policy in IL is actually informed by science, rather than by industry assurances of safety and economic benefit.

That said, it's also important to recognize that there are flaws in the draft regulations that must be addressed now in the absence of a state moratorium.

Specifically, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals.

But the wording of the draft rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough and needs to be corrected.

[See Draft Regulations Subpart G, Section 245.730]

Sincerely,
Dr. Michael Bryson

013973

Ms. Angela Daidone
21 E Chestnut St
Chicago, IL 60611-2050

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I am concerned about the agriculture industry in Illinois. If the ground water is contaminated by chemicals might this not threaten our food safety?

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge

Dr. Linda Forst
2811 W. Taylor
Chicago, IL 60645

Dec 17, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. IDNR should mandate health monitoring of the public and of workers in affected counties. It should also mandate monitoring of public health impacts--motor vehicle crashes, STIs, drug trafficking, prostitution, and other known outcomes that have occurred in North Dakota, Colorado, and other states. Let's make Illinois the safest state.

Sincerely,
Dr. Linda Forst

013933

Ms. Jan Gerske
4720 N Kenmore Ave
Chicago, IL 60640-6553

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: IDNR Draft Rules Are Invalid Under Illinois Fracking Law

Dear Mr. Mool,

Fracking threatens drinking water and public health. The rules proposed by IDNR on Nov. 15 fail to comply with Illinois law and thus require revision.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient, including trade-secret-protected information. The IDNR draft rules allowing "discretion" over when to share this information contravenes the law. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater be stored in closed tanks, except in the case of unexpected overflow. But IDNR's draft rules improperly allow the use of tanks that are too small, leading to more frequent overflows, and allow the wastewater to sit in open pits for unlimited time. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is simply wrong. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto citizens, contrary to law, which requires the industry to prove whether or not it polluted groundwater. The draft rules reduce a list of over 100 chemicals to only a few "indicator" chemicals. This is improper. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules improperly narrow the types of permit modifications that would trigger a public comment process. [Draft Regulations Subpart C, Section 245.330]

It really seems like the IDNR rules were written by industry, rather than a government entity sworn to protect the health and welfare of citizens.

Please do your duty and revise these rules to comply with law.

Better yet, let's just ban fracking outright -- that makes easier, safer, and healthier for us all.

Thank you for your attention to this matter.

Sincerely, Ms. Jan Gerske

013981

Mr. Peter Gray
4818 N Christiana Ave
Chicago, IL 60625-5202

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Don't let IDNR jepordize our health and safety with poor regulations.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit

Mr. Tom Hebert
1709 E Vernon Dr
Urbana, IL 61802-7260

Dec 4, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking threatens drinking water and public health. It is of utmost importance for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident. Above all, the industry must be able to leave the land, water and air in the same or better condition than what they found it. Illinois is NOT the state in which we allow the environment to be polluted and depleted for the financial gain of a single industry. Despite the blatant loopholes that the industry can use to protect themselves while destroying the environment, I would MOST PREFER that fracking be BANNED within Illinois until the process can be GUARANTEED to be safe from all current and future issues that could threaten clean air, water or land. Most likely, our short-sighted goal of quick energy on the cheap needs better rules and oversight:

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. People's health is more important than a company's bottom line. The way IDNR wrote the rules really discourages the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem: an accidental spill from one of these pits would leave irreparable damage to the area around it, potentially the groundwater below. Both are unacceptable risks. [Draft Regulations Subpart H, Sections 245.830 245.850]

013933

Dr. Andrew Hoffman
6023 S Park Ave
Morton Grove, IL 60053-2947

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

The rules have to insure that, if fracking will happen, it has to be safe. Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few

Mr. Nathan Kipnis
9507 Central Park Ave
Evanston, IL 60203-1103

Nov 26, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

We all know that fracking can threaten drinking water and public health. This is not news to anyone. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few

013985

Mr. Chris Kowal
1472 W Berwyn Ave
Chicago, IL 60640-2108

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking threatens drinking water and public health. It is critical for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me, my family, and my coworkers as Illinois residents.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because people's health is more important than a company's bottom line. But the way IDNR wrote the rules hinders the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough for protecting human health in the state of Illinois. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous waste fluid be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use inexpensive tanks that are too small by design, potentially leading to more frequent overflows and more frequently used dangerous open pits. In addition, they would allow waste fluid to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution and hazards to Illinois residents. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is unacceptable and is effectively a license to kill. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve far better protection of our health and the health and safety of our children. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents when pollution occurs. The industry has a huge amount of resources; residents do not. The law puts the onus on industry to prove whether or not they polluted my family's groundwater.

013986

Mr. Ryan McCready
829 Forest Rd
La Grange Park, IL 60526-1611
(312) 369-9661

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Please!!!
Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few

Mr. Thomas McDougal
4801 S Kenwood Ave
Chicago, IL 60615-2015
(773) 624-5336

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. Methane gas, which is often released during fracking operations, is a powerful greenhouse gas that contributes to global warming. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit

Mr. Charles Mies
3417 Wild Prairie Ln
Geneva, IL 60134-3963

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

We don't need fracking in this state.
The health of our citizens is more important.

Sincerely,
Mr. Charles Mies

013989

Mr. Alton Mitchell
1033 Dockside Ct
Naperville, IL 60540-5214

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

The potential for fracking threatening drinking water and public health is what prompted the passage of Illinois' fracking law. The currently proposed IDNR rules undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. IDNR draft rules would give the department "discretion" over when to share the information and asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous waste-water to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow waste-water to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, the law puts the onus on the industry to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one

Mr. John Morgan
3243 N Volz Dr E
Arlington Heights, IL 60004-1641

Dec 18, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Good day:

The Endocrine Society's journal Endocrinology released a study on December 16th that determined there are more than 700 chemicals used in fracking.

"We found more endocrine-disrupting activity in the water close to drilling locations that had experienced spills than at control sites. This could raise the risk of reproductive, metabolic, neurological and other diseases, especially in children who are exposed to EDCs," said one of the study's authors, Susan C. Nagel, PhD, of the University of Missouri School of Medicine."

Endocrine-disrupting chemicals (EDCs) alter the functioning of the endocrine system and are linked to cancer, birth defects, infertility and other disorders.

These EDCs permanently poison ground water. The only safe fracking is NO FRACKING.

Is cheap natural gas worth of cost miscarriages, deformed babies, and cancer? I would rather pay more for natural gas than pay the environmental and human cost of fracking.

Sincerely,
Mr. John Morgan

013991

Mr. DENNIS NELSON
3817 S Winchester Ave Fl 2
Chicago, IL 60609-2011

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: IDNR'S DRAFT RULES UNDERMINE ILLINOIS' GAS AND OIL 'FRACKING' LAW!!

Dear Mr. Mool,

Oil and gas 'fracking' (hydraulic fracturing/horizontal drilling) can threaten our drinking water and public health with toxic chemical and radioactive pollutants. Therefore, it is important for the Illinois Department of Natural Resources (IDNR) to GET THE RULES RIGHT ON ILLINOIS' 'FRACKING' LAW! The rules proposed by the IDNR on Nov. 15, 2013, ARE TOO WEAK, AND UNDERMINE THE LAW IN SEVERAL WAYS which matter to me as a resident here in the "Land of Lincoln" who is a long-time environmental/energy activist.

First off, the law requires the IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Let's face it--our health (and well-being) are more important than a company's bottom-line (i.e., excessive profits)! [True sustainability is about: People, Planet, Profits!] However, the way that the IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. The IDNR's draft rules would give the department "discretion" over when to share the information. Plus, the IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response--or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough! [Draft Regulations Subpart G, Section 245.730.]

Secondly, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But the IDNR's draft rules would leave room for the oil and gas industries to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow contaminated wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of toxic water pollution. Those are huge loopholes for a huge problem! [Draft Regulations Subpart H, Sections 245.830 245.850.]

Thirdly, the IDNR's draft rules would exempt existing gas and oil 'fracking' wells. (This is a major problem!) Just because the oil and gas industries jumped the gun on 'fracking' does NOT mean that they get to pollute indiscriminately. We, the people of the "Land of Lincoln," certainly deserve better! [Draft Regulations Subpart A,

013932

Mr. Matthew Schuneman
4844 N Talman Ave # 1
Chicago, IL 60625-2823

Dec 2, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: IDNR's Rules Do Not Sufficiently Implement Illinois' Fracking Law

Dear Mr. Mool,

To Whom It May Concern:

I am writing as an Illinois citizen who was heartened by the passage of the fracking law this year that promised to stringently regulate fracking in the state. The techniques related to fracking carry too many questions and too much risk to water quality and public health to be handled with anything but the utmost of care. The rules designed to actualize the law are crucial to its proper implementation and I feel IDNR's proposed November 15 rules fail to achieve the spirit and letter of the law as passed.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. I do not see how anything could be more important that the health of a worker, and they are clearly working with chemicals that are potentially hazardous. Thus it is hard to understand why IDNR's rules as drafted impede the dissemination of this potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough to protect the health of workers. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires fracking companies to store dangerous wastewater in closed tanks. The law allows for open pit use only in extreme circumstances for unexpected overflow. But IDNR's draft rules provide industry with the ability to use tanks of insufficient size, unnecessarily raising the likelihood that what should be rare overflow events would happen with regularity. Furthermore, there are unclear restrictions on the length of time wastewater will be allowed to sit in open pits, greatly increasing the risk of water pollution. These substantial loopholes need to be addressed. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. Why should they be allowed this exemption? Are they not more likely to have insufficient safeguards since they were implemented prior to the laws

013993

Mrs. Kyra Shair
1018 W Springfield Ave
Champaign, IL 61821-3303
(217) 356-1265

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking rules have been carefully drafted here in Illinois, because we are very much aware of the dangers in this process! Drinking water has been severely polluted, making people ill-some have even been able to hold a match to their faucet and the water will burn because of escaping gas that becomes mixed with it! The environmental impacts of fracking are so terrible-in some cases, earth quakes have happened as a result of this process!

IT IS EXTREMELY IMPORTANT THAT IDNR MAINTAINS A STRONG STANDARD OF RULES TO REGULATE THIS PROCESS!! THE RULES PROPOSED BY IDNR ARE INADEQUATE AND WEAK, AND UNDERMINE THE EXCELLENT ONES PUT IN PLACE IN MY STATE!! AS A LIFELONG RESIDENT OF ILLINOIS, I DEMAND THAT YOU DO NOT UNDERMINE OUR LAWS-WE HAVE SEEN WHAT HAS HAPPENED IN OTHER STATES WITH DISASTEROUS RESULTS!

Firstly,I demand that our RIGHT TO KNOW exactly what CHEMICALS ARE BEING USED in this process be maintained-as a citizen I have the right to know what is being put in Illinois's water!! Illinois law requires IDNR to give HEALTH WORKERS INFORMATION about chemicals when that information is NECESSARY TO TREAT A PATIENT, INCLUDING the industry's so called "TRADE SECRET" chemicals!! Our HEALTH is MORE IMPORTANT than fossil fuel PROFITS. The current IDNR rule interferes with the flow of this essential and potentially LIFE-SAVING INFORMATION., which is UNACCEPTABLE! AS written, the IDNR rule is not good enough, (see DRAFT REGS.SUBPART G,SECTION 245.730)

Secondly, your law does not adequately protect the environment and the public in regards to how this toxic soup of waste water is stored. Illinois requires that waster water be stored in CLOSED TANKS, only allowing OPEN PIT USE when absolutely necessary due to UNEXPECTED OVERFLOW. But IDNR's RULES would allow use of TANKS that are TOO SMALL, leading to more frequent OVERFLOWS, more FREQUENT USE of OPEN PITS, for UNSPECIFIED amounts of TIME. In addition,they allow WASTEWATER to SIT in those OPEN PITS for UNDETERMINED amounts of TIME,greatly INCREASING the RISK of water POLLUTION, which is UNACCEPTABLE!. [Draft Regulations Subpart H, Sections 245.830 245.850]

Thirdly, your rules would EXEMPT EXISTING fracking WELLS. This is problematic, because this could lead to INDESCRIMINATE POLLUTION. The

Ms. Ellen Smatlak
28988 N Wade St
Wauconda, IL 60084-3219

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

What's more precious than gas and oil?

CLEAN WATER.

As an Illinois citizen whose water source was polluted by leaching from a Super Fund site, I know this first hand.

Fracking threatens our water supply and public health on an even greater scale than what occurred in Wauconda. That's why it's important for IDNR to get the rules right on Illinois' fracking law.

If you truly are the Department of NATURAL RESOURCES, then you need to support current Illinois laws on fracking control that aim to protect our water supplies and the health of human and wildlife.

What happens when government agencies encourage environmentally dangerous practices? The air and water pollution in China should be a warning to the world.

Keep our water and air clean and safe. DO NOT cave in and lower the controls imposed by Illinois' Fracking Law.

Sincerely,
Ms. Ellen Smatlak

013995

Miss Kristine Smith
1005 W Webster Ave
Chicago, IL 60614-3502

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I am currently studying for a Master's in Global Environmental Policy in Washington DC, but am a Chicagoan. I am currently writing an in-depth paper focusing on Hydraulic Fracturing's effects on water quality and quantity. What I have found is that Hydraulic Fracturing can be very detrimental to public and environmental health when left unregulated, or with lax regulation. Illinois' current law is very impressive, and IDNR's rules would completely unravel this very important law. As there is very little Federal Regulation, it is up to the States to protect its citizens and its environment. It is extremely important that IDNR does not undermine these efforts. We cannot let corporate interest get in the way of environmental health and public safety.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

013996

Mrs. Jill Spealman
2s600 Kenilworth Rd
Glen Ellyn, IL 60137-6539

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

No to fracking in Illinois!! What's the hurry? Continue the moratorium. Stop caving to big business!!

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove

Mrs. Jane Stein
1306 Knollwood Rd
Deerfield, IL 60015-2331

Dec 13, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten OUR PRECIOUS drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. THINK OF YOUR OWN FAMILIES. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, WE MUST PROTECT OUR WATER FROM AVOIDABLE POLLUTION and CONTAMINATION! IT IS OUR MOST PRECIOUS RESOURCE. The law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

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Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few

Mr. Andrew Stevens
338 Merrimac St
Park Forest, IL 60466-2314

Nov 26, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

The draft rules are too weak. They diverge from the law in many ways. Unless the rules are brought back in to close compliance with the wording and intent of the law, the rules should not be issued, and a complete ban on Hydraulic Fracturing should be instituted.

The potential for industry to get away with causing irreparable harm to Illinois water supply, and environment is too high to give them ANY lee way. The regulation must establish extremely high standards of performance and liability. They cannot be allowed to get away with anything without fully INTERNALIZING ALL negative externalities of their profit driven economic activity.

If they damage any persons, property, or any of the commons of Illinois they must pay the full price for the damage they cause.

Sincerely,
Mr. Andrew Stevens

013999

Ms. Joanne Swanson
3525 N Greenview Ave
Chicago, IL 60657-1317

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

I vote. Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident. Public heath is more important than letting companies get rich by destroying our fresh water!

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit

Mrs. Marti Swanson
5615 N Ridgeway Rd
Ringwood, IL 60072-9634

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Because fracking can threaten drinking water and public health, it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Let's face it: People's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

Ms. Judy Wherley
625 E Van Buren St
Villa Park, IL 60181-3321

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

This is violent extraction of oil with unknown and unintended consequences. You must keep safety as the first and foremost aspect of the process.

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

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Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge

Ms. Charlotte Wood-Harrington
5482 S Hyde Park Blvd
Chicago, IL 60615-5802
(773) 363-9806

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Unregulated fracking is not the answer to our energy problems. It is potentially dangerous and while it may provide cheap fuel in the short term, long term it can be hazardous!

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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First_Name	Last_Name	Street	City	State	ZIP	Response_Date
Carole	Abood	2018 Fulham Dr	Naperville	IL	60564-8422	12/13/2013 20:26
Angela	Agan	1610 N Vaughn Ave	West Peoria	IL	61604-3847	1/1/2014 21:10
Amber	Akins	6049 N Ridge Ave	Chicago	IL	60660-2467	12/14/2013 12:35
Lisa	Albrecht	4329 N Richmond St # 2	Chicago	IL	60618-1405	11/21/2013 10:12
Diana	Alexander	338 Interurban St	Auburn	IL	62615-9768	12/20/2013 10:56
Kathryn	Allen	6 Velie Dr	Moline	IL	61265-6120	11/21/2013 21:30
James	Alstrum	809 N School St	Normal	IL	61761-1328	11/21/2013 10:52
Roberta	Alvarado	1321 E Sankoty Dr	Peoria	IL	61614-3113	12/12/2013 15:41
Juan	Alvarez	2035 W Haddon Ave # 1	Chicago	IL	60622-3605	11/21/2013 11:56
Mark	Anderson	1301 W Belmont Ave	Chicago	IL	60657-3208	12/12/2013 11:33
Patricia	Armstrong	612 Staunton Rd	Naperville	IL	60565-2607	11/22/2013 15:10
Neil and Evelyn	Aronson	9822 Karlov Ave	Skokie	IL	60076-1116	12/12/2013 17:33
Artemis	Asproyerakas	1322 W Ohio St	Chicago	IL	60642-6456	11/23/2013 15:49
Vincent	Asta	232 Sadler Rd	Pomona	IL	62975-2542	11/24/2013 17:52
John	Asta	8a56 Constitution Dr	Apple River	IL	61001-9525	11/25/2013 17:47
Donna	Astrauskas	260 Michael Dr	Troy	IL	62294-1277	12/13/2013 2:55
David	Atwood	10641 S Hale Ave	Chicago	IL	60643-2700	12/12/2013 13:17
Tina	Bach	5237 W. Montrose Ave.q	Chicago	IL	60641	11/21/2013 22:59
Paul	Bailey	1725 N Marywood Ave Apt 309	Aurora	IL	60505-1557	11/25/2013 16:25
Ryan	Baker	3450 N Lake Shore Dr	Chicago	IL	60657-2863	12/13/2013 17:50
Robert	Banke	1537 Rogers Ct	Dekalb	IL	60115-2021	12/12/2013 16:10
Milagros	Banos	1423 N Lawndale Ave	Chicago	IL	60651-2148	11/27/2013 9:20
Elizabeth	Barnes	4546 N Paulina St	Chicago	IL	60640-5308	11/20/2013 17:50
Jan	Barshis	2344 Pomona Ln	Wilmette	IL	60091-2216	11/21/2013 10:41
Donald	Barshis	2344 Pomona Ln	Wilmette	IL	60091-2216	12/12/2013 11:26
Thomas	Bauer	340 W Diversey Pkwy Apt 1118	Chicago	IL	60657-6243	11/21/2013 9:27
Colleen	Belak	1314 S Wabash Ave	Chicago	IL	60605-2501	11/20/2013 22:30
Joe	Beuchel	960 Debra Ln	Elk Grove Village	IL	60007-3044	11/21/2013 9:46
Rebecca	Bierbaum	3719 Horn Ave	Alton	IL	62002-3149	12/10/2013 20:40
Stephanie	Bilenko	627 Barnsdale Rd	La Grange Park	IL	60526-5703	11/21/2013 18:33
Jennifer	Bissell	130 E Pulham Pl	Chicago			

Maarten	Bosland	416 S Kenilworth Ave	Oak Park	IL	60302-4909	11/21/2013 16:13
John	Bredin	1551 Ashland Ave	Des Plaines	IL	60016-6659	11/21/2013 10:11
George	Brock	5700 N Sheridan Rd Apt 819	Chicago	IL	60660-8776	12/12/2013 10:57
Carmen	Brown	2239 W Belden Ave	Chicago	IL	60647-3220	12/12/2013 13:37
Traci	Brown	548 belleview ave	West Chicago	IL	60185	11/25/2013 0:02
Shelley	Brown	1909 W Leafland Ave	Decatur	IL	62522-1324	11/21/2013 22:06
Mollie	Bunis	1700 W Irving Park Rd	Chicago	IL	60613-2599	11/22/2013 16:19
Caroline	Burney	240 Deer Run	Crystal Lake	IL	60012-3680	12/4/2013 13:53
Whitney	Bush	5608 N Kenmore Ave	Chicago	IL	60660-4629	11/21/2013 12:29
Chris	Butkevicius	3333 N Marshfield Ave # 317	Chicago	IL	60657-2123	11/21/2013 18:37
James	Campbell	233 N Tryon St	Woodstock	IL	60098-3240	12/12/2013 13:47
Jan	Candy	19 Oak	Elmhurst	IL	60126	12/12/2013 10:53
Lee	Canel	2124 Birchwood Ave	Wilmette	IL	60091-2306	11/21/2013 19:59
Jady	Carmichael	3746 S Wallace St Apt 2f	Chicago	IL	60609-1677	12/12/2013 10:37
Lora	Chamberlain	6341 N. Glenwood, 1#	Chicago	IL	60660	11/21/2013 17:57
Aaron	Charfoos	3743 N Hermitage Ave	Chicago	IL	60613-3508	11/21/2013 15:29
Meg	Clark	838 N Taylor Ave	Oak Park	IL	60302-1456	12/12/2013 10:48
Candy	Clouston	23024 Ironwood Dr	Plainfield	IL	60586-6126	11/21/2013 15:38
Leslie	Cohen	3011 Hartzell St	Wilmette	IL	60091-2958	11/21/2013 10:47
S.	Coleman	2580 Golf Rd Apt 203	Glenview	IL	60025-4862	12/23/2013 12:24
Beverly Ann	Conroy	739 S Elmwood Ave	Oak Park	IL	60304-1414	12/12/2013 17:22
Tom	Cordaro	1450 Green Trails Dr	Naperville	IL	60540-8359	11/21/2013 10:25
Jeremy	Daly	10325 S Whipple St	Chicago	IL	60655-2007	11/25/2013 2:06
Jennifer	Davila	2651 N Kimball Ave	Chicago	IL	60647-1213	11/27/2013 9:24
Laura	Davis	2134 Harrow Gate Dr	Inverness	IL	60010-5425	11/21/2013 12:23
Sophia	de la Mar	2121 N Hudson Ave	Chicago	IL	60614-4522	11/22/2013 19:37
Karen	Delmonico	1226 W Sunset Ter	Arlington Heights	IL	60005-1161	11/21/2013 16:53
Cornelius	Devlin III	213 Old Germantown Rd	East Peoria	IL	61611-1285	11/21/2013 10:59
Jessica	Dexter	3270 N Lake Shore Dr Apt 9c	Chicago	IL	60657-3917	11/21/2013 11:38
Aleda	Diggins	107 Sandra Ln	Normal	IL	61761-2729	12/29/2013 21:42
K.	Dipinto	10 N Lake St Apt 208	Grayslake	IL	60030-3637	12/12/2013 11:29

kelly	dougherty	8 W Monroe St	Chicago	IL	60603-2449	12/17/2013 17:07
Debbie	Drake	528 S Yale Ave	Arlington Hts	IL	60005-2240	11/23/2013 15:01
Sophia	Drinis	5205 N Rothmere Dr	Peoria	IL	61615-9303	11/21/2013 11:52
Sally	Drucker	2033 N Cleveland Ave	Chicago	IL	60614-4516	11/21/2013 10:53
Timothy & Jan	Dwyer	97 W Ellen Ave	Cortland	IL	60112-4119	12/12/2013 13:19
Sue	Eberhardt	780 Prairie Ridge Dr	Woodstock	IL	60098-6315	12/26/2013 15:28
Laura	Edwards	1409 Fell Ave	Bloomington	IL	61701-1830	11/26/2013 7:13
Nicholas	Epstein	1516 S Wabash Ave	Chicago	IL	60605-2903	12/16/2013 0:34
avis & jeff	fisher	1623 Court St	Mchenry	IL	60050-4428	11/21/2013 18:57
Andrew	Fisher	1580 Sherman Ave	Evanston	IL	60201-4494	11/21/2013 11:38
Elzbieta	Foeller-Pituch	1904 Colfax St Unit A	Evanston	IL	60201-2568	11/21/2013 11:19
Karen O	Fort	872 W Buckingham Pl	Chicago	IL	60657-2302	11/25/2013 17:29
Sara	Foszcz	7301 W Burgett Rd	Richmond	IL	60071-9787	12/12/2013 11:09
Donald	Fricker	1601 New Era Rd Apt 207	Carbondale	IL	62901-6308	11/22/2013 7:33
Joel	Friedman	1931 Old Briar Rd	Highland Park	IL	60035-4332	12/12/2013 10:32
Jean	Furlan	911 W White Oak St	Arlington Heights	IL	60005-3028	11/21/2013 16:24
Robin	Garlish	39 Circle Dr	Pekin	IL	61554-2400	12/12/2013 10:33
Rudolph	Gartner	5340 S Hyde Park Blvd	Chicago	IL	60615-5706	12/31/2013 18:56
Mary	Gaston	1308 Maroon Dr	Elgin	IL	60120-8159	11/21/2013 17:53
Steve	Gates	3633 N Harding Ave	Chicago	IL	60618-4024	12/12/2013 14:05
Lis	Gerhold	139 N Elm Ave	Elmhurst	IL	60126-2606	11/21/2013 9:31
Emmy	Grace	1337 Asbury Ave	Winnetka	IL	60093-1405	11/26/2013 10:08
william	Grant	1500 Duval Dr	Godfrey	IL	62035-1608	12/14/2013 8:59
Nicolle	Grasse	515 S Walnut Ave	Arlington Heights	IL	60005-1704	11/26/2013 6:53
Brayton	Gray	2121 N Hudson Ave	Chicago	IL	60614-4522	11/22/2013 10:54
William	Grayburn	521 Elmwood St	Sycamore	IL	60178-2012	12/27/2013 5:45
Andrew	Gumbiner	106 W Locust St	Normal	IL	61761-2560	12/14/2013 17:14
Laura	Haber	412 W Green St	Urbana	IL	61801-3224	12/12/2013 11:53
Michael	Hager	4702 W 89th Pl	Hometown	IL	60456-1043	11/21/2013 9:13
Ann	Hamblet	1115 Hull Ter	Evanston	IL	60202-6418	12/12/2013 19:49
Robert	Handelsman	2643 Central Park Ave	Evanston	IL	60201-1170	12/12/2013 11:10
Eva	Hara	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Michelle	Hickey	1360 W Jefferson Ave	Naperville	IL	60540-5006	12/18/2013 9:40
Susan	Hildebrandt	509 E Grove St	Bloomington	IL	61701-5317	11/26/2013 8:31
Noelle	Hoeffner	1800 pierce rd	hoffman ests	IL	60169	12/9/2013 21:03
Nanette	Hoff	2024 Greenwood Ave	Wilmette	IL	60091-1440	1/1/2014 21:29
Kathleen	Hogan	7008 N Greenview Ave # 3	Chicago	IL	60626-2809	11/22/2013 3:09
Arwen	Hoots	1626 N Drake Ave	Chicago	IL	60647-4802	11/27/2013 14:44
Harold	Hoover	204 Broker Rd	Bloomingdale	IL	60108-1101	12/12/2013 12:14
jeff	hopkins	69 Amber Ct	Lindenhurst	IL	60046-7912	11/21/2013 9:32
Justin	Horstmann	105 Walnut St	Damiansville	IL	62215-1323	12/12/2013 23:14
Jerry	hutchinsonb	822 Linden Ave	Oak Park	IL	60302-1562	12/12/2013 10:40
Robert	Iltis	7730 Wing Hill Rd	Cobden	IL	62920-3264	12/3/2013 13:04
Randall	Johnson	6731 S Rockwell St	Chicago	IL	60629-1819	11/27/2013 16:42
kathryn	johnson	1302 Maple Ave	Berwyn	IL	60402-1248	1/1/2014 20:34
Jonathan	Kamel	1944 N Maud Ave	Chicago	IL	60614-4908	12/12/2013 14:18
phyllis	kaplan	1034 Central Ave	Highland Park	IL	60035-3285	11/21/2013 12:41
Judith	Kasper	2916 22 1/2 Ave	Rock Island	IL	61201-4611	11/21/2013 12:32
Barbara	Keer	2601 Marian Ln	Wilmette	IL	60091-2207	12/13/2013 7:20
P	Kelley	3110 N Sheridan Rd	Chicago	IL	60657-4944	11/25/2013 7:29
Helen	Kessler	3702 N Pine Grove Ave	Chicago	IL	60613-4103	12/12/2013 20:09
Brian	Killen	5917 N Paulina St	Chicago	IL	60660-3244	11/22/2013 9:27
lSheila	Kinsey	26w171 Roosevelt Rd	Wheaton	IL	60187-6002	11/21/2013 9:59
Keith	Klingeman	2507 Bordeaux Ln Apt 105	Naperville	IL	60540-1838	11/21/2013 9:29
Rohn	Koester	1209 W Oregon St	Urbana	IL	61801-3716	11/25/2013 7:18
Adrienne	kovalsky	1440 N Lake Shore Dr	Chicago	IL	60610-1626	11/21/2013 14:41
Kimberly	Koverman	5481 S Cornell Ave	Chicago	IL	60615-5153	12/13/2013 13:36
Kurt	Kreis	1741 Edmonds Ave	New Lenox	IL	60451-3233	12/12/2013 11:00
Emma	LaBounty	5122 S University Ave Apt 1s	Chicago	IL	60615-3900	11/24/2013 22:38
Chris	Lackner	2501 N Washtenaw Ave	Chicago	IL	60647-1884	12/12/2013 11:02
Phylana	Ladd	512 W Bittersweet Rd	Washington	IL	61571-3094	11/21/2013 9:17
Lydia	Larrabee	31 N Alfred Ave	Elgin	IL	60123-5223	12/12/2013 10:37
Sean	Lawler	1712 S Morgan St # 2	Chicago	IL	60608-2317	11/21/2013 16:10

Virginia	Lewey	2829 N Troy St	Chicago	IL	60618-7612	11/21/2013 10:26
Steven	Lichtenbert	5307 W Nelson St	Chicago	IL	60641-4954	11/21/2013 17:16
Stephen	Limperis	1194 Chesterfield Ln	Grayslake	IL	60030-3795	11/21/2013 20:37
Nora	Lincoln	1907 S May St	Chicago	IL	60608-3364	11/22/2013 12:03
Allan	Lindrup	7617 S South Shore Dr # 1	Chicago	IL	60649-4439	11/21/2013 19:24
Cynthia	Linton	990 N Lake Shore Dr Apt 15e	Chicago	IL	60611-1374	11/20/2013 21:43
Kate	Loster	946 Hayes Ave	Oak Park	IL	60302-1412	11/25/2013 10:06
Marsha	Love	416 S Kenilworth Ave	Oak Park	IL	60302-4909	11/21/2013 16:13
garry	low	4211 N Mozart St	Chicago	IL	60618-1517	12/12/2013 14:13
Dennis	Lynn	1829 41st St	Rock Island	IL	61201-3849	11/21/2013 18:22
Edward	Malewicki	12942 S Commercial Ave	Chicago	IL	60633-1209	12/1/2013 16:17
Clarissa	Martin	503 E Union St	Earlville	IL	60518-8027	11/21/2013 10:10
Kathy	Mason	8230 S Whipple St	Chicago	IL	60652-3446	11/25/2013 19:42
Kendra	Massey	8506 E Prairie Rd	Skokie	IL	60076-2353	12/13/2013 12:44
John	Massman	42861 N Janette St	Antioch	IL	60002-7422	11/21/2013 10:28
Mary	Mathews	1111 S Waukegan Rd	Lake Forest	IL	60045-7300	11/22/2013 17:12
Christy	Matsuoka	918 Ski Hill Rd	Fox River Grove	IL	60021-1326	11/21/2013 10:12
Maggie	McAuley	915 Elmwood Ave	Wilmette	IL	60091-1709	11/22/2013 9:32
Lori	McConville	1807 Blossom St	Crystal Lake	IL	60014-2331	11/26/2013 8:08
Ryan	McIntyre	655 W Irving Park Rd	Chicago	IL	60613-3123	11/25/2013 17:21
Vincent	Mease	1730 W Superior St	Chicago	IL	60622-5659	11/21/2013 9:56
Mary Lou	Mellon	7050 Arbor Ln Apt 303	Northfield	IL	60093-3369	12/12/2013 9:10
Chris	Mest	218 Country Club Dr	Prospect Heights	IL	60070-2566	11/23/2013 8:17
Angela	Michalek	720 N Western Ave	Park Ridge	IL	60068-2551	12/12/2013 10:24
Matthew	Miodonski	1942 W Chicago Ave	Chicago	IL	60622-6143	12/12/2013 11:37
Scott	Mohan	839 W Lawrence Ave	Chicago	IL	60640-4261	12/3/2013 16:26
Kelly	Muisenga	Willowbrook	Willowbrook	IL	60527	11/26/2013 10:30
Adrian	Nelson	3424 S State St	Chicago	IL	60616-5374	11/22/2013 10:25
Lisa	Neubert	4725 N Ozanam Ave	Norridge	IL	60706-4505	12/18/2013 20:31
Shaun	Newlon	7211 Millburne Ct	Bull Valley	IL	60050-7502	12/27/2013 11:46
Shane	Nodurft	4025 N Pulaski Rd	Chicago	IL	60641-2457	11/23/2013 9:47
Julie	Nold	1146 T...				

Susan	Panitch	28530 Oakhaven Ct	Lake Bluff	IL	60044-3001	11/25/2013 16:50
Lana	Panitch	555 N Sheridan Rd	Lake Forest	IL	60045-2338	12/20/2013 11:05
Nathan	Parker	1522 W Ainslie St	Chicago	IL	60640-3513	11/22/2013 20:05
Carolyn	Parker	1992 Timberview Dr	Joliet	IL	60431-2834	12/12/2013 12:07
Martha	Pence	806 Ramblewood Ct	Savoy	IL	61874-6015	11/21/2013 12:44
Mary	Perrin	971 Sheffield Dr	Crystal Lake	IL	60014-7645	11/21/2013 12:21
Gloria	Picchetti	553 W Oakdale Ave	Chicago	IL	60657-5753	11/21/2013 9:14
Sigrid	Pilgrim	2750 Bernard Pl	Evanston	IL	60201-4912	11/25/2013 13:59
Richard	Pinc	3721 S 57th Ct	Cicero	IL	60804-4238	11/21/2013 18:05
Jacquelyn	Pope	720 Woodbine Ave	Oak Park	IL	60302-1513	12/9/2013 15:20
Thomas	Poteet	820 W Mill St Apt 102b	Carbondale	IL	62901-4904	11/21/2013 9:15
Caleb	Powell	100 Northfield Dr	Normal	IL	61761-1064	12/12/2013 20:19
Patricia	Pruitt	1032 Randolph St	Oak Park	IL	60302-3406	11/22/2013 2:45
Karlene	Ramsdell	1124 Moorland Ave	Shorewood	IL	60404-9618	11/23/2013 13:36
Brittany	Ray	803 Oakside Ln	University Park	IL	60484-2816	12/12/2013 15:39
Lenore	Reeves	19934 Hickory Stick Ln	Mokena	IL	60448-1368	11/21/2013 21:22
Jennifer	Richardson	1401 S State St	Chicago	IL	60605-3623	12/12/2013 18:34
Mary	Riley	1929 N Hicks Rd	Palatine	IL	60074-2586	11/21/2013 9:45
gina	robbins	1131 N East Ave	Oak Park	IL	60302-1229	12/12/2013 12:36
jim	roberts	401 Paris Ave	Rockford	IL	61107-4440	11/25/2013 13:37
Gloria	Robinson	18661 Cedar Ave	Country Club Hills	IL	60478-5624	11/21/2013 14:23
Nancy	Rockwood	1426 W Cullom Ave	Chicago	IL	60613-1357	11/22/2013 16:48
Nancy	Rose	815 Brummel St	Evanston	IL	60202-5272	11/21/2013 12:40
R.A.	Rosenstein	5801e N Pulaski Rd	Chicago	IL	60646-6016	11/22/2013 19:03
joan	rothenberg	1575 Ashland Ave	Evanston	IL	60201-4071	11/21/2013 9:21
Will	Roy	409 S Humphrey Ave	Oak Park	IL	60302-4389	11/22/2013 11:49
Andrea	Rundell	804 E Michigan Ave	Urbana	IL	61801-5273	11/21/2013 11:00
Craig	Sadur	8994 Kennedy Dr	Des Plaines	IL	60016-5456	12/5/2013 12:18
Katayun	Salehi	308 W Green St	Urbana	IL	61801-3279	12/1/2013 14:50
Tabitha	Sani	580 Sheridan Sq	Evanston	IL	60202-3198	11/21/2013 10:27
Robin	Schirmer	1014 N 2nd Ave	Maywood	IL	60153-1011	11/24/2013 15:24

Sheila	Schultz	393 Meadowbrook Ln	Wheeling	IL	60090-6028	11/24/2013 17:40
John	Schwartz	936 Merrimac Cir	Naperville	IL	60540-7107	12/12/2013 12:49
Niloofar	Shambayati	2609 Cherry Hills Dr	Champaign	IL	61822-7537	11/24/2013 13:48
Rachel	Shively	104 S Moore St	Bloomington	IL	61701-4223	11/26/2013 9:46
Todd	Simec	1835 Sequoia Dr	Hanover Park	IL	60133-3982	12/12/2013 21:36
Mary	Simon	5555 N Sheridan Rd	Chicago	IL	60640-1639	11/24/2013 19:13
Daniel	Simon	5555 N Sheridan Rd	Chicago	IL	60640-1601	12/12/2013 10:53
Harsh	Singh	420 S Clinton St	Chicago	IL	60607-3826	11/21/2013 19:39
Matt	Slade	230 Theodore St	Loves Park	IL	61111-4052	11/25/2013 18:33
Janet	Sleeth	10121 N Spring Ln	Peoria	IL	61615-1345	11/24/2013 18:16
Connor	Smith	1005 W Webster Ave Unit 4e	Chicago	IL	60614-3502	11/22/2013 15:26
Julie	Somor	1332 E Rosita Dr	Palatine	IL	60074-5602	11/22/2013 10:22
Matthew	Stedl	2111 N Kenmore Ave Apt 3	Chicago	IL	60614-4159	12/15/2013 21:20
Matthew	Steffen	569 Regency Dr	Lake Zurich	IL	60047-2371	11/25/2013 11:05
Cassy	Stone	202 E Main St	Mount Morris	IL	61054-1549	11/23/2013 10:25
Gloria	Stovall	PO Box 1927	Oak Park	IL	60304-0606	11/24/2013 9:22
Nancy	Strickland	204 Kiowa St	Edwardsville	IL	62025-1828	11/21/2013 13:50
John & Barbara	Sullivan	2229 N Brighton Pl	Arlington Heights	IL	60004-3349	11/21/2013 15:40
Jennifer	Tarr	35 E Wacker Dr	Chicago	IL	60601-2314	11/21/2013 10:02
Pat	Terry	967 Barlina Rd	Crystal Lake	IL	60014-8321	11/22/2013 21:28
Bill	Theisen	2610 Appletree Ln	Northbrook	IL	60062-3406	11/21/2013 10:08
Janice	Thomson	3938 N Paulina St	Chicago	IL	60613-2518	11/21/2013 18:24
Katharine	Thurman	947 Forest Ave	Oak Park	IL	60302-1309	12/9/2013 12:26
Valentina	Tomov	220 N Wilmette Ave	Westmont	IL	60559-1733	11/21/2013 20:34
Rachel	Tompkins	425 W 4th St	Edwardsville	IL	62025-1457	11/25/2013 22:20
Meredith	Tucker	498 Inverway	Inverness	IL	60067-4350	11/21/2013 13:09
Sophia	Twichell	25 Forest Hills Rd	Lake Bluff	IL	60044-2403	11/21/2013 8:37
Eberhard	Veit	3502 S Kilkenny Dr	Crystal Lake	IL	60014-4714	11/21/2013 9:29
Karen	Vierneisel	5360 N Lowell Ave	Chicago	IL	60630-1773	11/21/2013 15:41
Terri	Voitik	2651 Prairieview Ln S	Aurora	IL	60502-2305	11/24/2013 8:23
jessica	wagner	501 E Chatham St	Metamora	IL	61548-7010	11/25/2013 15:04
Linda	Wang	1306 W Sigwalt St				

Melanie	Welch	1257 W Granville Ave	Chicago	IL	60660-1941	11/25/2013 10:34
Rinda	West	4313 N Bell Ave	Chicago	IL	60618-1609	11/21/2013 7:17
David	Westerfield	2125 Prairie St	Glenview	IL	60025-2826	11/21/2013 9:18
Mirl	Whitaker	2601 Montvale Dr Apt 408	Springfield	IL	62704-4273	11/21/2013 9:47
Larry	Widing	42 W 60th St	Westmont	IL	60559-2544	12/12/2013 11:24
Chalice	Wilkerson	3727 N Richmond St	Chicago	IL	60618-3524	11/20/2013 20:58
Mary	Winkel	6720 Giant Oaks Rd	Wonder Lake	IL	60097-9118	11/21/2013 15:04
Judy	Winkleman	338 N Lakeshore Dr	Mundelein	IL	60060-2849	11/21/2013 12:17
Martha	Witwer	201 Pin Oak Dr	Wilmette	IL	60091-3128	11/21/2013 9:38
Brett	Wolfe	1061 Butler Dr	Crystal Lake	IL	60014-6926	11/21/2013 16:22
Elise	Zelechowski	1732 N Humboldt Blvd	Chicago	IL	60647-5002	12/12/2013 14:54

Ms. Katie Coleman
436 Harrison St
Apt 1
Oak Park, IL 60304-1466

Nov 18, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking massively threatens drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the original intent of the law in several ways that matter to me as an Illinois resident.

First, the law requires information about chemicals to be disclosed to public health authorities when necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information -- "during business hours" with no promise of immediate response simply isn't good enough.

Second, the law requires all that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary. But IDNR's draft rules allow wastewater to sit around in open pits for undetermined amounts of time -- that's a pretty big loophole about a pretty big problem.

Third, IDNR's rules would grandfather-in existing fracking wells. This is a huge problem. Just because the industry started fracking before we had our ducks in a row on regulation doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better.

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. Why not put the onus on them to prove whether or not they polluted my groundwater? That was in the original law, but your rules limit it from a huge list of hundreds of chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole.

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this seems to open the doors for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow

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more problematic activities without the benefit of public input.

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is dangerous under the best of circumstances, but IDNR's rules have made it even more dangerous. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Katie Coleman

Ms. Elizabeth Barnes
4546 N Paulina St
Chicago, IL 60640-5308

Nov 20, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Elizabeth Barnes

Ms. Chalice Wilkerson
3727 N Richmond St
Chicago, IL 60618-3524
(773) 267-6239

Nov 20, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Chalice Wilkerson

Ms. Cynthia Linton
990 N Lake Shore Dr Apt 15e
Chicago, IL 60611-1374
(312) 944-6516

Nov 20, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Ms. Cynthia Linton

Ms. Colleen Belak
1314 S Wabash Ave
Unit 3
Chicago, IL 60605-2501
(502) 693-9928

Nov 20, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Ms. Colleen Belak

Ms. Rinda West
4313 N Bell Ave
Chicago, IL 60618-1609

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Ms. Rinda West

Mrs. Sophia Twichell
25 Forest Hills Rd
Lake Bluff, IL 60044-2403

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Mrs. Sophia Twichell

Mr. Michael Hager
4702 W 89th Pl
Hometown, IL 60456-1043
(708) 499-5323

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Ms. Gloria Picchetti
553 W Oakdale Ave
Chicago, IL 60657-5753
(773) 871-0999

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Mr. Thomas Poteet
820 W Mill St Apt 102b
Carbondale, IL 62901-4904

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Ms. Phylana Ladd
512 W Bittersweet Rd
Washington, IL 61571-3094

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2125 Prairie St
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Mr. David Westerfield

Ms. joan rothenberg
1575 Ashland Ave
Evanston, IL 60201-4071

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Ms. joan rothenberg

Mr. Thomas Bauer
340 W Diversey Pkwy Apt 1118
Chicago, IL 60657-6243
(231) 445-2006

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Mr. Thomas Bauer

Mr. Eberhard Veit
3502 S Kilkenny Dr
Crystal Lake, IL 60014-4714

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Eberhard Veit

Mr. Keith Klingeman
2507 Bordeaux Ln Apt 105
Naperville, IL 60540-1838

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Mr. Keith Klingeman

Ms. Lis Gerhold
139 N Elm Ave
Elmhurst, IL 60126-2606

Nov 21, 2013

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One Natural Resources Way
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Ms. Lis Gerhold

Mr. jeff hopkins
69 Amber Ct
Lindenhurst, IL 60046-7912

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One Natural Resources Way
Springfield, IL 62702-1271

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Mr. jeff hopkins

Ms. Martha Witwer
201 Pin Oak Dr
Wilmette, IL 60091-3128
(847) 251-8089

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Ms. Martha Witwer

Mr. William Hess
413 Scott St
Edwardsville, IL 62025-1539
(618) 920-1375

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Ms. Mary Riley
1929 N Hicks Rd
Palatine, IL 60074-2586

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Ms. Mary Riley

Mr. Joe Beuchel
960 Debra Ln
Elk Grove Village, IL 60007-3044

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Mr. Joe Beuchel

Mr. Mirl Whitaker
2601 Montvale Dr Apt 408
Springfield, IL 62704-4273

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Mr. Mirl Whitaker

Mrs. Sue LeCroy
704 S Charlotte St
Lombard, IL 60148-3404

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Mrs. Sue LeCroy

Mr. Vincent Mease
1730 W Superior St
Apt 3e
Chicago, IL 60622-5659
(312) 480-0720

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Vincent Mease

Dr. lSheila Kinsey
26w171 Roosevelt Rd
667
Wheaton, IL 60187-6002

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Ms. Jennifer Tarr
35 E Wacker Dr
Chicago, IL 60601-2314

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Mr. Bill Theisen
2610 Appletree Ln
Northbrook, IL 60062-3406

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Mr. Bill Theisen

Miss Clarissa Martin
503 E Union St
Earlville, IL 60518-8027

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Mr. John Bredin
1551 Ashland Ave
Apt 403
Des Plaines, IL 60016-6659
(708) 912-6481

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Sincerely,
Mr. John Bredin

Ms. Christy Matsuoka
918 Ski Hill Rd
Fox River Grove, IL 60021-1326

Nov 21, 2013

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Sincerely,
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Ms. Lisa Albrecht
4329 N Richmond St # 2
Chicago, IL 60618-1405
(773) 497-5472

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Mr. Tom Cordaro
1450 Green Trails Dr
Naperville, IL 60540-8359

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Ms. Virginia Lewey
2829 N Troy St
Chicago, IL 60618-7612
(928) 853-0088

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Ms. Virginia Lewey

Mrs. Tabitha Sani
580 Sheridan Sq
G
Evanston, IL 60202-3198

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Mr. John Massman
42861 N Janette St
Antioch, IL 60002-7422

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. John Massman

Mrs. Leslie Cohen
3011 Hartzell St
Wilmette, IL 60091-2958

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Mrs. Leslie Cohen

Dr. James Alstrum
809 N School St
Normal, IL 61761-1328

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Sincerely,
Dr. James Alstrum

Ms. Sally Drucker
2033 N Cleveland Ave
Chicago, IL 60614-4516

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Springfield, IL 62702-1271

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Sincerely,
Ms. Sally Drucker

Mr. Cornelius Devlin III
213 Old Germantown Rd
East Peoria, IL 61611-1285
(309) 699-4102

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Ms. Andrea Rundell
804 E Michigan Ave
Urbana, IL 61801-5273

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Dr. Elzbieta Foeller-Pituch
1904 Colfax St Unit A
Evanston, IL 60201-2568
(847) 864-0624

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Sincerely,
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Mr. Andrew Fisher
1580 Sherman Ave
Apt 1108
Evanston, IL 60201-4494

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Dr. Sophia Drinis
5205 N Rothmere Dr
Peoria, IL 61615-9303

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Mr. Juan Alvarez
2035 W Haddon Ave # 1
Chicago, IL 60622-3605
(773) 716-9194

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Mrs. Judy Bloom
2324 Crabtree Ave
Woodridge, IL 60517-2929

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Sincerely,
Mrs. Judy Bloom

Miss Brittany Ray
803 Oakside Ln
University Park, IL 60484-2816

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Miss Brittany Ray

Ms. Judy Winkleman
338 N Lakeshore Dr
Mundelein, IL 60060-2849
(847) 566-7605

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Ms. Judy Winkleman

Mr. Matthew Schmitz
2307 Springhill Ln
Lindenhurst, IL 60046-8326
(847) 356-7375

Nov 21, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Matthew Schmitz

Mrs. Mary Perrin
971 Sheffield Dr
Crystal Lake, IL 60014-7645

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One Natural Resources Way
Springfield, IL 62702-1271

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Mrs. Mary Perrin

Ms. Laura Davis
2134 Harrow Gate Dr
Inverness, IL 60010-5425

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Sincerely,
Ms. Laura Davis

Ms. Whitney Bush
5608 N Kenmore Ave
Apt 2
Chicago, IL 60660-4629
(773) 789-5530

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Mrs. Judith Kasper
2916 22 1/2 Ave
Rock Island, IL 61201-4611
(309) 788-8167

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Ms. Nancy Rose
815 Brummel St
Evanston, IL 60202-5272

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Ms. Nancy Rose

Ms. phyllis kaplan
1034 Central Ave
Highland Park, IL 60035-3285

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Ms. Martha Pence
806 Ramblewood Ct
Apt B
Savoy, IL 61874-6015
(217) 356-1503

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Mrs. Anna DiRienzo
blackstone ave
Chicago, IL 60615-5407
(773) 834-8968

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mrs. Anna DiRienzo

Ms. Meredith Tucker
498 Inverway
Inverness, IL 60067-4350

Nov 21, 2013

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Ms. Meredith Tucker

Mr. Jonathan Kamel
1944 N Maud Ave
Chicago, IL 60614-4908
(773) 633-7296

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Ms. Nancy Strickland
204 Kiowa St
Edwardsville, IL 62025-1828
(618) 741-3264

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Mrs. Gloria Robinson
18661 Cedar Ave
Country Club Hills, IL 60478-5624
(708) 224-8919

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Mrs. Gloria Robinson

Ms. Adrienne kovalsky
1440 N Lake Shore Dr
Chicago, IL 60610-1626

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Mr. Michael Owens
741 N Elizabeth St
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Chicago, IL 60642-5713
(630) 606-6042

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Ms. Mary Winkel
6720 Giant Oaks Rd
Wonder Lake, IL 60097-9118

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Mr. Aaron Charfoos
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Chicago, IL 60613-3508
(773) 525-4386

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23024 Ironwood Dr
Plainfield, IL 60586-6126

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Mr. John & Barbara Sullivan
2229 N Brighton Pl
Arlington Heights, IL 60004-3349

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. John & Barbara Sullivan

Ms. Karen Vierneisel
5360 N Lowell Ave
Chicago, IL 60630-1773

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking threatens drinking water and public health. That's why it's important to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15, however, undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. I believe IDNR was created to protect citizens health not the bottom line of corporations.

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. These are serious loopholes that will undoubtedly pose serious problems.

Third, IDNR's rules would exempt existing fracking wells. There is no justification for such an exemption. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better.

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on those harmed by fracking to prove the fracking companies have polluted the groundwater. In addition, IDNR's proposed rules would limit the list of over 100 chemicals to only a few "indicator" chemicals. This is another loophole in the rules that must be addressed.

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process.

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Karen Vierneisel

Mr. Sean Lawler
1712 S Morgan St # 2
Chicago, IL 60608-2317
(312) 945-9162

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Sincerely,
Mr. Sean Lawler

Ms. Marsha Love
416 S Kenilworth Ave
Apt 3s
Oak Park, IL 60302-4909

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Marsha Love

Dr. Maarten Bosland
416 S Kenilworth Ave
Apt 3s
Oak Park, IL 60302-4909

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Sincerely,
Dr. Maarten Bosland

Mr. Brett Wolfe
1061 Butler Dr
Crystal Lake, IL 60014-6926

Nov 21, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mr. Brett Wolfe

Ms. Jean Furlan
911 W White Oak St
Arlington Heights, IL 60005-3028

Nov 21, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Jean Furlan

Mrs. Kathryn LeMosy
319 W Blackburn St
Trlr 2
Paris, IL 61944-1078
(217) 463-8417

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mrs. Kathryn LeMosy

Miss Karen Delmonico
1226 W Sunset Ter
Arlington Heights, IL 60005-1161

Nov 21, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Miss Karen Delmonico

Mr. Steven Lichtenbert
5307 W Nelson St
Chicago, IL 60641-4954

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One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Steven Lichtenbert

Ms. Mary Gaston
1308 Maroon Dr
Elgin, IL 60120-8159
(847) 289-8464

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Sincerely,
Ms. Mary Gaston

Dr. Lora Chamberlain
6341 N. Glenwood, 1#
Chicago, IL 60660
(773) 486-7660

Nov 21, 2013

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Sincerely,
Dr. Lora Chamberlain

Mr. Richard Pinc
3721 S 57th Ct
Cicero, IL 60804-4238

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Mr. Dennis Lynn
1829 41st St
Rock Island, IL 61201-3849

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Ms. Janice Thomson
3938 N Paulina St
Chicago, IL 60613-2518

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Ms. Stephanie Bilenko
627 Barnsdale Rd
La Grange Park, IL 60526-5703

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Mr. Chris Butkevicius
3333 N Marshfield Ave # 317
Chicago, IL 60657-2123
(773) 305-2067

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Ms. avis & jeff fisher
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7617 S South Shore Dr # 1
Chicago, IL 60649-4439

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Mr. Harsh Singh
420 S Clinton St
Apt 606
Chicago, IL 60607-3826
(847) 497-0451

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Mr. Ken Schmidt
178 S Lombard Ave
Lombard, IL 60148-2750

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Mr. Lee Canel
2124 Birchwood Ave
Wilmette, IL 60091-2306

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Lee Canel

Mrs. Valentina Tomov
220 N Wilmette Ave
Westmont, IL 60559-1733

Nov 21, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Mrs. Valentina Tomov

Mr. Stephen Limperis
1194 Chesterfield Ln
Grayslake, IL 60030-3795

Nov 21, 2013

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Ms. Lenore Reeves
19934 Hickory Stick Ln
Mokena, IL 60448-1368

Nov 21, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Ms. Kathryn Allen
6 Velie Dr
Moline, IL 61265-6120

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Mrs. Jan Barshis
2344 Pomona Ln
Wilmette, IL 60091-2216

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Ms. Tina Bach
5237 W. Montrose Ave.q
Chicago, IL 60641

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Ms. Patricia Pruitt
1032 Randolph St
Oak Park, IL 60302-3406
(708) 848-9806

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Ms. Kathleen Hogan
7008 N Greenview Ave # 3
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(773) 764-9302

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Mr. Donald Fricker
1601 New Era Rd Apt 207
Carbondale, IL 62901-6308

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5917 N Paulina St
Apt 3n
Chicago, IL 60660-3244

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Sincerely,
Ms. Maggie McAuley

Ms. Julie Somor
1332 E Rosita Dr
Palatine, IL 60074-5602

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Dr. Adrian Nelson
3424 S State St
Chicago, IL 60616-5374

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Dr. Adrian Nelson

Dr. Richard Wark
3232 N Halsted St
Apt D302
Chicago, IL 60657-3588
(312) 835-9370

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One Natural Resources Way
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Dr. Richard Wark

Dr. Brayton Gray
2121 N Hudson Ave
Chicago, IL 60614-4522

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Mr. Will Roy
409 S Humphrey Ave
Apt 3
Oak Park, IL 60302-4389
(708) 948-7481

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Ms. Nora Lincoln
1907 S May St
Chicago, IL 60608-3364

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Ms. Patricia Armstrong
612 Staunton Rd
Naperville, IL 60565-2607
(630) 983-8404

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Mr. Connor Smith
1005 W Webster Ave Unit 4e
Chicago, IL 60614-3502

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Mrs. Mollie Bunis
1700 W Irving Park Rd
Ste 203
Chicago, IL 60613-2599
(773) 244-5185

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Mrs. Mollie Bunis

Ms. Nancy Rockwood
1426 W Cullom Ave
Chicago, IL 60613-1357

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Nancy Rockwood

Dr. R.A. Rosenstein
5801e N Pulaski Rd
Chicago, IL 60646-6016
(773) 381-7166

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Sincerely,
Dr. R.A. Rosenstein

Mrs. Sophia de la Mar
2121 N Hudson Ave
Chicago, IL 60614-4522
(773) 505-9840

Nov 22, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mrs. Sophia de la Mar

Mr. Nathan Parker
1522 W Ainslie St
Chicago, IL 60640-3513
(773) 828-9624

Nov 22, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Nathan Parker

Ms. Eva Hare
4008 N Kenmore Ave
Chicago, IL 60613-2057

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. The current IDNR draft regulations impede the flow of this essential and potentially life-saving information by giving the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response or to contact an unidentified "trade secret holder." [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. The IDNR draft rules do not require accurate size calculations which allows for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequent usage of open pits. In addition, the current draft allows wastewater to sit in open pits for longer than the one week maximum decreed by the law, greatly increasing the risk of water pollution. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. It is vitally important that all fracking wells be subject to these regulations as there is an equal if not greater risk of pollution with earlier built wells. [Draft Regulations Subpart A, Section 245.100]

Fourth, in the event of water pollution occurring within proximity to a fracking well, IDNR's rules limit the industry's burden of proof from a list of over 100 chemicals to only a few "indicator" chemicals. This shifts the onus onto Illinois residents and communities to spend money and resources they cannot afford to prove whether or not the industry is responsible for polluting their groundwater. [Draft Regulations Subpart F, Section 245.620]

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Fracking is risky under the best of circumstances, but the current draft of IDNR's rules would make those risks even greater. PLEASE strengthen the IDNR regulations to align with Illinois law.

Sincerely,
Ms. Eva Hare

Ms. Pat Terry
967 Barlina Rd
Crystal Lake, IL 60014-8321

Nov 22, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
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Mr. Russell Hart
7850 Strathmore Ln
Hanover Park, IL 60133-2233

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Sincerely,
Mr. Russell Hart

Mr. Chris Mest
218 Country Club Dr
Prospect Heights, IL 60070-2566

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One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Chris Mest

Mr. Shane Nodurft
4025 N Pulaski Rd
Apt 108
Chicago, IL 60641-2457
(773) 478-2274

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Sincerely,
Mr. Shane Nodurft

Ms. Cassy Stone
202 E Main St
Mount Morris, IL 61054-1549

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One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Cassy Stone

Dr. Karlene Ramsdell
1124 Moorland Ave
Shorewood, IL 60404-9618

Nov 23, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Dr. Karlene Ramsdell

Ms. Debbie Drake
528 S Yale Ave
Arlington Hts, IL 60005-2240

Nov 23, 2013

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One Natural Resources Way
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014227

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Debbie Drake

Ms. Artemis Asproyerakas
1322 W Ohio St
Chicago, IL 60642-6456
(347) 633-0005

Nov 23, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Sincerely,
Ms. Artemis Asproyerakas

Ms. Jennifer Bissell
129 E Bellevue Pl
Chicago, IL 60611-5303

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One Natural Resources Way
Springfield, IL 62702-1271

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Thank you very much.

Sincerely,
Ms. Jennifer Bissell

Ms. Terri Voitik
2651 Prairieview Ln S
Aurora, IL 60502-2305
(630) 585-9212

Nov 24, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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014230

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Sincerely,
Ms. Terri Voitik

Ms. Gloria Stovall
PO Box 1927
Oak Park, IL 60304-0606

Nov 24, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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014231

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Sincerely,
Ms. Gloria Stovall

Ms. Niloofar Shambayati
2609 Cherry Hills Dr
Champaign, IL 61822-7537
(217) 359-1856

Nov 24, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: We need strong anti-fracking laws, IDNR's Rules Undermine Illinois' Fracking Law

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Ms. Robin Schirmer
1014 N 2nd Ave
Maywood, IL 60153-1011
(708) 370-8017

Nov 24, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Robin Schirmer

Mrs. Sheila Schultz
393 Meadowbrook Ln
Wheeling, IL 60090-6028

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Sincerely,
Mrs. Sheila Schultz

Mr. Vincent Asta
232 Sadler Rd
Pomona, IL 62975-2542
(708) 277-3578

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Sincerely,
Mr. Vincent Asta

Ms. Janet Sleeth
10121 N Spring Ln
Peoria, IL 61615-1345

Nov 24, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Janet Sleeth

Mrs. Mary Simon
5555 N Sheridan Rd
Apt 1103
Chicago, IL 60640-1639

Nov 24, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mrs. Mary Simon

Ms. Emma LaBounty
5122 S University Ave Apt 1s
Chicago, IL 60615-3900
(615) 495-5971

Nov 24, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Sincerely,
Ms. Emma LaBounty

Mrs. Traci Brown
548 belleview ave
West Chicago, IL 60185
(630) 885-9607

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mrs. Traci Brown

Mr. Jeremy Daly
10325 S Whipple St
Chicago, IL 60655-2007

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR!

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Sincerely,
Mr. Jeremy Daly

Mr. Rohn Koester
1209 W Oregon St
Urbana, IL 61801-3716

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Rohn Koester

Ms. P Kelley
3110 N Sheridan Rd
Chicago, IL 60657-4944

Nov 25, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Ms. P Kelley

Mrs. Kate Loster
946 Hayes Ave
Oak Park, IL 60302-1412

Nov 25, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Mrs. Kate Loster

Mrs. Melanie Welch
1257 W Granville Ave
Chicago, IL 60660-1941

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Matthew Steffen
569 Regency Dr
Lake Zurich, IL 60047-2371

Nov 25, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mr. Matthew Steffen

Mr. jim roberts
401 Paris Ave
Rockford, IL 61107-4440
(815) 398-1634

Nov 25, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mr. jim roberts

Ms. Sigrid Pilgrim
2750 Bernard Pl
Evanston, IL 60201-4912

Nov 25, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
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Ms. Sigrid Pilgrim

Ms. jessica wagner
501 E Chatham St
PO Box 1012
Metamora, IL 61548-7010
(309) 264-6208

Nov 25, 2013

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Sincerely,
Ms. jessica wagner

Mr. Paul Bailey
1725 N Marywood Ave Apt 309
Aurora, IL 60505-1557
(847) 715-8919

Nov 25, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Ms. Susan Panitch
28530 Oakhaven Ct
Lake Bluff, IL 60044-3001

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One Natural Resources Way
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Mr. Ryan McIntyre
655 W Irving Park Rd
Chicago, IL 60613-3123

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One Natural Resources Way
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Mr. Ryan McIntyre

Mrs. Karen O Fort
872 W Buckingham Pl
Chicago, IL 60657-2302

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Mr. John Asta
8a56 Constitution Dr
Apple River, IL 61001-9525
(815) 541-1128

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Mr. Matt Slade
230 Theodore St
Loves Park, IL 61111-4052

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Ms. Kathy Mason
8230 S Whipple St
Chicago, IL 60652-3446

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Dr. Rachel Tompkins
425 W 4th St
Edwardsville, IL 62025-1457

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Ms. Nicolle Grasse
515 S Walnut Ave
Arlington Heights, IL 60005-1704

Nov 26, 2013

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Ms. Laura Edwards
1409 Fell Ave
Bloomington, IL 61701-1830

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Laura Edwards

Dr. Susan Hildebrandt
509 E Grove St
Bloomington, IL 61701-5317

Nov 26, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Sincerely,
Dr. Susan Hildebrandt

Ms. Rachel Shively
104 S Moore St
Bloomington, IL 61701-4223

Nov 26, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Rachel Shively

Miss Emmy Grace
1337 Asbury Ave
Winnetka, IL 60093-1405

Nov 26, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Miss Emmy Grace

Ms. Kelly Muisenga
Willowbrook
Willowbrook, IL 60527

Nov 26, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Kelly Muisenga

Dr. Michael Bryson
712 Cornelia St
Joliet, IL 60435-5912

Nov 26, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Dr. Michael Bryson

Mrs. Lori McConville
1807 Blossom St
Crystal Lake, IL 60014-2331

Nov 26, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mrs. Lori McConville

Ms. Milagros Banos
1423 N Lawndale Ave
Chicago, IL 60651-2148

Nov 27, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Ms. Jennifer Davila
2651 N Kimball Ave
Chicago, IL 60647-1213

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Ms. Jennifer Davila

Dr. Arwen Hoots
1626 N Drake Ave
Chicago, IL 60647-4802

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Dr. Arwen Hoots

Mr. Randall Johnson
6731 S Rockwell St
Chicago, IL 60629-1819

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Sincerely,
Mr. Randall Johnson

Mr. Jeremy Dixon
5110 N Kimball Ave
Chicago, IL 60625-8068
(319) 850-8620

Nov 28, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Jeremy Dixon

Mrs. Julie Nold
1146 Terrace Ln
Glenview, IL 60025-2774
(847) 730-3231

Nov 30, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Sincerely,
Mrs. Julie Nold

Mrs. Mary Mathews
1111 S Waukegan Rd
Lake Forest, IL 60045-7300

Nov 30, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mrs. Mary Mathews

Ms. Katayun Salehi
308 W Green St
Apt C
Urbana, IL 61801-3279

Dec 1, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Sincerely,
Ms. Katayun Salehi

Mr. Edward Malewicki
12942 S Commercial Ave
Chicago, IL 60633-1209
(773) 646-2790

Dec 1, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Edward Malewicki

Mr. Robert Iltis
7730 Wing Hill Rd
Cobden, IL 62920-3264

Dec 3, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Sincerely,
Mr. Robert Iltis

Mr. Scott Mohan
839 W Lawrence Ave
Chicago, IL 60640-4261

Dec 3, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Scott Mohan

Miss Caroline Burney
240 Deer Run
Crystal Lake, IL 60012-3680

Dec 4, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Miss Caroline Burney

Mr. Craig Sadur
8994 Kennedy Dr
Des Plaines, IL 60016-5456

Dec 5, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Craig Sadur

Mrs. Katharine Thurman
947 Forest Ave
Oak Park, IL 60302-1309
(708) 383-0299

Dec 9, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mrs. Katharine Thurman

Ms. Jacquelyn Pope
720 Woodbine Ave
Oak Park, IL 60302-1513

Dec 9, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Jacquelyn Pope

Ms. Noelle Hoeffner
1800 pierce rd

Kipnis

ests, IL 60169

Dec 9, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Sincerely,
Ms. Noelle Hoeffner

Ms. Rebecca Bierbaum
3719 Horn Ave
Alton, IL 62002-3149
(618) 465-7716

Dec 10, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Rebecca Bierbaum

Mrs. Mary Lou Mellon
7050 Arbor Ln Apt 303
Northfield, IL 60093-3369
(847) 386-7344

Dec 12, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
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Sincerely,
Mrs. Mary Lou Mellon

Ms. Angela Michalek
720 N Western Ave
Apt 1
Park Ridge, IL 60068-2551
(630) 442-9374

Dec 12, 2013

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Sincerely,
Ms. Angela Michalek

Mr. Joel Friedman
1931 Old Briar Rd
Highland Park, IL 60035-4332
(312) 606-3029

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Ms. Robin Garlish
39 Circle Dr
Pekin, IL 61554-2400
(309) 267-8963

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One Natural Resources Way
Springfield, IL 62702-1271

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Ms. Jady Carmichael
3746 S Wallace St Apt 2f
Chicago, IL 60609-1677

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Ms. Jady Carmichael

Ms. Lydia Larrabee
31 N Alfred Ave
Elgin, IL 60123-5223

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Please understand that you are impacting our children, grandchildren and all future generations. This is not the time to think self-interest or giving into pressure. Take the high road and protect the people, the earth and the flora and fauna that we depend on.

Sincerely,
Ms. Lydia Larrabee

Mr. Jerry hutchinsonb
822 Linden Ave
Oak Park, IL 60302-1562

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Jerry hutchinsonb

Mrs. Meg Clark
838 N Taylor Ave
Oak Park, IL 60302-1456
(708) 524-5312

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Mrs. Meg Clark

Mr. Dennis Paige
220 S Roselle Rd
Schaumburg, IL 60193-1649

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Sincerely,
Mr. Dennis Paige

Ms. Jan Candy
19 Oak
Elmhurst, IL 60126

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Ms. Jan Candy

Mr. Daniel Simon
5555 N Sheridan Rd
Chicago, IL 60640-1601
(773) 271-9120

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One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Daniel Simon

Mr. George Brock
5700 N Sheridan Rd Apt 819
Chicago, IL 60660-8776
(773) 459-1446

Dec 12, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. George Brock

Mr. Kurt Kreis
1741 Edmonds Ave
New Lenox, IL 60451-3233

Dec 12, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Chris Lackner
2501 N Washtenaw Ave
Chicago, IL 60647-1884

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7301 W Burgett Rd
Richmond, IL 60071-9787

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Mr. Robert Handelsman
2643 Central Park Ave
Evanston, IL 60201-1170

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Mr. Robert Handelsman

Mr. Larry Widing
42 W 60th St
Apt 210
Westmont, IL 60559-2544
(630) 853-6287

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Dr. Donald Barshis
2344 Pomona Ln
Wilmette, IL 60091-2216

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Ms. K. Dipinto
10 N Lake St Apt 208
Grayslake, IL 60030-3637

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. K. Dipinto

Mr. Mark Anderson
1301 W Belmont Ave
Chicago, IL 60657-3208
(773) 665-0277

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Mr. Matthew Miodonski
1942 W Chicago Ave
Apt 2
Chicago, IL 60622-6143
(773) 603-0091

Dec 12, 2013

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Mr. Matthew Miodonski

Dr. Maureen Dolan
3936 W George St
Chicago, IL 60618-7232

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Dr. Maureen Dolan

Ms. Laura Haber
412 W Green St
Urbana, IL 61801-3224

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Ms. Jessica Dexter
3270 N Lake Shore Dr Apt 9c
Chicago, IL 60657-3917
(312) 714-2835

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Ms. Carolyn Parker
1992 Timberview Dr
Joliet, IL 60431-2834

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Mr. Harold Hoover
204 Broker Rd
Bloomingdale, IL 60108-1101

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Ms. gina robbins
1131 N East Ave
Oak Park, IL 60302-1229

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936 Merrimac Cir
Naperville, IL 60540-7107

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Mrs. Diann Leahy
1426 Crown Ln
Glenview, IL 60025-1227

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Mr. David Atwood
10641 S Hale Ave
Chicago, IL 60643-2700

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

At this point my analysis of your efforts leads me to the conclusion you are failing the people. It's time for you to get serious, redouble your efforts, follow the science and ditch the politics.

Sincerely,
Mr. David Atwood

Mr. Timothy & Jan Dwyer
97 W Ellen Ave
Cortland, IL 60112-4119
(815) 756-1833

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Timothy & Jan Dwyer

Mrs. Carmen Brown
2239 W Belden Ave
Chicago, IL 60647-3220

Dec 12, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mrs. Carmen Brown

Mr. James Campbell
233 N Tryon St
Woodstock, IL 60098-3240

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Springfield, IL 62702-1271

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Mr. James Campbell

Mr. Steve Gates
3633 N Harding Ave
Chicago, IL 60618-4024
(312) 339-0720

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Mr. garry low
4211 N Mozart St
Chicago, IL 60618-1517

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Mr. garry low

Mrs. Georgiann Schulte
204 S Maple Ave Apt 13
Oak Park, IL 60302-3027
(708) 445-0278

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Ms. Elise Zelechowski
1732 N Humboldt Blvd
Chicago, IL 60647-5002

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Ms. Elise Zelechowski

Miss Linda Wang
1306 W Sigwalt St
Arlington Heights, IL 60005-1619

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Sincerely,
Miss Linda Wang

Ms. Roberta Alvarado
1321 E Sankoty Dr
Peoria, IL 61614-3113
(309) 692-1930

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Ms. Roberta Alvarado

Mr. Robert Banke
1537 Rogers Ct
Dekalb, IL 60115-2021

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Robert Banke

Mrs. Beverly Ann Conroy
739 S Elmwood Ave
Oak Park, IL 60304-1414

Dec 12, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

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Dr. Neil and Evelyn Aronson
9822 Karlov Ave
Skokie, IL 60076-1116

Dec 12, 2013

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Dr. Neil and Evelyn Aronson

Mr. Nancy & Vernon Wedow
228 N Middleton Ave
Palatine, IL 60067-4856

Dec 12, 2013

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One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Nancy & Vernon Wedow

Miss Jennifer Richardson
1401 S State St
Chicago, IL 60605-3623

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One Natural Resources Way
Springfield, IL 62702-1271

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Ms. Ann Hamblet
1115 Hull Ter
B
Evanston, IL 60202-6418
(847) 733-7211

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Ms. Helen Kessler
3702 N Pine Grove Ave
Chicago, IL 60613-4103

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Mr. Caleb Powell
100 Northfield Dr
Normal, IL 61761-1064

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Mr. Todd Simec
1835 Sequoia Dr
Hanover Park, IL 60133-3982

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Mr. Todd Simec

Mr. Justin Horstmann
105 Walnut St
Damiansville, IL 62215-1323

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Mrs. Donna Astrauskas
260 Michael Dr
Troy, IL 62294-1277

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Ms. Barbara Keer
2601 Marian Ln
Wilmette, IL 60091-2207

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Barbara Keer

Ms. Kendra Massey
8506 E Prairie Rd
Skokie, IL 60076-2353

Dec 13, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Ms. Kendra Massey

Ms. Kimberly Koverman
5481 S Cornell Ave
Apt F
Chicago, IL 60615-5153

Dec 13, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Ms. Kimberly Koverman

Mr. Ryan Baker
3450 N Lake Shore Dr
Apt 3107
Chicago, IL 60657-2863
(312) 213-5262

Dec 13, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mr. Ryan Baker

Mrs. Carole Abood
2018 Fulham Dr
Naperville, IL 60564-8422

Dec 13, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mrs. Carole Abood

Mr. william Grant
1500 Duval Dr
Godfrey, IL 62035-1608
(618) 466-7352

Dec 14, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. william Grant

Ms. Amber Akins
6049 N Ridge Ave
Chicago, IL 60660-2467
(773) 556-6059

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One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Amber Akins
6049 N. Ridge Ave.
Chicago, IL 60660

Sincerely,
Ms. Amber Akins

Mr. Andrew Gumbiner
106 W Locust St
Normal, IL 61761-2560
(708) 218-0464

Dec 14, 2013

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Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Mr. Andrew Gumbiner

Mr. Matthew Stedl
2111 N Kenmore Ave Apt 3
Chicago, IL 60614-4159

Dec 15, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Matthew Stedl

Mr. Nicholas Epstein
1516 S Wabash Ave
Chicago, IL 60605-2903

Dec 16, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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Sincerely,
Mr. Nicholas Epstein

Mrs. Shelley Brown
1909 W Leafland Ave
Decatur, IL 62522-1324

Dec 17, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mrs. Shelley Brown

Mr. kelly dougherty
8 W Monroe St
Apt 909
Chicago, IL 60603-2449
(773) 401-3293

Dec 17, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit

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it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. kelly dougherty

Ms. Michelle Hickey
1360 W Jefferson Ave
Naperville, IL 60540-5006

Dec 18, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health; therefore, it is important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

The law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. However, the IDNR draft rules give the department "discretion" over when to share the information and IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response, or, even worse, to contact an unidentified "trade secret holder." The rules need to be changed to make the chemical information readily available and accessible at a moments notice. [Draft Regulations Sub part G, Section 245.730]

Second, the law requires that dangerous waste water be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow waste water to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. The rules should be changed to ensure open pits are used minimally. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Michelle Hickey

Mrs. Lisa Neubert
4725 N Ozanam Ave
Norridge, IL 60706-4505

Dec 18, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mrs. Lisa Neubert

Mrs. Diana Alexander
338 Interurban St
Auburn, IL 62615-9768

Dec 20, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mrs. Diana Alexander

Dr. S. Coleman
2580 Golf Rd Apt 203
Glenview, IL 60025-4862

Dec 23, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few

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"indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Dr. S. Coleman

Ms. Lana Panitch
555 N Sheridan Rd
Lake Forest, IL 60045-2338

Dec 24, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Lana Panitch

Mrs. Sue Eberhardt
780 Prairie Ridge Dr
Woodstock, IL 60098-6315
(815) 347-2652

Dec 26, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mrs. Sue Eberhardt

Dr. William Grayburn
521 Elmwood St
Sycamore, IL 60178-2012

Dec 27, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: IDNR's Rules are too weak and may promote cancer, death, and destruction of agriculture

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

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loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Dr. William Grayburn

Mr. Shaun Newlon
7211 Millburne Ct
Bull Valley, IL 60050-7502

Dec 27, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

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Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620]

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Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Shaun Newlon

Ms. Aleda Diggins
107 Sandra Ln
Normal, IL 61761-2729
(309) 862-4672

Dec 29, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730] I believe an updated and exhaustive list of all chemicals potentially being used should be required to be kept on file with the state as a public record for every company's wells. The only way a company should be allowed to protect its "trade secrets" from open public record could be in the proportions of chemicals, which information should still be accessible by health professionals.

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

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Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big loophole. [Draft Regulations Subpart F, Section 245.620] I believe the state needs to demand transparency in the form of a publicly accessible exhaustive list of chemicals being used in each company's wells, in order to protect the public. The only concession the state should make to safeguard "trade secrets" could be concealing merely the exact proportions of the chemicals (except in regards to health professionals who might require emergency access to that information).

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Ms. Aleda Diggins

Mr. Rudolph Gartner
5340 S Hyde Park Blvd
Chicago, IL 60615-5706
(773) 955-0455

Dec 31, 2013

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

Dear Mr. Mool,

Fracking can threaten drinking water and public health. That's why it's important for IDNR to get the rules right on Illinois' fracking law. The rules proposed by IDNR on Nov. 15 undermine the law in several ways that matter to me as an Illinois resident.

First, the law requires IDNR to give health workers information about chemicals when that information is necessary to treat a patient. This includes trade-secret-protected information about chemicals. Because let's face it -- people's health is more important than a company's bottom line. But the way IDNR wrote the rules really hurts the flow of this essential and potentially life-saving information. IDNR draft rules would give the department "discretion" over when to share the information. Plus, IDNR asks health workers to contact IDNR "during business hours" with no promise of immediate response -- or, even worse, to contact an unidentified "trade secret holder." That simply isn't good enough. [Draft Regulations Subpart G, Section 245.730]

Second, the law requires that dangerous wastewater to be stored in closed tanks, allowing the use of open pits only when absolutely necessary due to unexpected overflow. But IDNR's draft rules would leave room for industry to use tanks that are too small, potentially leading to more frequent overflows and more frequently used open pits. In addition, they would allow wastewater to sit around in those open pits for undetermined amounts of time, greatly increasing the risk of water pollution. Those are huge loopholes for a huge problem. [Draft Regulations Subpart H, Sections 245.830 245.850]

Third, IDNR's rules would exempt existing fracking wells. This is a major problem. Just because the industry jumped the gun on fracking doesn't mean that they get to pollute indiscriminately. The people of Illinois deserve better. [Draft Regulations Subpart A, Section 245.100]

Fourth, IDNR's rules have shifted the burden of proof onto the backs of Illinois residents like me if pollution occurs. The industry has a huge amount of resources; I do not. The law puts the onus on them to prove whether or not they polluted my groundwater. But your rules would limit it from a list of over 100 chemicals to only a few "indicator" chemicals. Seems to me that's another big

loophole. [Draft Regulations Subpart F, Section 245.620]

Finally, IDNR's rules significantly narrow the types of permit modifications that would trigger a public comment process. I realize the agency has limited resources, but this opens the door for fracking permit holders to pull a bait-and-switch -- obtaining a permit for one type of operation, but then obtaining a modification to allow more problematic activities without public scrutiny. [Draft Regulations Subpart C, Section 245.330]

I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family.

Sincerely,
Mr. Rudolph Gartner

Ms. kathryn johnson
1302 Maple Ave
Berwyn, IL 60402-1248

Jan 1, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Subject: Public Comments on Illinois Fracking Regulations Proposed by IDNR

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I realize these rules are extremely technical. But these five points are easy enough for any lay person to understand. Fracking is risky under the best of circumstances, but IDNR's rules would make those risks even greater. PLEASE make sure the rules are strengthened to protect me and my family. In fact I don't want ANY fracking in the state of Illinois and I will be following this issue to help me decide who to vote for in further elections.

Sincerely,
Ms. kathryn johnson

Mrs. Angela Agan
1610 N Vaughn Ave
West Peoria, IL 61604-3847

Jan 1, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Mrs. Angela Agan

Ms. Nanette Hoff
2024 Greenwood Ave
Wilmette, IL 60091-1440

Jan 1, 2014

Robert G. Mool
Office of Legal Counsel, Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

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Sincerely,
Ms. Nanette Hoff

ipc illinois petroleum council

JIM WATSON
Executive Director

DAN EICHHOLZ
Associate Director

400 W. Monroe, Suite 205 • Springfield, IL 62704 • 217/544-7404 • FAX 217/523-5131

December 20, 2013

RECEIVED
JAN 3 2014
Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Mr. Robert G. Mool
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois, 92702-1271

Re: Illinois Petroleum Council Comments on the Illinois Department of Natural Resources Proposed Rules to Implement the Hydraulic Fracturing Regulatory Act (62 Ill Adm Code245: 37 Ill Reg 18097)

Dear Mr. Mool:

Thank you for providing this opportunity to provide comments on the Department's proposed rules to implement the Hydraulic Fracturing Regulatory Act. The Illinois Petroleum Council (IPC) is a trade association that represents all segments of America's technology-driven oil and gas industry. IPC members sustain over 263,000 Illinois jobs. Our comments below will first offer some general high-level comments relevant to large sections of the rule or reflecting the general approach used in crafting the rule, followed by some more specific comments. Also included in this submittal is a spreadsheet offering more detailed comments.

General Comments

Use of a prescriptive vs. performance based approach

The Illinois Department of Natural Resources (DNR) has followed a very prescriptive approach in drafting these proposed regulations. Such an approach is frequently prescribing very specific ways that operators must conduct their operations, an approach that significantly limits flexibility, removes many technically sound options and can limit implementation of new or improved techniques that are part of the normal process of technology development. IPC members find regulations that are developed following a well thought out performance based strategy a far more effective and efficient approach to ensuring public health and safety and environmental protection. Having clearly presented performance requirements allows operators flexibility, the opportunity to develop and use new technologies or approaches and encourages innovation. IPC recognizes that the vast majority of this prescription is required by the enabling law, which is written much more like a regulation than a traditional law. Where possible however, DNR should lead by utilizing a performance based approach.

Cumbersome permitting process

The proposed process for application for and obtaining a permit to drill a horizontal well and perform a high volume hydraulic fracturing stimulation is an unreasonably complex and cumbersome process, particularly when the requirement that it be done in 60 days is considered. The proposed process will place many additional burdens on operators and DNR without adding substantive value or security to

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the overall objectives of safely and efficiently developing oil and gas resources. The processes of drilling horizontal wells and performing high volume hydraulic fracturing operations is a technology that has developed from other oil and gas development processes that have been in use for decades both in Illinois and many other states without significant adverse consequences. The burdens proposed in this draft rule are neither warranted nor justified.

Specific Comments

Section 245.110 Definitions

The definition of "flowback" is an artificial construct that serves little real purpose. All activities involving the recovery and management of fluids from a well should be considered production operations and all water recovered from a well should be considered produced water.

The definition of "freshwater" uses a verbal description that is not consistent with the prescriptive technical definition offered. DNR has wrongly adopted the 10,000ppm TDS limit used by the Safe Drinking Water Act's Underground Injection Control program as the basis for prescriptively defining freshwater. This is a TDS level that is an order of magnitude greater than the levels typically recognized as being worthy of protection in most regulatory scenarios.

The definition of "pollution and diminution" should be based on a comparison of the baseline or reference case that is required to be developed by this rule. As currently worded, this definition appears to ignore pre-existing conditions that may be found.

The definition of "stimulation" as being the same as hydraulic fracturing is not accurate and overly restrictive. There are many other forms of stimulation other than hydraulic fracturing of a well. By limiting the definition as proposed, operators may be reluctant or confused as to how to perform these other activities

Section 245.210 a)8) and others

The disclosure requirements of this rule are burdensome to operators and are likely to lead to great confusion of the interested public. Requiring pre-job disclosure of a planned job is of questionable value since operators often do not have detailed information available until a few days before the job. In those cases the state would not be able to post that information in a timely manner, which makes the submittal essentially pointless. Contractors are required to provide "master lists" of additives and it is unclear how those data will be used in the context of other data that will be provided to DNR. The contractor master lists are also likely to be changing on a very frequent basis since new product development and introduction is a continuous process. Master lists will often be "out of date" almost upon submittal.

Post job chemical disclosure is where the real value of any disclosure program resides. It is critical that this information be made available in a reasonable time frame and openly accessible to the public. At the same time, it is vital that legitimate confidential information be protected. The IPC strongly supports and recommends the use of the FracFocus website as the default method of post-job disclosure. This web site has a long standing record of providing the public with the information it wants in consistent format that can be used for easy comparison between operators, jobs, and states. DNR data submittal requirements appear identical to those of FracFocus. Nearly all states with disclosure rules allow use of the FracFocus web site. DNR should allow use of FracFocus as well.

Section 245.240 a)
Having the public comment and hearing process based on a review of the operators application is a fundamental flaw in this process. The basis of the public comment and hearing process must be the draft or proposed permit prepared by the DNR. The application submitted by the operator, while having many components that may be incorporated into the draft permit, does not fully reflect the proposed regulatory action under consideration and in fact may include information that is not applicable to or consistent with the final action. This will lead to confusion by those reviewing the proposed action and does not afford the public the opportunity to comment on the actual proposed action. The public comment and hearing process must be based on the draft permit prepared by DNR.

Section245.330
The permit modification process fails to recognize that often, a permit modification may be necessary to respond to an active operational complication or change while the well is being drilled. As such, having a public review process that could take weeks, if not months, as proposed is not workable. It is not reasonable or practical and may be unsafe to have an operator with a rig actively drilling a well shut down operations for such an extended period of time while waiting on such an extended review process. DNR must have authority to grant modifications in a timely manner in those situations.

Section 245.360
The lack of an administrative appeal process for permit decisions will place unnecessary burdens on operators, the public, the judiciary, and DNR by forcing appeals to go directly to judicial review. Experience in other states strongly indicates that the vast majority of appeals can be resolved fairly simply via an unbiased administrative process. Addition of such a process would avoid the unnecessary burdens associated with a judicial appeal.

Section 245.530 h)1)
The prescriptive requirement proposing the use of API Class A cement should be replaced with a performance based requirement that specifies any cement used should meet API Standards (API Spec 10A). There are many types of cement that have been in use for decades. It is unclear what attributes t DNR feels may be unique to Class A cement to justify its use. Additionally, API Spec 10B-2 provides guidance of testing cements and several of the other "10-Series" documents provide information on mixing and evaluation of cement slurries.

Section 240.796 d)
When analyzing and responding to potential induced seismic events, DNR should recognize that determining the location of an event within 3 (or 6) miles may be difficult where seismometers are widely spaced. Determining the exact location of an event should include an assessment of the margin of error so that the appropriate action can be better determined.

Section 240.796 e)
The technical evaluation of potential induced seismic events should also include sufficient information to identify natural vs. manmade events, as practical.

Attached for further review by DNR is a spreadsheet with additional comments on the draft rules. As noted above, we have significant concerns with the structure and form of this proposal, which we recognize is mandated by the law. However, the state should be aware that the likely result will be significantly increased costs to operators without a commensurate improvement in either public or

environmental protection. The rules will also inhibit both the pace and overall development of this potential resource that could be very important to the state's continued economic development.

IPC appreciates this opportunity to submit comments on the proposed rules. Thank you for your consideration.

Sincerely,

Jim Watson

Jim Watson, Executive Director
IL Petroleum Council

Dan Eichholz

Dan Eichholz, Associate Director
IL Petroleum Council

DETAILED COMMENTS ATTACHED

Proposed Rule	*IPC Comment*	*Rationale*
SUBPART A: GENERAL PROVISIONS **Section 245.100 Applicability** a) High Volume Horizontal Hydraulic Fracturing Operations - This Part applies to all horizontal wells in which any single stage of a stimulation treatment using more than 80,000 gallons, or in which the total amount of all stages of stimulation treatment using more than 300,000 gallons, in the pressurized application of hydraulic fracturing fluid to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas are planned, have occurred since June 17, 2013, or are occurring in this State (Section 1-20 of the Act).	...treatment ~~using~~ **uses** more than 80,000 gallons, or in which the ~~total amount~~ **cumulative volume** of all stages of stimulation treatment ~~using~~ **is** more than 300,000 gallons...	
b) Medium Volume Horizontal Hydraulic Fracturing Operations - Subpart L applies to all horizontal wells in which the total amount of all stages of stimulation treatment using more than 80,000 gallons but less than 300,001 gallons in the pressurized application of hydraulic fracturing fluid to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas are planned, have occurred since June 17, 2013, or are occurring in this State (Section 1-98 of the Act).	...which the ~~total amount~~ **cumulative volume** of all stages of stimulation treatment ~~using~~ is more than 80,000 gallons...	

c) The provisions of this Part shall be in addition to the provisions of the Illinois Oil and Gas Act [225 ILCS 725] and the rules adopted under that Act (62 Ill. Adm. Code 240). However, if there is a conflict between the provisions of the Illinois		
Section 245.110 Definitions For the purposes of this Part, unless the context otherwise requires: Act means the Hydraulic Fracturing Regulatory Act [225 ILCS 732].		
Affected patient means a person receiving health care services from a health professional for an illness or injury diagnosed by the health professional to be caused by exposure to any chemicals used in high volume horizontal hydraulic fracturing operations that are subject to a claim of trade secret by a permittee or contractor	Delete term "affected patient" and replace with "patient" throughout the rule.	The definition presupposes a medical diagnosis and attributes cause without basis. It is impossible to diagnose illness or injury without knowledge of the causative agent. The definition make an arbitrary determination that the causative agent is the trade secret material without basis. Simply using the term patient is sufficient for the purposes of the rule
Agency means the Illinois Environmental Protection Agency. (Section 1-5 of the Act)		
API means the American Petroleum Institute, which is a national trade association that develops and publishes equipment and operating standards for the oil and natural gas industry.		
Applicant means any person registered with the Department pursuant to Section 245.200 of this Part that has filed an application in accordance with this Part.		
Application means a filing by an applicant to the Department seeking a high volume horizontal hydraulic fracturing permit pursuant to Section 245.210 or a modification pursuant to Section 245.330 of this Part.		
Aquatic life means all fish, reptiles, amphibians, crayfish, and mussels. (Section 1-5 of the Act)		

Aquifer means saturated (with groundwater) soils and geologic materials that are sufficiently permeable to readily yield economically useful quantities (at least 70 gallons per minute) of fresh water to wells, springs, or streams under ordinary hydraulic gradients. "Aquifer" is limited to aquifers identified as major sand and gravel aquifers in the Illinois State Water Survey's Illinois Community Water Supply Wells map (Map Series 2006-01). (Section 1-5 of the Act)	...readily yield economically useful quantities (at least 70 gallons per minute) of fresh water to wells, springs, or streams... Does the 70 gpm apply to each individual well, spring or stream receiving flow from the aquifer or is it the cumulative flow from all wells, springs or streams as the wording suggests. IPC recommends the flow rate criteria apply to each individual well, spring or stream.	Clarification is necessary to ensure proper application of the threshold value.
Base fluid means the continuous phase fluid type, including, but not limited to, water or nitrogen gas used in a high volume horizontal hydraulic fracturing operation. (Section 1-5 of the Act)	Revise as follows:...including, but not limited to, water, carbon dioxide, propane, or nitrogen gas...	Add carbon dioxide and propane in response to recent efforts to utilize these based fluids.
BTEX means benzene, toluene, ethylbenzene, and xylene. (Section 1-5 of the Act)		
Chemical means any element, chemical compound, or mixture of elements or compounds that has its own specific name or identity, such as a Chemical Abstracts Service number, regardless of whether the chemical is subject to the requirements of 29 CFR 1910.1200(g)(2). (Section 1-5 of the Act)		
Chemical Abstracts Service means the division of the American Chemical Society that is the globally recognized authority for information on chemical substances. (Section 1-5 of the Act)		
Chemical Abstracts Service number or "CAS number" means the unique identification number assigned to a chemical by the Chemical Abstracts Service. (Section 1-5 of the Act)		

Completion combustion device means any ignition device, installed horizontally or vertically, used in exploration and production operations to combust otherwise vented emissions. (Section 1-5 of the Act)	Delete phrase ...any ignition device... This is an incorrect use of the term. An ignition device is a part of a combustion device that is used to start the combustion process, similar to a spark plug in a gasoline engine.	Technical accuracy. The language in the Act is incorrect as written. It is more accurate to say ...any thermal oxidation device, installed....
Delineation well means a well drilled in order to determine the boundary of a field or producing reservoir. (Section 1-5 of the Act)		
Department or "IDNR" means the Illinois Department of Natural Resources. (Section 1-5 of the Act)		
Diesel means a substance having any one of the following Chemical Abstracts Service Registry numbers: 68334-30-5; 68476-34-6; 68476-30-2; 68476-31-3; 8008-20-6; or 68410-00-4. "Diesel" includes any additional substances regulated by the United States Environmental Protection Agency as diesel fuel used in hydraulic fracturing activities under the federal Safe Drinking Water Act (42 USC 300f et seq.). (Section 1-5 of the Act)	CAS numbers 68476-31-3; 8008-20-6; or 68410-00-4 have not historically been recognized as diesel. Additionally, these materials have not been recognized by the EPA as being diesel either (proposed only.	The ASTM standards provide a much more relevant description of true diesels.
Director means the Director of the Illinois Department of Natural Resources or his or her designee. (Section 1-5 of the Act)		
Enhanced oil recovery operation means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore, or augment natural reservoir energy, or by introducing gases, chemicals, other substances, or heat, or by in-situ combustion, or by any combination thereof. (Section 1-5 of the Act)		

Flare means a thermal oxidation system using an open, enclosed, or semi-enclosed flame. "Flare" does not include completion combustion devices as defined in this Section. (Section 1-5 of the Act)		
Flowback period means the period of time when hydraulic fracturing fluid flows back to the surface from a well following a stimulation treatment, either in preparation for a subsequent phase of stimulation treatment or in preparation for cleanup and placing the well into production. "Flowback period" begins when the hydraulic fracturing fluid returns to the surface following a stimulation treatment. "Flowback period" ends with either the well shut in, or when the well is producing continuously to the flow line or to a storage vessel for collection, whichever occurs first. (Section 1-5 of the Act)	IPC disagrees with attempts to arbitrarily define "flowback period" since it serves little real purpose. IPC recommends all recovered water be called produced water and management requirements be applied accordingly.	From a treatment, legal and technical standpoint this fluid is considered produced water so calling it anything else creates regulatory confusion. API recognizes the law is written much as proposed in the draft rule.
Fresh water means surface and subsurface water in its natural state that is suitable for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, that is capable of supporting aquatic life, and contains less than 10,000 ppm total dissolved solids. (Section 1-5 of the Act)	The definition is contradictory. Water with total dissolved solids (TDS) levels greater than approximately 1,000 ppm TDS is rarely suitable for the uses listed in the definition. IPC recommends using a threshold of 1,000ppm to define freshwater.	To suggest, by definition, that waters with TDS levels greater than 1,000 ppm TDS, up to 10,000 ppm TDS in this instance, is in fact suitable for most of the listed uses is wrong.
Gas means all natural gas, including casinghead gas, and all other natural hydrocarbons not defined as oil. (Section 1-5 of the Act)		
GPS means Global Positioning System.		

Groundwater means any water below the land surface that is within the saturated zone or geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 1-5 of the Act)		
Health care services means any services included in the furnishing to any individual of medical care, or the hospitalization incident to the furnishing of such care, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury, including home health and pharmaceutical services and products. [215 ILCS 134/10]	For purposes of this rule, this definition should be limited to treating health effects associated with the regulated activity.	The overly broad definition can open the door to frivolous or unwarranted coverage under this rule.
Health professional means a physician, physician assistant, nurse practitioner, registered professional nurse, emergency medical technician, or other individual appropriately licensed or registered to provide health care services. (Section 1-5 of the Act)		
Hearing officer means the presiding officer at the public hearing and other hearings referenced in this Part. The term also includes administrative law judge.		
High volume horizontal hydraulic fracturing operations means all stages of a stimulation treatment of a horizontal well by the pressurized application of more than 80,000 gallons in any single stage or more than 300,000 gallons in total of hydraulic fracturing fluid to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas. (Section 1-5 of the Act)		

High volume horizontal hydraulic fracturing permit means the permit issued by the Department allowing high volume horizontal hydraulic fracturing operations to occur at a well site. (Section 1-5 of the Act)

High volume horizontal hydraulic fracturing treatment shall have the same definition as "High volume horizontal hydraulic fracturing operations".

Horizontal well means a well with a wellbore drilled laterally at an angle of at least 80 degrees to the vertical and with a horizontal projection exceeding 100 feet measured from the initial point of penetration into the potential productive formation through the terminus of the lateral in the same common source of hydrocarbon supply. (Section 1-5 of the Act)

Hydraulic fracturing means the pressurized application of hydraulic fracturing fluid to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas.

Hydraulic fracturing additive means any chemical substance or combination of chemicals, including, but not limited to, any chemical or proppant that is added to a base fluid for the purposes of preparing a hydraulic fracturing fluid for a high volume horizontal hydraulic fracturing operation. (Section 1-5 of the Act)

Hydraulic fracturing flowback means all hydraulic fracturing fluid and other fluids or materials that return to the surface after a stage of hydraulic fracturing has been completed and prior to the well being placed in production. (Section 1-5 of the Act) Hydraulic fracturing fluid means the mixture of the base fluid and all the hydraulic fracturing additives, used to perform hydraulic fracturing. (Section 1-5 of the Act) Hydraulic fracturing string means any pipe or casing string used for the transport of hydraulic fracturing fluids during high volume horizontal hydraulic fracturing operations. (Section 1-5 of the Act) IEMA means the Illinois Emergency Management Agency. Inspector means a well inspector from the Department's Office of Oil and Gas Resource Management. Intake means a pipe or other means to withdraw raw water from a water source. (Section 1-5 of the Act) Landowner means the legal title holder or owner of real property and includes an owner of an undivided interest, a life tenant, a remainderman, a public or private corporation, a trustee under an active trust, and the holder of the beneficial interest under a land trust. "Landowner" does not include a mortgagee, a trustee under a trust deed in the nature of a mortgage, a lien holder, or a lessee. (Section 1-5 of the Act)	IPC disagrees with attempts to arbitrarily define "hydraulic fracturing flowback" since it serves little real purpose. IPC recommends all recovered fluids be classified as produced water, oil or gas and management requirements be applied accordingly.	From a treatment, legal and technical standpoint these fluids are already considered produced water, oil or gas. Calling them anything else creates regulatory confusion. API recognizes the law is written much as proposed in the draft rule.

Low pressure well means a well with reservoir pressure and vertical well depth such that 0.445 times the reservoir pressure (in psia) minus 0.038 times the vertical well depth (in feet) minus 67.578 psia is less than the flow line pressure at the sales meter. (Section 1-5 of the Act)

Material Safety Data Sheet or "MSDS" means a document provided by chemical or industrial manufacturers that contains information on chemicals. An MSDS includes: nature of the chemical, precautions to take in using the chemical, conditions of safe use, clean-up procedure for a release, and recommended disposal procedures.

Medium volume hydraulic fracturing operations means a stimulation treatment of a horizontal well by the pressurized application of more than 80,000 gallons but less than 300,001 gallons in total of hydraulic fracturing fluid to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas.

more than 80,000 gallons but less than 300,001 gallons ~~in total~~ **cumulatively** of hydraulic fracturing fluid

Nature preserve shall have the same meaning as provided in Section 3.11 of the Illinois Natural Areas Preservation Act [525 ILCS 30/3.11]. (Section 1-5 of the Act)

Oil means natural crude oil or petroleum and other hydrocarbons, regardless of specific gravity, which are produced at the well in liquid form by ordinary production methods or by the use of an oil and gas separator and which are not the result of condensation of gas after it leaves the underground reservoir. (Section 1-5 of the Act)		
Operator means the individual or entity controlling the right to drill or produce a horizontal well in accordance with the requirements of the Illinois Oil and Gas Act. (Section 1-5 of the Act)		
Ordinary high water mark means the boundary of a **surface** water source delineated by the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. For rivers, the ordinary high water mark is the elevation of the top of the bank of the channel; and natural or artificial lakes, ponds or reservoirs, the ordinary high water mark is the operating elevation of the normal operating pool.	Definition only applies to surface waters. Insert "surface" as indicated.	Clarity
Owner shall have the same meaning as provided in Section 1 of the Illinois Oil and Gas Act. (Section 1-5 of the Act)		
Perennial stream means a stream that has continuous flow in its stream bed during all of the calendar year. (Section 1-5 of the Act)		

Permit means a high volume horizontal hydraulic fracturing permit issued under the Act and this Part. (Section 1-5 of the Act)

Permittee means a person holding a high volume horizontal hydraulic fracturing permit under the Act and this Part. (Section 1-5 of the Act)

Person means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or its legal representative, agent, or assigns. (Section 1-5 of the Act)

Pollution or diminution means: in groundwater, any of the following:

For liability purposes, each of the following cases should be based on detection above the baseline levels established in the required sampling under this rule.

As worded, operators appear to be place in the position of being liable for any pollution or diminution that may be detected, whether pre-existing or not.

detection of benzene or any other carcinogen in any Class I, Class II, or Class III groundwater;

detection of any constituent in 35 Ill. Adm. Code 620.310(a)(3)(A)(i) equal to or above the listed preventive response criteria in any Class I, Class II, or Class III groundwater;

detection of any constituent in 35 Ill. Adm. Code 620.410(a), (b), (c), (d), (e), or (f) equal to or above the listed standard in any Class I, Class II, or Class III groundwater;

detection of any constituent in Class III groundwater equal to or above a standard established under 35 Ill. Adm. Code 620.260; or

detection of any constituent in Class I, Class II, or Class III groundwater equal to or above a cleanup objective listed in 35 Ill. Adm. Code 742.		
in surface water, exceeding any applicable numeric or narrative standard in 35 Ill. Adm. Code 302 or 304. (Section 1-5 of the Act)		
Produced water means water, regardless of chloride and total dissolved solids content, that is produced from a well in conjunction with oil or natural gas production or natural gas storage operations, but does not include hydraulic fracturing flowback. (Section 1-5 of the Act)	Revise as indicated ...natural gas storage operations~~, but does not include hydraulic fracturing flowback~~. (Section 1-5 of the Act)	The creation of a fluid stream called hydraulic fracturing flowback is an artificial construct that serves little real purpose. The water phase fluids recovered early in the production of a newly fractured oil or gas well are little different from the produced water recovered from a well over it's lifetime. Treatment and management practices are also essentially the same. The only substantive difference is that most fracture wells are likely to produce higher volumes of water early in the production phase. IPC recognizes the law is written much as proposed in the draft rule.
Proppant means sand or any natural or man-made material that is used during high volume horizontal hydraulic fracturing operations to prop open the artificially created or enhanced fractures. (Section 1-5 of the Act)		

Public water supply means all mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, and storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use, and which serves at least 15 service connections or which regularly serves at least 25 persons at least 60 days per year. (Section 1-5 of the Act)

Real property means the surface, subsurface or mineral rights of land.
Real property interest means ownership in the surface, subsurface or mineral rights of land.

Real property surface interest means ownership in only the surface rights of land.
Recycled water means water in hydraulic fracturing flow back from a hydraulic fracturing operation or produced water that is physically or chemically treated for use as the base fluid or a component of hydraulic fracturing fluid.

Register of Land and Water Reserves means the list of areas registered in accordance with Section 16 of the Illinois Natural Areas Preservation Act and 17 Ill. Adm. Code 4010. (Section 1-5 of the Act)

Registrant means any person that registers with the Department to apply for high volume horizontal hydraulic fracturing permits pursuant to Section 245.200 of this Part.		
Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. (Section 1-5 of the Act)		
Serious violation means any violation set forth in 62 Ill. Adm. Code 240.140(c). (Section 1-5 of the Act)		
Service connection means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user. (Section 1-5 of the Act)		
Stimulation treatment shall have the same definition as "hydraulic fracturing".	Revise as indicated: Stimulation treatment includes any physical, mechanical or chemical means, or any combination thereof that is used to initiate, restore or improve the productive capacity of an oil or gas well.	Technical accuracy and to limit confusion with coverage of other operations regulated by the Department. Operations that are recognized as stimulation treatments include a variety of operations other than just hydraulic fracturing, including but not limited to acidization, solvent treatments, emulsion treatments, thermal treatments, and scale removal.
Surface water means all water that is open to the atmosphere and subject to surface runoff. (Section 1-5 of the Act)		

Total water volume means the total quantity of water from all sources used in the high volume horizontal hydraulic fracturing operations, including surface water, groundwater, produced water, or recycled water. (Section 1-5 of the Act)

True vertical depth or "TVD" means the vertical distance from a depth in a planned or existing wellbore or well to a point at the surface. (Section 1-5 of the Act)

Water pollution means any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the State, or the discharge of any contaminant into any water of the State, as will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, or fish or other aquatic life. (Section 1-5 of the Act)

Water source means: any existing water well or developed spring used for human or domestic animal consumption; or any river, perennial stream, aquifer, natural or artificial lake, pond, wetland listed on the Register of Land and Water Reserves, or reservoir. (Section 1-5 of the Act)

Well means the entire length of any drill hole, including all horizontal well bores, required to be permitted under the Illinois Oil and Gas Act. (Section 1-5 of the Act)

Well site means surface areas, including the surface location of the well, occupied by all equipment or facilities necessary for, or incidental to, high volume horizontal hydraulic fracturing operations, construction, drilling, production, or plugging a well. (Section 1-5 of the Act)

Wildcat well means a well outside known fields or the first well drilled in an oil or gas field where no other oil and gas production exists. (Section 1-5 of the Act)

Wildlife means any bird or mammal that is by nature wild by way of distinction from those that are naturally tame and are ordinarily living unconfined in a state of nature without the care of man. (Section 1-5 of the Act)

Section 245.115 Incorporated Materials

a) The following documents are incorporated or referenced in various Sections of this Part:

1) ANSI/API Specification 10A, Specification for Cements and Materials for Well Cementing, December 2010 (API Spec 10A)

2) API Specification 5CT, Specification for Casing and Tubing, July 2011 (API Spec 5CT)

3) ANSI/API Recommended Practice 5A3, Recommended Practice on Thread Compounds for Casing, Tubing, Line Pipe, and Drill Stem Elements, November 2009 (API RP 5A3)

4) ANSI/API Specification 10D, Specification for Bow-String Casing Centralizers, September 2002, Reaffirmed August 2010 (API Spec 10D)	for Bow-~~String~~ **Spring** Casing Centralizers,	Typo

5) API Technical Report 10TR4, Selection of Centralizers for Primary Cementing Operations, May 2008 (API Spec 10TR4)
6) ANSI/API Recommended Practice 10D-2, Recommended Practice for Centralizer Placement and Stop-collar Testing, August 2004, Reaffirmed July 2010 (API RP 10D-2)
7) API Specification 16D, Specification for Control Systems for Drilling Well Control Equipment and Control Systems for Diverter Equipment, July 2004, 2-Year Extension May 2010 (API Spec 16D)

b) All incorporations by reference in this Part refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All materials incorporated by reference are available for inspection and copying at the Illinois Department of Natural Resources, One Natural Resources Way, Springfield, IL 62702-1271.

Section 245.120 Permit Requirements

a) A person may not conduct high volume horizontal hydraulic fracturing operations, drill, deepen, convert a horizontal well in this State where high volume horizontal hydraulic fracturing operations are planned or occurring, or convert a vertical well into a horizontal well where high volume horizontal hydraulic fracturing operations are planned in this State, unless the person is registered with the Department, has been issued a permit by the Department under this Part, and has obtained all applicable authorizations required by the Illinois Oil and Gas Act. (Section 1-30(a) of the Act)

b) If multiple wells are to be stimulated using high volume horizontal hydraulic fracturing operations from a single well site, then a separate permit shall be obtained for each well at the well site. (Section 1-30(b) of the Act)

c) A permittee may not conduct high volume horizontal hydraulic fracturing operations that deviate from the terms of the permit, unless the permittee obtains a modification of the permit under Section 245.330.

d) A person may not operate a well where high volume horizontal hydraulic fracturing operations were previously permitted or conducted pursuant to a permit issued to another, unless the person is registered with the Department and obtains a transfer of the permit under Section 245.350.

SUBPART B: REGISTRATION AND PERMITTING PROCEDURES

Section 245.200 Registration Procedures

a) Every applicant for a permit under this Part shall first register with the Department at least 30 days before applying for a permit, using a registration form provided by the Department. (Section 1-35(a) of the Act)

b) The registration form:

1) shall require the following information (Section 1-35(a) of the Act):

A) the name and address of the registrant, the registrant's legal status (individual, partnership, corporation or other), and the name, address and legal status of any parent, subsidiary, or affiliate of the registrant (Section 1-35(a)(1) of the Act);

B) disclosure of all findings of a serious violation or an equivalent violation under federal, Illinois or other state laws or regulations in the development or operation of an oil or gas exploration or production site via hydraulic fracturing by the registrant or any parent, subsidiary, or affiliate of the registrant within the previous 5 years (Section 1-35(a)(2) of the Act);

C) proof of insurance to cover injuries, damages, or loss related to pollution in the amount of at least $5,000,000 per occurrence, from an insurance carrier authorized, licensed, or permitted to do this insurance business in this State that holds at least an A- rating by A.M. Best & Co. or any comparable rating service (Section 1-35(a)(3) of the Act).

2) shall be signed by the registrant or the registrant's designee who has been vested with the authority to act on behalf of the registrant. The signature of the registrant or the registrant's designee constitutes a certificate that the registrant has read the registration form and that, to the best of the registrant's knowledge, information and belief, the information set forth in the form is true and accurate.

c) The registration form shall be submitted to the Department electronically via the Department's website or mailed to Office of Oil and Gas Resource Management, at One Natural Resources Way, Springfield IL 62702.

d) Within 21 days after the receipt of a registration form, if the Department determines that the registration form is compliant with the requirements of subsection (b) and the person submitting the registration form is properly registered as a permittee under the Illinois Oil and Gas Act, then the registration form shall be accepted and the Department will provide the registrant with:

1) a statement that the registrant is registered with the Department for purposes of applying for high volume horizontal hydraulic fracturing permits pursuant to this Part;

2) the date the registration was accepted; and

3) a high volume horizontal hydraulic fracturing registration number to be used when applying for high volume horizontal hydraulic fracturing permits pursuant to this Part.

Within 21 days after receipt of a registration form, if the Department determines that the registration form is deficient relative to the requirements of subsection (b), or the person submitting the registration form is not properly registered as a permittee under the Illinois Oil and Gas Act, then the registration shall not be accepted and the Department will notify the registrant with a statement of the deficiencies. The registrant shall not be considered registered for purposes of applying for high volume horizontal hydraulic fracturing permits pursuant to this Section until the deficiencies have been cured, the registration form resubmitted and a Department determination pursuant to subsection (d) has been made.

f) A registrant must keep its registration current at all times while it holds a permit issued under this Part by notifying the Department of any change in the information identified in subsection (b) within 60 days after the change. (Section 1-35(a)(3) of the Act)

g) All registrants shall resubmit the registration form pursuant to subsections (b) and (c) beginning September 1, 2016 and by September 1 of every even numbered year thereafter.	Recommend the Department divide the resubmittal timing equally across the four quarters of the year to spread out the administrative burden	Having all resubmittals due on the same date is likely to lead to backlogs and delays in processing these registrations that is turn could create delays for operators with planned activities. Spreading out the resubmittal timing evenly over the year could alleviate some of this problem. Operators should also be allowed to inform the department that there is no change to their prior submittal.

Section 245.210 Permit Application Requirements

a) Every applicant for a permit under this Part must submit the following information to the Department on an application form provided by the Department (Section 1-35(b) of the Act):

1) Applicant Information
The name, email address, and address of the applicant, the name and address of any parent, subsidiary, or affiliate of the applicant, and the applicant's high volume horizontal hydraulic fracturing registration number (Section 1-35(b)(1) of the Act);
2) Well Location

The proposed well name, well location, and legal description per the Public Land Survey System of the well, well site, and its unit area (Section 1-35(b)(1) of the Act). The well location shall be surveyed by an Illinois licensed land surveyor or Illinois registered professional engineer and the description of the surveyed well location shall also include the legal description, the GPS latitude and longitude location, and ground elevation of the well. The GPS location shall be recorded as degrees and decimal degrees recorded to 6 decimal places in the North American Datum 1983 projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement;	Delete the reference to a professional engineer being allowed to perform land surveys.	Under Illinois law, a professional engineer is not allowed to perform survey activities unless that engineer is also a professional land surveyor. Being a PE alone, does not allow the PE to act in a surveyors capacity.

3) Well Site Setback Plan
A statement whether the proposed location of the well site is in compliance with the setback requirements of Section 245.400 and a plat map, which shows the proposed surface location of the well site, providing the distance in feet from the surface location of the well site to the features described in Section 245.400(a) (Section 1-35(b)(3) of the Act) and a statement explaining how the size of the well site is sufficient to conduct all aspects of high volume horizontal hydraulic fracturing operations within its boundaries;

4) Directional Drilling Plan

A detailed description of the directional drilling plan for the proposed well to be used for the high volume horizontal hydraulic fracturing operations, including, but not limited to, the following information (Section 1-35(b)(4) of the Act):		
A) the approximate total true vertical and measured depth to which the well is to be drilled or deepened (Section 1-35(b)(4)(A) of the Act);	A) the ~~approximate~~ **proposed** total true vertical	Clarification.
B) the proposed angle and direction (heading) of the well (Section 1-35(b)(4)(B) of the Act);		
C) the actual depth or the approximate depth at which the well to be drilled deviates from vertical (Section 1-35(b)(4)(C) of the Act);	the ~~actual depth or the approximate~~ **proposed** depth at which the well to be drilled deviates...	Clarification
D) the planned depth at which the well enters the formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations; E) the angle and direction of any nonvertical portion of the well until the well reaches its total target depth or its actual final depth (Section 1-35(b)(4)(D) of the Act) ;	D) the planned depth at which the well enters the **target** formation ~~that will be stimulated as part of the high volume horizontal hydraulic fracturing operations~~;	Clarification. At permitting phase it is uncertain that the well will be hydraulically fractured.
F) the planned horizontal deviation and direction (heading) of the proposed horizontal portion of the well (Section 1-35(b)(4)(E) of the Act); and		
G) the planned bottom hole location of the well;		
5) Underground Fresh Water Information		

The estimated depth and elevation, according to the most recent publication of the Illinois State Geological Survey of Groundwater for the location of the well or any other relevant information known to the applicant, of the lowest potential fresh water along the entire length of the proposed well (Section 1-35(b)(5) of the Act);		
6) High Volume Horizontal Hydraulic Fracturing Operations Plan A detailed description of the proposed high volume horizontal hydraulic fracturing operations, including, but not limited to, the following (Section 1-35(b)(6) of the Act):		
A) the formations affected by the high volume horizontal hydraulic fracturing operations, including, but not limited to, geologic name and geologic description of the formations that will be stimulated by the operation (Section 1-35(b)(6)(A) of the Act), and a description of the confining zone and the formations constituting or contributing to that zone, including, but not limited to, a description of the lithology, extent, thickness, permeability, porosity, transmissive faults, fractures, water or water source content, and susceptibility to vertical propagation of fractures, of the confining formations, if known after reasonable inquiry;	Revise as indicated; A) the formations ~~affected~~ **targeted** by the high volume horizontal hydraulic fracturing operations	Using the term targeted is a more accurate description of what operators can provide. The term "affected" is not defined and absent clear definition could be interpreted any number of ways, including those beyond the intent of the rule.
B) the anticipated surface treating pressure range (Section 1-35(b)(6)(B) of the Act);		

C) the maximum anticipated injection treating pressure (Section 1-35(b)(6)(C) of the Act);

D) the estimated or calculated fracture pressure of the producing and confining zones (Section 1-35(b)(6)(D) of the Act);

E) the planned depth of all proposed perforations or depth to the top of the open hole section (Section 1-35(b)(6)(E) of the Act); and

While operators can provide a general description of where a proposed well may be perforated, the actual perforation sites are not known until the well is logged and details of the well specific geology are known.

F) the anticipated type, source and volume of the base fluid anticipated to be used in the high volume horizontal hydraulic fracturing treatment;

7) Scaled Plat Maps, Diagrams or Cross-sections

A) A scaled plat map showing the well location and all known previous well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations (Section 1-35(b)(7) of the Act). If the well bores are present, then also include the following information for each well bore: well name, location and permit number;

B) a scaled map showing the proposed unit, including the unit boundaries and the location of the proposed well, well pad, well site, access road and any other operating facilities;

C) a scaled top-view diagram showing the well location, direction of drilling below the surface entry point into the formation to be stimulated, and total depth. Also indicate the location at the surface of all known previous well bores that penetrated within 400 feet of the formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations; and		
D) a scaled cross-section of the well bore from the surface through total depth providing the information required in subsections (a)(4) and (a)(5), and showing the formations to be stimulated described in subsection (a)(6)(A);	Revise as indicated; D) a ~~scaled~~ **schematic** cross-section of the well bore	To illustrate the details of the well, a schematic cross-section as opposed to a scaled cross-section is more appropriate. A scaled drawing may not allow illustration of specific features in sufficient detail.
8) Chemical Disclosure Report	The department should stipulate that posting this information to the FracFocus website satisfies the disclosure requirement of this rule.	The information required by this rule is the same as that used by the FracFocus website. To expedite the compliance process, posting that information to the FracFocus web site should be deemed in compliance with the requirements of this rule. Posting to FracFocus provides a single point of compliance and is publicly available. It is unclear if the data that would otherwise only be submitted to the department would be as readily available in a timely manner.

Unless the applicant documents to the Department's satisfaction why the information is not available at the time the application is submitted (in which case the applicant shall comply with Sections 245.700 and 245.720), a chemical disclosure report identifying each chemical and proppant anticipated to be used in hydraulic fracturing fluid for each stage of the high volume horizontal hydraulic fracturing operations, including the following (Section 1-35(b)(8) of the Act):	The Department should be aware that operators ability to provide exact information to satisfy this requirement more than a few weeks before actually performing a fracturing job may be limited due to market demand and dynamics. An operator will typically be able to provide general descriptions and examples of the fluids components, but not necessarily the exact materials since contractors may not be know at the time of application submittal or due to high demand or limited availability of some additives.	Supply and demand for some additives may be limited and operators forced to make last minute substitutions for similar or equivalent additives from the same or different sources. The disclosure process before the job must recognize these situations and be made flexible enough so that operators are not placed in non-compliance situations for reasons beyond their control.
A) for each stage, the total volume of water anticipated to be used in the high volume horizontal hydraulic fracturing treatment of the well or the type and total volume of the base fluid anticipated to be used in the high volume horizontal hydraulic fracturing treatment, if something other than water (Section 1-35(b)(8)(A) of the Act);		
B) each hydraulic fracturing additive anticipated to be used in the hydraulic fracturing fluid, including the trade name, vendor, a brief descriptor of the intended use or function of each hydraulic fracturing additive, and the Material Safety Data Sheet (MSDS), if applicable (Section 1-35(b)(8)(B) of the Act);	As noted above, example descriptions can be provided to some extent, but changes from this to what is actually used should be expected due to a variety of market driven forces.	As above.
C) each chemical anticipated to be intentionally added to the base fluid, including, for each chemical, the Chemical Abstracts Service number, if applicable (Section 1-35(b)(8)(C) of the Act); and		

D) the anticipated concentration in the base fluid, in percent by mass, of each chemical to be intentionally added to the base fluid (Section 1-35(b)(8)(D) of the Act);
9) Water Use Self-Certification
A self-certification explaining the applicant's compliance with the Water Use Act of 1983 [525 ILCS 45] and applicable regional water supply plans (Section 1-35(b)(9) of the Act);

10) Water Source Management Plan
A) If fresh water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, a water source management plan that shall include the following information (Section 1-35(b)(10) of the Act):

As noted previously, IPC objects to the contradictory definition of freshwater. The department should focus its resources on protection of water resources that are readily usable.

By restricting use of water sources with elevated TDS (>1,000 ppm TDS) the Department is unnecessarily limiting operators ability to use water that is not reasonably suited for other uses.

i) the name and location (county, latitude, longitude) of the source of the fresh water, such as surface or groundwater, anticipated to be used for water withdrawals, and the anticipated withdrawal location (Section 1-35(b)(10)(A) of the Act);
ii) the anticipated volume and rate of each fresh water withdrawal from each withdrawal location (Section 1-35(b)(10)(B) of the Act);

iii) the anticipated months when fresh water withdrawals shall be made from each withdrawal location (Section 1-35(b)(10)(C) of the Act);

iv) the methods to be used to minimize fresh water withdrawals as much as feasible (Section 1-35(b)(10)(D) of the Act); and

v) the methods to be used for surface water withdrawals to minimize adverse impact to aquatic life (Section 1-35(b)(10)(E) of the Act);

B) Where a surface water source is wholly contained within a single property, and the landowner of the property expressly agrees in writing to its use for fresh water withdrawals, the applicant is not required to include this surface water source in the fresh water withdrawal and management plan (Section 1-35(b)(10) of the Act). For this exception to apply, the water use agreement with the landowner of the property must be provided with the permit application. Any confidential provisions of a water use agreement may be redacted by the applicant;

C) If recycled water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, describe the source of the recycled water and the anticipated volume to be used; and

D) If water other than fresh water or recycled water is anticipated to be used in the high volume horizontal hydraulic fracturing treatment, describe the source of such other water and the anticipated volume to be used;

11) Hydraulic Fracturing Fluids and Flowback Plan

A hydraulic fracturing fluids and flowback plan for the handling, storage, transportation, and disposal, recycling, or reuse of hydraulic fracturing fluids and hydraulic fracturing flowback consistent with the requirements of Subpart H. The plan shall identify the specific Class II injection well or wells that will be used to dispose of the hydraulic fracturing flowback or the facilities where the hydraulic fracturing flowback will be reused or recycled. The plan shall describe the capacity of the tanks to be used for the capture and storage of all the anticipated hydraulic fracturing flowback and of the lined reserve pit to be used, if necessary, to temporarily store any flowback in excess of the capacity of the tanks. Identification of the Class II injection well or wells shall be by name, identification number, and specific location and shall include the date of the most recent mechanical integrity test for each Class II injection well (Section 1-35(b)(11) of the Act);

12) Well Site Safety Plan
A well site safety plan to:
A) address proper safety measures to be employed during high volume horizontal hydraulic fracturing operations for the protection of persons on the well site (Section 1-35(b)(12) of the Act) that complies with federal and State law;

B) address proper safety measures to be employed during high volume horizontal hydraulic fracturing operations for the protection of the general public (Section 1-35(b)(12) of the Act) that complies with federal and State law;		
C) identify the presence of any hazardous materials used or stored at the well site;	This requirement should be flexible enough to account for variability and product substitution.	As noted in IPC's comments regarding disclosure of additives, specific materials may not be known at the time this plan is repaired.
D) provide contact information for all appropriate emergency responders; and E) provide contact information of the applicant to be used by emergency responders.		
13) Containment Plan A containment plan describing the containment practices and equipment to be used and the area of the well site where containment systems will be employed (Section 1-35(b)(13) of the Act) to be compliant with Sections 245.820, 245.825 and 245.830;		
14) Casing and Cementing Plan A casing and cementing plan that describes the casing and cementing practices to be employed, including the size of each string of pipe, the starting point, and depth to which each string is to be set and the extent to which each string is to be cemented (Section 1-35(b)(14) of the Act) to be compliant with Sections 245.530, 245.560 and 245.570;		
15) Traffic Management Plan		

A traffic management plan that is developed by the applicant, preferably in coordination with the impacted highway authorities (county, township, road district system, and municipal street system) to identify the anticipated roads, streets, and highways that will be used (Section 1-35(b)(15) of the Act) to facilitate the well site construction, drilling operations, high volume horizontal hydraulic fracturing operations, production, and continued operations of the well site. The traffic management plan shall include the following:

A) a scaled map of the proposed routes the applicant intends to use to construct the well site, perform high volume horizontal hydraulic fracturing operations, production and continued operations, for at least a 10 mile radius around the well site, identifying all the different highway jurisdictions;
B) anticipated well site construction and drilling operations start and end dates, high volume hydraulic fracturing operations start and end dates, and other high traffic operations start and end dates;
C) contact information for the applicant's representative with knowledge of the traffic management plan; and
D) contact information for a representative of each impacted highway authority;
16) Landowner and Permittees Information

A) The names and addresses of all landowners of any real property surface interest in land within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties (Section 1-35(b)(16) of the Act);

B) The names and addresses of all persons with an oil and gas lease in land within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties (Section 1-35(b)(16) of the Act); and

C) The names and addresses of all permittees under the Act or the Illinois Oil and Gas Act, in land within 1,500 feet of the proposed well site;

17) Public Notice Drafts
Drafts of the specific public notice and general public notice as required by Section 245.250 using the forms provided by the Department (Section 1-35(b)(17) of the Act);

18) Plugging and Restoration Plan

A) A plan for the pre-high volume horizontal hydraulic fracturing operations plugging of previously abandoned unplugged or insufficiently plugged wells pursuant to Section 245.1010. For any well bores identified in subsection (a)(7)(A), this plan shall provide evidence demonstrating that the well bore contains an adequate volume of cement and is constructed and plugged in a manner that will prevent the migration of fluids into fresh water from the borehole or that the well bores will be plugged pursuant to Section 245.1010;	Modify the first sentence of this section as follows: A plan for the pre-high volume horizontal hydraulic fracturing operations **identification, location,** and plugging of previously abandoned unplugged or insufficiently plugged wells pursuant to Section 245.1010.	
	Move the second sentence of this statement to section 245.1010: For any well bores identified in subsection (a)(7)(A), this plan shall provide evidence demonstrating that the well bore contains an adequate volume of cement and is constructed and plugged in a manner that will prevent the migration of fluids into fresh water from the borehole or that the well bores will be plugged pursuant to Section 245.1010	A "plan" is prepared in anticipation of and to facilitate execution of the specified operations. As such, including documentation of activities that are anticipated to be performed under the plan is not practical. Moving this requirement to 245.1010 will place the documentation requirement for verification that wells are properly plugged in the right place.
B) A plan for restoration of lands used by the permittee other than the well site and production facility pursuant to Section 245.1020; and		
C) a plan for the plugging of the well and the restoration of the well site to be in compliance with 62 Ill. Adm. Code 240.Subpart K and Sections 245.1000 and 245.1030 of this Part;		
19) Proof of Insurance		

Proof of insurance by the applicant, and any contractor performing high volume horizontal hydraulic fracturing operations at the proposed well, that each is insured to cover injuries, damages, or loss related to pollution in the amount of at least $5,000,000 per occurrence (Section 1-35(b)(19) of the Act);

Registration Certification
Certification that the applicant's registration information provided pursuant to Section 245.200 is accurate and up to date;

21) Access Roads
A plan for compliance with the requirement that 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 as required by Section 245.410;

22) Topsoil Preservation Plan
A plan for compliance with the requirement to preserve topsoil as required by Section 245.410;

23) Fugitive Dust Control Plan
A plan for compliance with the requirement to implement practices to control fugitive dust as required by Section 245.410;
24) Water Quality Monitoring Work Plan

The work plan to ensure accurate and complete water quality sampling and testing as set forth in Section 245.600(a), reviewed and certified by a professional engineer or professional geologist;

25) Applicant Disclosure
Disclosure of and a written explanation for the following:
A) any adjudication of violations by the applicant involving fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere (Section 1-60(a)(4) of the Act);

B) any revocation of a high volume horizontal hydraulic fracturing permit, or its equivalent, in any other state, province, district, or territory for incurring a material or major violation or using fraudulent or dishonest practices (Section 1-60(a)(5) of the Act);

26) Contractor Information

A statement indicating whether the applicant or a contractor will be performing the high volume horizontal hydraulic fracturing operations. If a contractor will be performing the high volume horizontal hydraulic fracturing operations, provide the contractor's name, address and telephone number, and the direct telephone number of the person responsible for high volume horizontal hydraulic fracturing operations at the well site for the contractor. If any information is not known about the contractor at this time, the application shall be supplemented before the high volume horizontal hydraulic fracturing operations begin;

27) Violations Report
A violations report indicating whether the applicant or any parent, subsidiary or affiliate of the applicant has pending Notices of Violations or Director's Decisions under the Act, this Part, the Illinois Oil and Gas Act, or the administrative rules promulgated under that Act; and

28) Compliance with Consultation
The applicant, acting as a third party consulting with the Department, shall provide documentation that the consultation process concerning impacts on State endangered and threatened species and Natural Areas has been complied with and terminated by the Department in accordance with 17 Ill. Adm. Code 1075.

b) When an application is made to conduct high volume horizontal hydraulic fracturing operations at a well site located within the limits of any city, village, or incorporated town, the application shall state the name of the city, village, or incorporated town and be accompanied with a certified copy of the official consent for the high volume horizontal hydraulic fracturing operations to occur from the municipal authorities where the well site is proposed to be located. No permit shall be issued unless consent is secured and filed with the permit application. In the event that a modification to the permit is subsequently sought for an amended location or any other significant permit deviation, a new certified consent is required for the amended location. (Section 1-35(c) of the Act)

c) The permit application shall be accompanied by a bond or equivalent financial instrument as required by Section 245.220(a) (Section 1-35(d) of the Act).

d) Each application for a permit under this Part shall include payment of a non-refundable fee of $13,500 (Section 1-35(e) of the Act). Checks shall be made payable to the Illinois Department of Natural Resources.

e) Each application submitted under this Part shall be signed, under the penalty of perjury, by the applicant or the applicant's designee who has been vested with the authority to act on behalf of the applicant and has direct knowledge of the information contained in the application and its attachments. Any person signing an application shall also sign an affidavit with the following certification:

I certify, under penalty of perjury as provided by law and under penalty of refusal, suspension, or revocation of a high volume horizontal hydraulic fracturing permit, that this application and all attachments are true, accurate, and complete to the best of my knowledge. (Section 1-35(f) of the Act)

f) The permit application shall be submitted to the Department in both electronic and hard copy format at the same time. One hard copy of the permit application and all documents attached to the application shall be provided. The electronic format shall be searchable (Section 1-35(g) of the Act) and provided to the Department on compact disc, DVD or Universal Serial Bus (USB) compatible storage devices. Permittee shall also provide the Department, in electronic and hard copy format, a duplicate set of any pages containing names or addresses of individuals in which the names and addresses, except those provided pursuant to subsections (a)(1) and (a)(26), are redacted for purposes of confidentiality. Review of the permit application shall not be considered for the purposes of Section 245.230 if the Department is unable to access the submitted electronic format.

g) The application for a high volume horizontal hydraulic fracturing permit may be submitted as a combined permit application with the permittee's application to drill on a form as the Department shall prescribe. The combined application must include the information required in this Section. The submission of a combined permit application under this subsection shall not be interpreted to relieve the applicant or the Department from complying with the requirements of this Part, the Act, the Illinois Oil and Gas Act and the rules adopted under that Act. (Section 1-35(h) of the Act)

Section 245.220 Permit Bonds or Other Collateral Securities

a) No person shall be allowed to construct, drill, operate, perform high volume horizontal hydraulic fracturing operations, or produce from a well for which a permit is necessary under this Part if that well is not covered and protected by a bond or other collateral securities as required by this Section.

b) All applicants for a permit under this Part, and persons requesting permit transfers, shall provide a bond at the time of filing an application for permit pursuant to Section 245.210 or at the time of filing a request for transfer of permit pursuant to Section 245.340. The bond shall be in the amount of $50,000 per permit or a blanket bond of $500,000 for all permits. (Section 1-65(a) of the Act) All bonds must meet the following requirements during the permit application process and through the entire term of an issued permit until the bond is released as provided by subsection (d):

1) Bonds shall be signed by the permittee as principal and by a good and sufficient corporate surety legally authorized to transact business as a surety in Illinois.
2) Each bond shall provide that the bond shall not be cancelled by the surety without at least 90 days' notice to the Department. Notice shall be served upon the Department in writing by registered or certified mail to the Illinois Department of Natural Resources, Attention: Office of Oil and Gas Resource Management, One Natural Resources Way, Springfield IL 62702.

3) Within the 90-day notice period and before the bond is cancelled the permittee shall deliver to the Department a replacement bond. If the replacement bond is not delivered, all activities covered by the bond shall cease at the expiration of the 90-day notice period.

4) If the authority to transact business in Illinois of any surety upon which a bond is filed with the Department is suspended or revoked, the permittee, within 30 days after receiving notice of the suspension/revocation, shall notify the Department and shall make substitution by providing a bond or other security as required by this Section. Upon the failure of the permittee to make the substitution of bond or other security, all activities covered by the bond shall cease until substitution has been made.

c) In lieu of a bond, other collateral securities such as cash, certificates of deposit, or irrevocable letters of credit under the following terms and conditions may be provided by a permittee (Section 1-65(a) of the Act):

1) Cash: Cash shall be placed in the Department's possession.
2) Certificates of Deposit

A) Certificates of deposit shall be payable to the permittee and assigned to the Department, both in writing submitted to the Department and upon the records of the bank issuing the certificates. If assigned, the Department will require the banks issuing these certificates to waive all rights of setoff or liens against the certificates.

B) The Department will not accept an individual certificate of deposit in an amount in excess of the maximum insurable amount determined by the Federal Deposit Insurance Corporation.

C) Any interest accruing on a certificate of deposit shall be for the benefit of the permittee except that accrued interest shall first be applied to any prepayment penalty when a certificate of deposit is forfeited by the Department.

D) The certificate of deposit, if a negotiable instrument, shall be placed in the Department's possession. If the certificate of deposit is not a negotiable instrument, a withdrawal receipt, endorsed by the permittee, shall be placed in the Department's possession.

3) Letters of Credit

A) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentment in Illinois.

B) Letters of credit shall be irrevocable during their terms. A letter of credit shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or other collateral securities at least 30 days before its expiration date.

C) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with subsection (e).

D) The Department will not accept a letter of credit in excess of 10% of the issuing bank's total capital and surplus accounts, as certified by the President of the bank providing the letter of credit and as evidenced by the most recent quarterly Call Report provided to the Federal Deposit Insurance Corporation.

E) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.

d) The bond or other collateral securities shall remain in force until the well is plugged, abandoned and restored, or transferred. Upon plugging, abandoning and restoring, or transferring a well to the satisfaction of the Department and in accordance with the Illinois Oil and Gas Act, the bond or other collateral securities shall be promptly released by the Department. Upon the release by the Department of the bond or other collateral securities, any cash or collateral securities deposited shall be returned by the Department to the applicant or permittee who deposited it. (Section 1-65(b) of the Act)

e) If, after notice and the opportunity for hearing, the Department determines that any of the requirements of the Act or this Part or the orders of the Department have not been complied with within the time limit set by any notice of violation issued thereunder, the permittee's bond or other collateral securities shall be subject to forfeiture pursuant to the following procedure (Section 1-65(c) of the Act):

1) A permittee's failure to comply with the Department's order finding a violation of the Act or this Part constitutes grounds for bond forfeiture.
2) The Department will send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing them of the determination to forfeit the bond pursuant to subsection (e)(1).

3) The Department may allow a surety to correct the violation if the surety can demonstrate an ability to complete the corrective work in accordance with the requirements of the Act and this Part. No surety liability shall be released until the successful correction of the violation ordered by the Department.

4) In the event forfeiture of the bond or other collateral securities is warranted by subsection (e)(1), the Department will afford the permittee the right to a hearing, if the hearing is requested in writing by the permittee within 30 days after the bond forfeiture notification is received in accordance with subsection (e)(2). If the permittee does not request a hearing within the 30-day period, the determination to forfeit the bond shall be a final administrative decision. If a hearing is requested by the permittee, the hearing shall be scheduled within 30 days after the receipt of the request for hearing, and shall be conducted by a Hearing Officer.

5) At the bond forfeiture hearing, the Department will present evidence and has the burden of proof to support its determination to forfeit the bond under subsection (e)(1). The permittee may present evidence contesting the Department's determination. The Hearing Officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

6) Within 30 days after the close of the record for the bond forfeiture hearing, the Hearing Officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

7) The Director or his or her designee shall review the administrative record in a contested case, in conjunction with the Hearing Officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director or designee, shall then issue the Department's final administrative decision affirming, vacating or modifying the Hearing Officer's decision.

8) In no way will payment under this bond exceed the aggregate administrative penalty as specified in the Notice of Violation or Director's Decision. (Section 1-65(c) of the Act)

9) Forfeiture under this subsection (e) shall not limit any duty of the permittee to mitigate or remediate harms or foreclose enforcement by the Department or the Agency. (Section 1-65(c) of the Act)

f) When any bond or other collateral security is forfeited under the provisions of the Act or this Part, the Department shall collect the forfeiture without delay. The surety shall have 30 days to submit payment for the bond after receipt of notice by the permittee or the Department of the forfeiture. (Section 1-65(d) of the Act)

g) If the permittee's bond is subject to forfeiture and used for anything other than plugging and restoration of the well and well site, the permittee shall have 30 days from the date of the Department's determination to forfeit the bond to replace the bond. Failure to replace the bond within this time shall result in the immediate cessation of activities covered by the bond and permit.

h) All forfeitures shall be deposited in the Mines and Minerals Regulatory Fund to be used, as necessary, to mitigate or remediate violations of the Act or this Part. (Section 1-65(e) of the Act)

Section 245.230 Permit Application Receipt and Department Review

a) All registrants who anticipate filing a permit application with the Department shall notify the Office of Oil and Gas Resource Management at least 5 business days before the anticipated date of filing by both email at DNR.HFApplication@partner.illinois.gov and by telephone at 217-782-7756 to advise the Office of the anticipated permit filing. The registrant shall provide the name of the applicant and the name and telephone number of an applicant contact person in case the Office has any questions.

b) Upon receipt of a permit application, the Department shall provide notice to the applicant that the permit application was received (Section 1-40(b) of the Act) and of the following:

1) the review number assigned by the Department to the permit application;
2) the date of receipt of the permit application;

3) the dates of the public comment period on the permit application; and
4) the date, time and address of the public hearing and the name of the Hearing Officer scheduled to preside over the public hearing for the permit application that will apply should a request for public hearing be filed.

c) Any application received by the Office after 12:00 p.m. (Central Standard Time) will be considered received on the following business day.

d) Upon receipt of a permit application, the Department shall have no more than 60 calendar days from the date it receives the permit application to approve, with any conditions the Department may find necessary, or reject the application for the high volume horizontal hydraulic fracturing permit. The applicant may waive, in writing, the 60-day deadline upon its own initiative or in response to a request by the Department. (Section 1-35(i) of the Act)

e) If, during the review period, the Department determines that the permit application is not complete under the Act, does not meet the requirements of Section 245.210, or requires additional information, the Department shall notify the applicant in writing of the application's deficiencies and allow the applicant to correct the deficiencies and provide the Department any information requested to complete the application. If the applicant fails to provide adequate supplemental information, the Department may reject the application. (Section 1-35(j) of the Act)

Section 245.240 Public and Governmental Notice by the Department
Section 245.240 Public and Governmental Notice by the Department

a) Within 5 calendar days after the Department's receipt of the high volume horizontal hydraulic fracturing permit application, the Department shall post notice of its receipt and a copy of the permit application on its website. Except for the names and addresses provided in the permit application pursuant to Section 245.210(a)(1) and (a)(26), all other names and addresses of individuals provided in the permit application shall be considered confidential and shall not be posted on the Department's website. The notice shall include (Section 1-40(a) of the Act):

The idea that the permit application should be placed for public comment is illogical. The proposed permit is the is the document that should be open for public review since it contains all the compliance requirements, provisions, controls and mitigation actions that will direct the actions of the operator and their contractors.

The permit application represents submittal by the operator to the department of all requested information regarding their proposed operations and plans. While many parts of a permit application can become part of the proposed permit, there are many other items added by the department to manage the proposed operations that should also be available during the public review process. Essentially, the application is only a part of the story and may not fully represent what will actually be proposed to be permitted by the Department. The public (including operators) is entitled the know what the department proposes to do to fulfill its responsibilities to properly regulate the proposed activity, drilling and hydraulically fracturing a well in this case.

1) the date the application was received by the Department;
2) the dates of the public comment period (Section 1-40(a) of the Act) for the permit application;
3) directions for interested parties to submit comments (Section 1-40(a) of the Act) or objections (Section 1-50(a) of the Act);

4) the review numbers assigned by the Department to the permit application;

5) the date, time and address of the public hearing and the name of the Hearing Officer scheduled to preside over the public hearing on the permit application should a request for public hearing be filed; and

6) directions for any person having an interest that is or may be adversely affected, any government agency that is or may be affected, or the county board of a county to be affected under a proposed permit on how and when to request a public hearing on the permit application (Section 1-50 of the Act).

b) Within 5 calendar days after the Department's receipt of the permit application, the Department shall provide the Agency, the Office of the State Fire Marshal, Illinois State Water Survey, and Illinois State Geological Survey with notice of the application (Section 1-40(b) of the Act).

c) Within 5 calendar days after the Department's receipt of the permit application, the Department shall provide a copy of the permit application's well site safety plan to the Office of the State Fire Marshal (Section 1-35(b)(12) of the Act).

d) Within 5 calendar days after the Department's receipt of the permit application, the Department shall provide a copy of the permit application's containment plan to the Office of the State Fire Marshal (Section 1-35(b)(13) of the Act).

e) Within 5 calendar days after the Department's receipt of the permit application, the Department shall provide a copy of the permit application's traffic management plan to the Office of the State Fire Marshal (Section 1-35(b)(15) of the Act).

f) Public Hearing Notice: At least 10 calendar days before the date of the public hearing, the Department shall publish notice of the public hearing in a newspaper of general circulation published in, or as near possible to, the county where the proposed well site will be located (Section 1-50(d) of the Act). The notice shall include:
1) the date, time and place of the public hearing;

2) the name and mailing address of the Hearing Officer scheduled to preside over the public hearing;
3) the purpose of the public hearing and the name of the applicant;
4) the legal description, per the Public Land Survey System, of the proposed well site and unit area;
5) the review number for the permit application; and

6) a statement that any person having an interest that is or may be adversely affected, any government agency that is or may be affected, or the county board of a county to be affected under a proposed permit may file (Section 1-40(c)(3)(G) of the Act) a request for public hearing on the permit application pursuant to Section 245.270.

Section 245.250 Public and Governmental Notice by the Permit Applicant

a) The applicant shall provide the following public and governmental notice (Section 1-40(c) of the Act):

1) Applicants shall mail specific public notice by U.S. Postal Service certified mail, return receipt requested, within 3 calendar days after submittal of the high volume horizontal hydraulic fracturing permit application to the Department to:

A) all persons identified as landowners of any real property surface interest in land within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties;

B) all persons identified as persons with an oil and gas lease within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties;

C) all permittees under the Act or the Illinois Oil and Gas Act in land within 1,500 feet of the proposed well site as disclosed by the records in the office of the recorder of the county or counties;
D) the governing body of each municipality in which the well is proposed to be located; and

E) the county board of each county in which the well is proposed to be located. (Section 1-40(c)(1) of the Act)

2) Except as otherwise provided in this subsection (a)(2), applicants shall provide general public notice by publication, once each week for 2 consecutive weeks, beginning no later than 3 calendar days after submittal of the high volume horizontal hydraulic fracturing permit application to the Department, in a newspaper of general circulation published in or, if necessary, as near possible to each county where the well proposed for high volume horizontal hydraulic fracturing operations is proposed to be located. If a well is proposed for high volume horizontal hydraulic fracturing operations in a county where there is no daily newspaper of general circulation, applicant shall provide general public notice, by publication, once each week for 2 consecutive weeks, in a weekly newspaper of general circulation in that county beginning as soon as the publication schedule of the weekly newspaper permits, but in no case later than 10 days after submittal of the high volume horizontal hydraulic fracturing permit application to the Department. (Section 1-40(c)(2) of the Act)

3) Within 15 calendar days after submitting the permit application to the Department, the applicant must provide a copy of the permit application's well site safety plan to the county or counties and all local fire departments with jurisdictions covering the well site in which high volume horizontal hydraulic fracturing operations will occur. (Section 1-35(b)(12) of the Act)

4) Within 15 calendar days after submitting the permit application to the Department, the applicant must provide a copy of the permit application's traffic management plan to the county or counties in which the well site is located and any impacted highway authorities identified in the traffic management plan pursuant to Section 245.210(a)(15) (Section 1-35(b)(15) of the Act).

5) The specific and general public notices required under subsections (a)(1) and (a)(2) shall be on forms provided by the Department and shall contain the following information (Section 1-40(c)(3) of the Act):
A) the name and address of the applicant (Section 1-40(c)(3)(A) of the Act);
B) the date the application for a high volume horizontal hydraulic fracturing permit was received by the Department (Section 1-40(c)(3)(B) of the Act);

C) the dates for the public comment period and a statement that anyone may file written comments, objections and recommendations about any portion of the applicant's submitted high volume horizontal hydraulic fracturing permit application with the Department during the public comment period (Section 1-40(c)(3)(C) of the Act);		
D) the proposed well name, review number assigned by the Department, well location, and legal description per the Public Land Survey System of the well, well site, and its unit area (Section 1-40(c)(3)(D) of the Act). The well location shall be surveyed by an Illinois licensed land surveyor or Illinois registered professional engineer and the description of the surveyed well location shall also include the legal description, the GPS latitude and longitude location, and ground elevation of the well. The GPS location shall be recorded as degrees and decimal degrees recorded to 6 decimal places in the North American Datum 1983 projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement;	Revise as indicated: The well location shall be surveyed by an Illinois licensed land surveyor ~~or Illinois registered professional engineer~~ and the description of the surveyed well location	According to the Illinois Professional Land Surveyor Act only a registered professional surveyor can perform the functions described in this section. While a registered professional engineer (PE) can be a professional land surveyor, he must meet the prescribed licensing requirements. A PE cannot provide these services without meeting those requirements.

E) a statement that the information filed by the applicant in its application for a high volume horizontal hydraulic fracturing permit is available from the Department through its website (Section 1-40(c)(3)(E) of the Act);

F) the Department's website and the address and telephone number for the Department's Office of Oil and Gas Resource Management (Section 1-40(c)(3)(F) of the Act);

G) a statement that any person having an interest that is or may be adversely affected, any government agency that is or may be affected, or the county board of a county to be affected under a proposed permit, may file written objections to a permit application and may request a public hearing pursuant to Section 245.270 (Section 1-40(c)(3)(G) of the Act); and

H) the date, time and address of the public hearing and the name and address of the Hearing Officer scheduled to preside over the public hearing for the permit application should a request for public hearing be filed.

b) After providing the public notice as required under subsection (a), the applicant shall supplement its permit application by providing the Department with a certification and documentation that the applicant fulfilled the public notice requirements of this Section no later than 35 days after the Department's receipt of the permit application (Section 1-40(d) of the Act).

c) If multiple applications are submitted at the same time for wells located on the same well site, the applicant may use one public notice for all applications provided the notice is clear that it pertains to multiple well applications and conforms to the requirements of this Section (Section 1-40(e) of the Act).

Section 245.260 Public Comment Periods

a) The initial public comment period shall begin 7 calendar days after the Department's receipt of the permit application and last for 30 calendar days (Section 1-45(a) of the Act). During the initial public comment period, any person may file written comments to the Department concerning any portion of the permit application and any issue relating to the applicant's compliance with the requirements of the Act (Section 1-45(c) of the Act), this Part, the Illinois Oil and Gas Act and the administrative rules promulgated under that Act.

b) When a public hearing is conducted under Section 245.270, the Department shall provide for an additional public comment period to allow for comments in response only to evidence and testimony presented at the hearing. The additional public comment period shall begin on the day after the close of the evidence at the public hearing and last for not more than 15 days, taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application. (Sections 1-45(b) and 1-35(i) of the Act)

c) Written public comments may be filed via mail or electronically.
1) Written public comments may be mailed to the Department at Illinois Department of Natural Resources, Attention: Oil and Gas Regulatory Staff, One Natural Resources Way, Springfield IL 62702.
2) Written public comments may be sent electronically to the Department based on the information provided in the Department's notice posted on its website.

d) All public comments must include the review number assigned by the Department to the permit application and be received by the Office of Oil and Gas Resource Management by 5:00 p.m. on the last day of the applicable public comment period to be eligible for Department consideration during the permit review process set forth in this Part.

e) The Department may request that the applicant respond to any substantive public comments, objections and recommendations obtained during the public comment periods (Section 1-45(d) of the Act).

Section 245.270 Public Hearings

a) Participation

1) When a permit application to conduct high volume horizontal hydraulic fracturing operations for the first time at a particular well site is received by the Department, any person having an interest that is or may be adversely affected, any government agency that is or may be affected, or the county board of a county to be affected under a proposed permit, may file a written request for public hearing (Section 1-50(a) of the Act). For purposes of this Part:

A) to qualify as a person having an interest that is or may be adversely affected, a person must be:

i) a landowner or tenant with a real property surface interest in or resident on land within 1,500 feet of the proposed well site that is the subject of the permit application;

ii) a person with an oil and gas lease in land within 1,500 feet of the proposed well site that is the subject of the permit application;
iii) a permittee under the Act or the Illinois Oil and Gas Act in land within 1,500 feet of the proposed well site that is the subject of the permit application;
iv) a person identified as receiving specific notice pursuant to Section 245.240 or 245.250; or

v) any other person that is or may be adversely affected who can directly demonstrate in writing within the request for public hearing that the person actually has a real property interest in or uses resources of economic, recreational or environmental value that may be adversely affected by the granting of the permit at issue at the public hearing.

B) to qualify as a government agency that is or may be affected, a government agency must be identified as receiving specific notice or a copy of any plan pursuant to Section 245.240 or 245.250.

C) to qualify as a county board of a county to be affected under a proposed permit, a county board must represent a county:

i) in which the well site or the well that is the subject of the permit application, in whole or in part, is proposed to be located; or

ii) identified as receiving specific notice in Section 245.240 or 245.250.

2) The request for hearing shall be served by electronic mail or certified mail, return receipt requested, upon the Hearing Officer, the Department, and the applicant. All requests for hearing shall be received by the Department before 5 p.m. on the last day of the initial public comment period established under Section 245.260(a).

3) The request for hearing shall contain a short and plain statement:

A) stating the permit review number and acknowledging the date, time and location of the hearing;

B) identifying the person, government agency or county and:

i) if a person, stating facts demonstrating that the person has an interest that is or may be adversely affected (Section 1-50(a) of the Act) by the proposed permit as defined in subsection (a)(1)(A);

ii) if a government agency, stating facts demonstrating that the government agency is or may be affected by the proposed permit as defined in subsection (a)(1)(B); and

iii) if a county, stating facts demonstrating that it will be affected by the proposed permit as defined in subsection (a)(1)(C);

C) identifying each objection to, or concern with, the permit application;
D) explaining the specific fact or facts upon which each objection or concern is based;
E) referencing each statute section and/or regulation upon which each objection or concern is based, if known;
F) listing all witnesses that will or may be called at the hearing, including their name, address and phone number and a summary of their expected testimony, if known. If any witness will be used as an expert, documentation of that witness' relevant qualifications, if known; and

G) identifying any documents supporting each objection or concern that will or may be used at the hearing (other than the permit application), if known.
4) All requests for hearing should include copies of any documents referenced in subsection (a)(3)(G).
5) The Department shall hold a public hearing upon a request for hearing under this subsection (a), unless the request is determined by the Hearing Officer to:
A) lack an adequate factual statement for finding that the person is or may be adversely affected, that the government agency is or may be affected, or that the county is affected by the proposed permit; or

B) be frivolous by presenting grounds that are readily recognizable as devoid in merit. (Section 1-50(a) of the Act)

6) Prior to, but not less than 2 business days before, the commencement of a public hearing under this Section, any person who could have requested the hearing under subsection (a)(1) may petition the Department to participate in the hearing in the same manner as the party requesting the hearing. The petition shall be in writing and meet the requirements for requests for hearing set forth in subsection (a)(3). The petitioner shall serve the petition by electronic mail or certified mail, return receipt requested, upon the Department, the Hearing Officer, and the applicant. The petitioner shall be allowed to participate in the hearing in the same manner as the party requesting the hearing if the petition meets the requirements set forth in subsection (a)(4). (Section 1-50(b) of the Act)

b) Public Hearing Procedures and Location
1) The public hearing to be conducted under this Section shall comply with the contested case requirements of the Illinois Administrative Procedure Act [5 ILCS 100] and this Section. (Section 1-50(c) of the Act)
2) All public hearings under this Part will be held in the county where the well site is located or such other location as the Department deems appropriate.
c) Hearing Officer

1) All public hearings shall be conducted by a Hearing Officer designated by the Director. Hearing Officers shall be licensed to practice law in the State of Illinois with at least 5 years' experience. Hearing Officers may be employees of the Department or work for the Department pursuant to contract.

2) The Hearing Officer shall take all necessary action and shall have all powers necessary to render a decision on requests for public hearings and on petitions for participation, to avoid delay, to maintain order, to develop a clear and complete record, to conduct a fair hearing and to issue a hearing decision addressing issues raised by requests for public hearings and petitions for participation or, alternatively, to dispose of any case by dismissal, stipulation, agreed settlement, consent order or default, including the following:

A) To administer oaths and affirmations;
B) To receive relevant evidence;
C) To regulate the course of the hearing and the conduct of the parties and their counsel;

D) To consider and rule upon procedural requests;

E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and

F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be provided to any party of record on his or her own motion or for good cause shown on motion of any party of record.

3) Ex parte contacts between the parties and the Hearing Officer concerning the merits of a proceeding are prohibited except upon notice and opportunity for all parties to participate. This Section does not prohibit communications concerning case status or advice concerning compliance with procedural requirements unless the area of inquiry is an area of controversy in the proceeding.

d) Disqualification of Hearing Officer
1) A Hearing Officer, on his or her own motion or that of a party, may be disqualified in a proceeding due to bias or conflict of interest. However, the fact that a Hearing Officer is an employee of or under contract with the Department does not alone serve as a basis for conflict of interest.

2) A motion for disqualification filed pursuant to this Section shall:
A) be in writing;
B) contain a statement of supporting grounds;

C) be filed with the Director and served upon all parties and the Hearing Officer; and

D) be filed not less than 2 business days before the scheduled date of the public hearing.

3) Unless the Director orders otherwise, the Hearing Officer and any party to a proceeding in which a motion is filed under this Section may file a response.

4) The Director shall rule on all motions filed pursuant to this Section immediately or as expeditiously as possible. If a motion filed under this Section is granted, the Director shall appoint a new Hearing Officer for the proceeding.

e) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts justifying the request and attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 2 business days prior to the scheduled hearing date. The Hearing Officer shall grant a motion requesting postponement or continuance only upon the most substantial of grounds and the public hearing is to be rescheduled as quickly as possible, taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application.

f) Failure to Appear at Hearing

If any party, after a proper request for public hearing, fails to appear at the hearing, and absent an emergency situation beyond the party's control, that party's request for public hearing shall be dismissed. If other proper requests for public hearing remain, the public hearing will proceed with any remaining parties. If the party failing to appear is the applicant, the hearing will not proceed and, absent an emergency situation beyond the applicant's control, the Department will reject the permit application.

g) Conduct of Hearing

1) Taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application, pre-hearing conferences are not expected and will only be scheduled on request of a party if the Hearing Officer determines that good cause is provided to do so and delay of the public hearing will not result. Any pre-hearing conference may be conducted via telephone.

2) Taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application based upon the information required to be supplied with permit applications, requests for hearing and petitions for participation, discovery will only be allowed for good cause shown after a motion is served on all parties, shall be at the discretion of the Hearing Officer, and shall be limited to requests for production of documents and the presence of witnesses at the public hearing. All motions for discovery are required to be made as early as possible, but in no event less than 2 business days before the scheduled date for the public hearing, and in a manner to avoid delay of the public hearing.

3) Every person, government agency or county filing a request for hearing or petition to participate at the public hearing shall enter an appearance in writing.

4) All parties in the hearing shall have the right to be represented by an attorney. Parties that are individuals do not need to be represented by an attorney. Parties required by Illinois law to be represented by an attorney in the courts of this State must be represented by an attorney at the public hearing.

5) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

6) The Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or to provide evidence necessary to reach a decision on the request for hearing or petition to participate. The Department's role shall be to assist in creating a complete and accurate record at the public hearing.

7) Ruling on Participation

The Hearing Officer shall first determine and rule on whether each request for hearing satisfies the requirements of subsection (a)(5), giving due consideration to the sophistication of the petitioner and whether the petitioner is represented by counsel. If there are also petitions to participate, the Hearing Officer shall determine whether each petition to participate satisfies the requirements of subsection (a)(5). Notice provided to any person, government agency, or county pursuant to 245.240 or Section 245.250 shall not constitute standing for purposes of requesting a public hearing (Section 1-40(e) of the Act). The Hearing Officer shall base this ruling on the standards set forth in subsection (a)(5). Any Hearing Officer decision denying participation to any party under this subsection (g)(7) shall be a final administrative decision by the Department and subject to judicial review under the Administrative Review Law and rules promulgated under that Law.

8) Preliminary Matters
After ruling on participation, the following shall be addressed prior to receiving evidence at the discretion of the Hearing Officer:

A) Parties may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of the notice of hearing, proof of publication and the application at issue.

B) Ruling may be made on any pending motions.

C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.

h) Issues Presented

The issues presented to the Hearing Officer at the public hearing are the validity of objections and concerns set forth in requests for hearing or petitions for participation. In determining whether an objection to or concern with a permit application is valid, the issue presented is whether the permit application or any portion of the permit application fails to comply with the identified requirements of the Act or this Part.

i) Burden and Standard of Proof

Parties requesting the public hearing and, if applicable, petitioning to participate in the public hearing shall have the burden of establishing the validity of their objections and concerns through the introduction of credible evidence. The standard of proof is the preponderance of the evidence.

j) Evidence

1) Admissibility

The Illinois Rules of Evidence shall generally apply to these proceedings. However, evidence not admissible under those rules of evidence may be admitted, except when precluded by statute, if it is of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs. The Hearing Officer shall rule on the admissibility of evidence.	Please clarify what is meant by evidence "of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs."	This is very broad and undefined as offered.

2) Official Notice
Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

3) Case Presentation
The parties requesting the public hearing shall present their case first. If there are parties that petitioned to participate in the hearing, they will then present their case. The Hearing Officer will determine whether the Department or the applicant presents additional evidence and in what order. The Hearing Officer will determine whether to allow rebuttal evidence. All witnesses are subject to cross- examination. The Hearing Officer may allow opening statements and closing arguments.

4) Briefs

The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within such time as the Hearing Officer shall determine, taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application.

k) Record of Proceedings; Testimony
A complete record of the public hearings and all testimony shall be made by the Department and recorded stenographically or electronically (Section 1-50(c) of the Act). Any person testifying shall be required to do so under oath.

l) Settlement Discussions
The Hearing Officer may provide an opportunity for the parties to enter into settlement discussions before issuing the hearing decision within such time as the Hearing Officer shall determine taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application.

m) Hearing Decision

1) After the close of evidence at any public hearing held under this Section, the Hearing Officer, after consultation with the Department staff regarding any technical issues as necessary, shall prepare a hearing decision determining the validity of the objections and concerns set forth in the request for hearing and petitions for participation and identifying any potential impacts on the pending permit application based on the evidence and testimony presented at the hearing. The hearing decision shall provide necessary findings of fact and conclusions of law in making this determination.

2) If applicable, the hearing decision shall also report any settlement agreement reached between parties along with a determination whether the settlement agreement is consistent with the requirements of this Part and the Act.

3) The Hearing Officer shall issue and serve on all parties the hearing decision within 7 days after the close of evidence taking into consideration that the Department shall have no more than 60 days from the date it receives the permit application to approve or reject the permit application.

The value of a hearing decision is unclear and appears to add an administrative burden that is not necessary.

In most jurisdictions, the purpose of a hearing on a permit application or draft permit is to take comment and evidence on the proposed action. It is uncommon for a hearing decision to be rendered in these instances and it is of questionable value. The charge from the hearing should be for the department to consider any new evidence and information that is offered via the hearing and then make a decision on the proposed permit action based on their assessment of the whole body of information that is available. Having a separate hearing decision offered could lead to situations where hearing decisions are made in relative haste and could also create the situation of conflicting decisions between the hearing and the department.

4) The Department shall incorporate the Hearing Officer's hearing decision into the permit application process for consideration consistent with Section 245.300.

n) Post Hearing
If the hearing decision determines that a valid objection or concern with the permit application exists such that there is a potential impact to the pending permit application, the applicant may attempt to correct the deficiencies and provide the Department any information required to address the valid objection or concern. If the applicant fails to provide adequate supplemental information to address a valid objection or concern, the Department may reject the application or condition the permit accordingly. (Section 1-35(j) of the Act)

SUBPART C: PERMIT DECISIONS

Section 245.300 Permit Decision

a) The Department shall have no more than 60 calendar days from the date it receives the permit application to approve, with any conditions the Department may find necessary, or reject the application for the high volume horizontal hydraulic fracturing permit. The applicant may waive, in writing, the 60-day deadline upon its own initiative or in response to a request by the Department. (Section 1-35(i) of the Act)

The department must clarify the activities being approved. Is the drilling of the well being approved or is it only the hydraulic fracturing operations as the wording here suggests. Revise as indicated to improve clarity: ...Department may find necessary, or reject the application for the drilling and completion of a well that will include high volume ~~horizontal~~ hydraulic fracturing permit.

The rules stipulate a separate approval of hydraulic fracturing operations. It appears that this approval is in fact for the drilling and completion of the well, which may include hydraulic fracturing operations. Also note that high volume hydraulic fracturing is not limited to horizontal wells.

b) For the purpose of determining whether to issue a permit, the Department shall consider and the Department's record of decision shall include (Section 1-53(b) of the Act):		
1) the application for the high volume horizontal hydraulic fracturing permit, including all documentation required by Section 245.210 (Section 1-53(b)(1) of the Act);	Revise as indicated: 1) the application for the drilling and completion of a well that will include high volume ~~horizontal~~ hydraulic fracturing permit...	See prior comments on this point.
2) all written comments received during the public comment periods and, if applicable, the complete record from the public hearing held under Section 245.270 (Section 1-53(b)(2) of the Act), and specifically including the hearing decision; 3) all supplemental information provided by the applicant in response to: A) any public comments (Section 1-53(b)(3) of the Act); B) the hearing decision; C) the requirements of this Part; and D) Department requests for information; 4) any information known to the Department as the public entity responsible for regulating high volume horizontal hydraulic fracturing operations and oil and gas operations, including, but not limited to, inspections of the proposed well site as necessary to ensure adequate review of the application (Section 1-53(b)(4) of the Act).	Revise as indicated: ....responsible for regulating high volume ~~horizontal~~ hydraulic fracturing operations...	See prior comments on this point.

c) The Department shall issue a high volume horizontal hydraulic fracturing permit, with any conditions the Department may find necessary, only if the record of decision demonstrates that (Section 1-53(a) of the Act):

1) the well site location restrictions of Section 245.400 have been satisfied (Section 1-53(a)(1) of the Act);
2) the application meets the requirements of Section 245.210 (Section 1-53(a)(2) of the Act);

3) the plans required to be submitted with the application under Section 245.210 are adequate and effective (Section 1-53(a)(3) of the Act) to comply with the Act, this Part, the Illinois Oil and Gas Act, and the administrative rules promulgated under that Act.

4) the high volume horizontal hydraulic fracturing operations, as proposed, are reasonably expected to be conducted in a manner that will protect the public health and safety and prevent pollution or diminution of any water source (Section 1-53(a)(4) of the Act);

5) the water quality monitoring work plan required under Section 245.600 has been submitted to the Department (Section 1-53(a)(5) of the Act);

6) the applicant or any parent, subsidiary, or affiliate of the applicant has not failed to abate a violation of the Act, this Part, the Illinois Oil and Gas Act (Section 1-53(a)(6) of the Act), or the administrative rules promulgated under that Act specified in a final administrative decision of the Department or any court decisions related to that decision;

7) the Class II injection wells to be used for disposal of hydraulic fracturing flowback comply with all applicable requirements for internal and external mechanical integrity testing as required in 62 Ill. Adm. Code 240.760 and 240.770, including that the well has been tested within the previous 5 years. (Section 1-53(a)(7) of the Act) The Class II injection wells to be used for disposal of hydraulic fracturing flowback must be shown to be in compliance with 62 Ill. Adm. Code 240.360 at the time of the issuance of the high volume horizontal hydraulic fracturing permit;

Revise as indicated: ...at the time of disposal of waste fluids from the **permitted** ~~the issuance of the~~ high volume ~~horizontal~~ hydraulic fracturing ~~permit~~ **operations**~~;~~

8) there is no good cause to deny the permit under Section 245.310 (Section 1-53(a)(8) of the Act); and
9) The registration and permitting procedures set forth in Subpart B have been satisfied.

d) The Department shall, by U.S. Mail and electronic transmission, provide the applicant with a copy of the high volume horizontal hydraulic fracturing permit as issued or its final administrative decision denying the permit to the applicant and shall, by U.S. Mail or electronic transmission, provide a copy of the permit as issued or the final administrative decision denying the permit to any person or unit of local government who received specific public notice under Section 245.240 or 245.250 or participated in any public hearing under Section 245.270. (Section 1-53(c) of the Act)

e) The Department's decision to approve or deny a high volume horizontal hydraulic fracturing permit shall be considered a final administrative decision subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III] and the rules adopted under that Law (Section 1-53(d) of the Act).

f) Following completion of the Department's review process, the Department's website shall indicate whether an individual high volume horizontal hydraulic fracturing permit was approved or denied and provide a copy of the approval or denial (Section 1-53(e) of the Act).

g) The complete administrative record of the permit decision shall be maintained and shall be accessible to the public on the Department's website until final release of the applicant's bond pursuant to Section 245.220(d) (Section 1-50(c) of the Act).

Section 245.310 Permit Denial

In addition to failing to meet the requirements of Section 245.300(c)(1) through (c)(7), the Department may also refuse to issue a high volume horizontal hydraulic fracturing permit for one or more of the following causes (Section 1-60(a) of the Act):

a) providing incorrect, misleading, incomplete, or materially untrue information in a permit application or any document required to be filed with the Department during the permit application process (Section 1-60(a)(1) of the Act);

b) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere (Section 1-60(a)(4) of the Act);

c) having a high volume horizontal hydraulic fracturing permit, or its equivalent, revoked in any other state, province, district, or territory for incurring a material or major violation or using fraudulent or dishonest practices (Section 1-60(a)(5) of the Act); or

d) an emergency condition exists under which conduct of the high volume horizontal hydraulic fracturing operations would pose a significant hazard to public health, aquatic life, wildlife, or the environment (Section 1-60(a)(6) of the Act).		
Section 245.320 Permit Conditions		
a) Each permit issued by the Department shall require the permittee to comply with all provisions of the Act, this Part, the Illinois Oil and Gas Act, the administrative rules promulgated under that Act, and all other applicable local, State, and federal laws, rules, and regulations in effect at the time the permit is issued (Section 1-55(a) of the Act).	A draft of this permit is what should be the subject of the public hearing described previously.	As noted in the parts of this section, the department will incorporate materials submitted as part of the operators permit application as well as any additional terms and conditions that the department deems necessary. This draft permit should be the focus of the hearing as it must accurately the complete and proposed permitted activity. The application is only part of this total package.
b) The permit application and all plans, maps, and diagrams submitted with the application shall be incorporated into and be conditions of the permit (Section 1-55(a) of the Act).		
c) The Department shall include any additional terms or conditions on the permit that, based on its review of the permit application, the Department determines to be necessary to ensure the goals and requirements of the Act and this Part.	Provisions added by the department should be subject to public review.	This is a very broad authority that is executed without any public review. As stated elsewhere in these comments, the draft permit with all of its proposed conditions prepared by the department should be the subject of the public hearing process rather than the application submitted by the operator.

d) A permit, and all conditions to the permit, issued under this Part shall last until plugging and restoration in compliance with this Part, the Act, the Illinois Oil and Gas Act, and the administrative rules promulgated under that Act are completed to the Department's satisfaction (Section 1-55(b) of the Act).

e) The permittee shall also be responsible for adjusting to field conditions as necessary during well drilling and construction (see Subpart F), high volume horizontal hydraulic fracturing operations, and hydraulic fracturing flowback periods (see Subpart H), to ensure the safety of people, property, wildlife, and the environment as long as the actions are adequate and effective to comply with the Act, this Part, the Illinois Oil and Gas Act, and the administrative rules promulgated under that Act. The actions shall be reported to the Department's District Office within 72 hours for the Department's determination whether the actions require the filing of an application for permit modification pursuant to Section 245.330.

f) A permit and all conditions thereto shall continue in full force and effect until the permit is released by the Department pursuant to Section 245.350.

Section 245.330 Permit Modifications

The proposed permit modification process fails to recognize the fact that often such decisions must be made on short notice to avoid significant operational delays and added costs to the operator. The process proposed here would be far to time consuming to accommodate such situations.

Permit modifications often are required when unanticipated conditions or situations are encountered; for example a case of lost returns encountered while drilling that would require setting an additional string of casing. It is unreasonable to expect an operator to follow the same process used for a new permit in this instance (60 to 90 days is suggested by the parts of this section). Delays of this magnitude would likely make the well uneconomic and result in its abandonment, which would be an unnecessary waste. The ability to issue timely decisions is critical to protect the public interest as well as these of the operator.

a) Except for the actions allowed pursuant to Section 245.320(e), actions that materially deviate from the original permit require the permit to be modified prior to being conducted. No permit issued under this Part may be modified without approval of the Department pursuant to this Section (Section 1-55(c) of the Act).

b) Applications for permit modification shall be made on a Department permit application form and shall specifically identify the applicant, the well, and each proposed deviation to the original permit.

1) Sections of a permit modification application that are not the subject of a proposed deviation from an original permit are not required to be completed. All sections of a permit modification application that are not completed will be considered to incorporate the original permit (and original permit application) as the content of the permit modification application for those sections.

2) Each permit modification application submitted under this Part shall be signed, under the penalty of perjury, by the applicant or the applicant's designee who has been vested with the authority to act on behalf of the applicant and has direct knowledge of the information contained in the permit modification application and its attachments. Any person signing a permit modification application shall also sign an affidavit with the following certification:
"I certify, under penalty of perjury as provided by law and under penalty of refusal, suspension, or revocation of a high volume horizontal hydraulic fracturing permit, that this application and all attachments are true, accurate, and complete to the best of my knowledge." (Section 1-35(f) of the Act)

c) If a permit modification application proposes to move the well, including the horizontal well bore, add new horizontal well bores, or add length to any existing or planned horizontal well bores, such that any address of a different person, any different municipality or different county would receive notice if the proposed modification application were a new permit application, the permit modification shall be considered a significant deviation from the original application and permit (Section 1-55(c) of the Act). The permit modification application for a significant deviation shall be accompanied by a non-refundable fee of $13,500 as set forth in Section 245.210 and shall be reviewed and approved or rejected as if it were a completely new permit application under the permit application procedures set forth in this Part.

d) If a permit modification presents a serious risk to public health, life, property, aquatic life, or wildlife (Section 1-55(c) of the Act), the modification shall be considered a significant deviation from the original application and permit. The permit modification application for a significant deviation shall be accompanied by a non-refundable fee of $13,500 as set forth in Section 245.210 and shall be reviewed and approved or rejected as if it were a completely new permit application under the permit application procedures set forth in this Part.

e) All other permit modification applications may be filed as an insignificant permit deviation and accompanied by a non-refundable $5,000 permit modification fee. However, the Department has the discretion to determine that the permit modification is a significant deviation based on the content of the application. The permit modification application for insignificant permit deviation shall be reviewed and approved or rejected under the following procedures:

1) The Department's record of decision shall include the original permit record of decision, information provided by the application for permit modification pursuant to subsection (b), and any other additional information provided by the permittee in response to requests by the Department.

2) The Department shall approve or reject the proposed insignificant permit modifications within 90 days after receipt of the permit modification application based on the requirements of Section 245.300(c). The Department's decision to approve or reject the proposed insignificant permit modifications shall be considered a final administrative decision subject to judicial review under the Administrative Review Law and the rules adopted under that Law.

3) Approval of an insignificant permit modification shall result in a modified permit that shall be considered a permit under this Part and, therefore, subject to all conditions and requirements for permits under the Act and this Part.

4) The Department shall, by U.S. Mail and electronic transmission, provide the applicant with a copy of the modified permit as issued or its final administrative decision rejecting the modification request.

5) The applicant shall, by U.S. Mail or electronic transmission, provide a copy of the modified permit as issued to any person or unit of local government who received specific public notice under Section 245.250 or participated in any public hearing under Section 245.270 for the original permit or any significant modifications of that permit. The applicant shall notify the Department within 30 days after receipt of the modified permit that it has complied with this subsection (e)(5).

6) Following completion of the Department's review and approval process, the Department's website shall indicate whether an individual high volume horizontal hydraulic fracturing permit modification was approved or denied and provide a copy of the approval or denial.

7) The complete record shall be maintained and shall be accessible to the public on the Department's website until final release of the applicant's bond.

f) If the Department determines that an application for an insignificant deviation in subsection (e) is a significant deviation based on the content of the application, the Department shall notify the applicant and the applicant shall be required to increase the non-refundable application fee to $13,500 as set forth in Section 245.210. Once the full application fee is received, the permit modification application shall be reviewed and approved or rejected as if it were a completely new permit application under the permit application procedures set forth in this Part.

Section 245.340 Permit Transfers

a) No permit may be transferred to another person without approval of the Department (Section 1-55(b) of the Act).

b) A request for permit transfer shall be made on a Department form and be signed by the current permittee and the proposed new permittee or by individuals authorized to sign for them.

c) Each request for permit transfer shall include a $2,000 non-refundable fee. The check shall be made payable to the Department.

d) The Department shall approve a permit transfer, with any conditions the Department may find necessary, only if:

1) the proposed new permittee certifies that its registration information provided pursuant to Section 245.200 is accurate and up to date;

2) the permit for the well issued pursuant to the Illinois Oil and Gas Act is approved for transfer to the proposed new permittee under the requirements for permit transfers under the Illinois Oil and Gas Act administrative rules;

3) the proposed new permittee and, if applicable, any contractor performing high volume horizontal hydraulic fracturing operations at the proposed well, provide proof of insurance that each is insured to cover injuries, damages, or loss related to pollution in the amount of at least $5,000,000 (Section 1-35(b)(19) of the Act);

4) there is no good cause to deny the permit transfer under Section 245.310(a);
5) the request for permit transfer is accompanied by a bond as required by Section 245.220;

6) there are no outstanding unabated violations by either the current or proposed new permittee of this Part, the Act, the Illinois Oil and Gas Act, or the administrative rules promulgated under that Act, as specified in a final administrative decision by the Department.

e) The Department shall approve or deny a request for permit transfer in writing within 90 days after receiving the request for permit transfer.

1) If the request for permit transfer is approved, the current permittee shall transfer a copy of the well file to the new permittee, the new permittee will be the permittee of record for the permit, and the bond of the current permittee will be released by the Department pursuant to Section 245.220(d).

2) If the request for permit transfer is denied, then the current permittee will continue to be the permittee of record for the permit.

f) A current or proposed new permittee may request a hearing to challenge the Department's decision if a hearing is requested in writing within 30 days after the date of the transfer or denial notice. All requests for hearing shall be mailed to the Department at Illinois Department of Natural Resources, Attention: Office of Oil and Gas Resource Management, One Natural Resources Way, Springfield IL 62702. All requests for hearing must be accompanied by documents evidencing the basis for objection. If no hearing is requested in this time period, the permit transfer decision shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee:

1) A pre-hearing conference may be held within 60 days after the receipt of the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:
i) Simplify the factual and legal issues presented by the hearing request;
ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;

iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
iv) Set a hearing date; and
v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.

B) Pre-hearing conferences may be held by telephone conference if that procedure is acceptable to all parties.
2) All hearings under this Section shall be conducted by a Hearing Officer and shall be held in the Department's offices located in Springfield, Illinois.

3) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (e). Both the current and the new permittee may present evidence contesting the Department's determination under subsection (e). The Hearing Officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

4) Within 30 days after the close of the record for the permit transfer hearing, the Hearing Officer shall issue findings of fact, conclusions of law and recommendations as to the disposition of the case.

5) The Director or his or her designee shall review the administrative record in conjunction with the Hearing Officer's findings of fact, conclusions of law and recommendations as to the disposition of the case. The Director or designee shall then issue the Department's final administrative decision affirming, vacating or modifying the Hearing Officer's decision, which shall be subject to judicial review under the Administrative Review Law and the rules adopted under that Law.

6) Failure to request a hearing in accordance with this subsection (f) shall constitute a waiver of all legal rights to contest the permit transfer decision.

Section 245.350 Permit Release

A permit issued under this Part shall be released by the Department upon the Department's satisfaction that the plugging of the well and restoration of the well site is completed in compliance with the permit tee's Plugging and Restoration Plan pursuant to Section 245.210(a)(18) and 245.1030, the Act, the Illinois Oil and Gas Act, and the administrative rules promulgated under that Act. (Section 1-55(b) of the Act).

Section 245.360 Judicial Review

An administrative appeal process should be added. Nothing in the Act precludes inclusion of such a process.

Requiring appeals of all administrative decisions go directly to judicial review will place an unreasonable burden on the judicial system. Many appeals could easily and effectively be handled through and intermediate administrative appeal process thereby removing that burden from the judicial process. An administrative appeal process would ensure that only the most difficult appeals went through judicial review, which is a more appropriate use of judicial resources.

All final administrative decisions, including issuance or denial of a permit, made by the Department under this Part are subject to judicial review under the Administrative Review Law and rules adopted under that Law (Section 1-125 of the Act).

SUBPART D: WELL SITE PREPARATION

Section 245.400 Setback Requirements

a) Except as otherwise provided in this Section, no well site may be located as follows (Section 1-25(a) of the Act):

1) within 500 feet measured horizontally from any residence or place of worship unless the landowner of the residence or the governing body of the place of worship otherwise expressly agrees in writing to a closer well site location (Section 1-25(a)(1) of the Act). This agreement shall be signed and dated by the landowner of the residence or an authorized representative of the governing body of the place of worship. A copy of the agreement shall be submitted to the Department as part of the permit application;	Revise as indicated: 1) within 500 feet measured horizontally from any residence or place of worship **to the wellhead** unless the landowner....	Clarify the point of measurement. The wellhead is the common fixed point of reference in all other parts of this rule. Same revision required in subsequent parts of this section.
2) within 500 feet measured horizontally from the edge of the property line from any school, hospital, or licensed nursing home facility (Section 1-25(a)(2) of the Act); 3) within 500 feet measured horizontally from the surface location of any existing water well or developed spring used for human or domestic animal consumption, unless the landowner or landowners of the well or developed spring otherwise expressly agrees or agree in writing to a closer well site location (Section 1-25(a)(3) of the Act). This agreement shall be signed and dated by the landowner. A copy of the agreement shall be submitted to the Department as part of the permit application;		

4) within 300 feet measured horizontally from the center of a perennial stream or from the ordinary high water mark of any river, natural or artificial lake, pond, or reservoir (Section 1-25(a)(4) of the Act), unless the landowner of a water source that is wholly contained within the landowner's property expressly, in writing, waives the setback requirements and agrees to a closer well site location (Section 1-25(b) of the Act). This agreement shall be signed and dated by the landowner. A copy of the agreement shall be submitted to the Department as part of the permit application.

5) within 750 feet of a nature preserve or a site on the Register of Land and Water Reserves (Section 1-25(a)(5) of the Act); or
6) within 1,500 feet of a surface water or groundwater intake of a public water supply; the distance from the public water supply as identified by the Department shall be measured as follows (Section 1-25(a)(6) of the Act):

A) For a surface water intake on a lake or reservoir, the distance shall be measured from the intake point on the lake or reservoir (Section 1-25(a)(6)(A) of the Act).
B) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake (Section 1-25(a)(6)(B) of the Act).

C) For a groundwater source, the distance shall be measured from the surface location of the groundwater wellhead or the ordinary high water mark of the spring. The distance restrictions under this subsection (a) shall be determined as conditions exist at the time of the submission of the permit application pursuant to Section 245.210 (Section 1-25(a)(6)(C) of the Act).

b) Unless specified otherwise, all distances shall be measured to the closest edge of the well site. (Section 1-25(a) of the Act)

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)

SUBPART E: WELL CONSTRUCTION

Section 245.500 General Conditions and Requirements

a) All wells shall be constructed, and casing and cementing activities shall be conducted, in a manner that shall provide for control of the well at all times, prevent the migration of oil, gas, and other fluids into the fresh water and coal seams, and prevent pollution or diminution of fresh water. (Section 1-70(d) of the Act)

b) At any time, the Department, as it deems necessary, may require construction activities in addition to those required by this Part, including but not limited to, the installation of an additional cemented casing string or strings in the well. (Section 1-70(d)(15) of the Act)

Section 245.510 Well Drilling, Storage and Disposal of Drilling Waste

Drill cuttings, drilling fluids and drilling wastes must be stored and disposed of pursuant to the requirements of this Section and the requirements of the rules promulgated under the Illinois Oil and Gas Act when not in conflict with this Section.

a) Drill cuttings, drilling fluids, and drilling wastes not containing oil-based mud or polymer-based mud may be stored in tanks or pits (Section 1-75(c)(11) of the Act).

b) Pits used to store drill cuttings, drilling fluids, and drilling wastes from wells not using fresh water mud shall be subject to the construction standards identified in Section 245.830 (Reserve Pits) (Section 1-75(c)(11) of the Act).

c) Drill cuttings not contaminated with oil-based mud or polymer-based mud may be disposed of on property subject to the written approval of the Department and the surface landowner (Section 1-75(c)(11) of the Act).

d) Drill cuttings contaminated with oil-based mud or polymer-based mud shall be disposed of in an Agency permitted special waste landfill or other offsite location in accordance with applicable law. (Section 1-75(c)(11) of the Act). (See 62 Ill. Adm. Code 240.540(a).)	A provision allowing treatment of cutting contaminated with oil based mud is recommended.	Technologies are available for treating oil contaminated solids like cuttings. The resulting solids are essentially the same as cuttings from water based muds and should be allowed to be disposed of in a similar manner.
e) Disposal of drill cuttings or fluid down the annulus of any well is prohibited (Section 1-75(c)(11) of the Act).		
Section 245.520 Cement Requirements All cementing activities for well construction shall meet the requirements of this Section.		
a) Cement must conform to the industry standards set forth in the document referenced in Section 245.115(a)(1). (Section 1-70(d)(4) of the Act).		
b) Cement slurry must be prepared to minimize its free water content in accordance with the industry standards set forth in the document referenced in Section 245.115(a)(1). (Section 1-70(d)(4) of the Act).		
c) Cement activities shall be designed and constructed in a manner to: 1) secure the casing in the wellbore (Section 1-70(d)(4)(A) of the Act); 2) isolate and protect fresh groundwater (Section 1-70(d)(4)(B) of the Act);		

3) isolate abnormally pressured zones, lost circulation zones, and any potential flow zones, including hydrocarbon and fluid-bearing zones (Section 1-70(d)(4)(C) of the Act);

4) properly control formation pressure and any pressure from drilling, completion and production (Section 1-70(d)(4)(D) of the Act);

5) protect the casing from corrosion and degradation (Section 1-70(d)(4)(E) of the Act); and

6) prevent gas flow in the annulus (Section 1-70(d)(4)(F) of the Act).

d) For all cementing activities, the cement must be pumped at a rate and in a flow regime that inhibits channeling of the cement in the annulus (Section 1-70(d)(7) of the Act).

e) Cement must be placed behind all surface, intermediate and production casing pursuant to the requirements of Sections 245.530, 245.560 and 245.570, respectively.

f) After the cement is placed behind the casing, the permittee shall wait on cement to set until the cement achieves a calculated compressive strength of at least 500 pounds per square inch, and a minimum of 8 hours before the casing is disturbed in any way, including installation of a blowout preventer (Section 1-70(d)(8) of the Act).

g) Cement compressive strength tests must be performed on all cemented surface, intermediate, and production casing strings in accordance with the industry standards set forth in the document referenced in Section 245.115(a)(1):

1) the cement shall have a 72-hour compressive strength of at least 1,200 psi; and

2) the free water separation shall be no more than 6 milliliters per 250 milliliters of cement. (Section 1-70(d)(8) of the Act)

h) Cement job logs must be kept for all cementing activities pursuant to the following requirements:

1) Cement job logs shall provide information about the cementing activities as specified on a form to be prescribed by the Department, including, but not limited to:

A) dates of cementing;
B) source of the cement;
C) type of cement; and
D) amount used;

2) A copy of the cement job logs and cement compressive strength test results for all cemented surface, intermediate, and production casing strings in the well shall be maintained in the well file at the well site during drilling and high volume horizontal hydraulic fracturing operations and shall be made available to the Department upon request (Section 1-70(d)(9) of the Act);

3) Permittee shall provide the Department with a copy of all cement job logs and cement compressive strength test results 30 days after completion of cementing activities; and	Delete this requirement.	Part 2) of this section requires all cementing record to be kept on site and to be made available to the department upon request. Part 40 required these data be kept for the life of the well. Those requirements are sufficient.
4) Permittee shall retain these records for the life of the well until the well is plugged, abandoned and restored in accordance with the Illinois Oil and Gas Act, the administrative rules promulgated under that Act, and Subpart J of this Part.		
Section 245.530 Surface Casing Requirements		
Surface casing shall be used in the construction of all wells regulated by this Part and shall be set and cemented pursuant to the requirements of this Section.		
a) Surface casing shall be used and set to a depth of at least 200 feet, or 100 feet below the base of the deepest fresh water, whichever is deeper. Surface casing must stop before reaching any hydrocarbon-bearing zones. (Section 1-70(d)(10) of the Act) If the surface casing does not protect all of the fresh water, intermediate casing shall be required.	Revise as indicated: Surface casing must ~~stop~~ **be set** before reaching any hydrocarbon-bearing zones.	Clarification of terminology.

b) Surface casing must be made of steel and conform to the industry standards set forth in the document referenced in Section 245.115(a)(2). Additionally, the use of surface casing in the well construction must be in a manner consistent with the industry standards set forth in the document referenced in Section 245.115(a)(2). (Section 1-70(d)(1) of the Act)

c) Casing thread compound must conform to and meet all manufacturing and material requirements of the industry standards set forth in the document referenced in Section 245.115(a)(3) (Section 1-70(d)(2) of the Act). Additionally, the uses of casing thread compound in the well construction must be in a manner consistent with the industry standards set forth in the document referenced in Section 245.115(a)(3).

d) The borehole must be circulated and conditioned before surface casing setting and cementing to ensure an adequate cement bond (Section 1-70(d)(5) of the Act).

e) The permittee shall notify the Department's District Office during normal business hours by phone and electronic mail at least 24 hours (Section 1-70(d)(11) of the Act) before setting and cementing surface casing to enable an inspector to be present.

f) When setting surface casing, centralizers are required to be used as follows to keep the casing in the center of the wellbore before and during cement operations:
1) A centralizer shall be placed at the bottom of the surface casing string or shoe;
2) Centralizers shall be placed above and below a stage collar or diverting tool, if run;
3) Centralizers shall be placed through usable-quality water zones;
4) Centralizers shall be placed on every fourth joint from the cement shoe to the ground surface or to the bottom of the cellar;

5) The Department may require additional centralization as necessary to ensure the integrity of the well design is adequate; and

6) All centralizers must conform to and shall meet specifications in, or equivalent to, the industry standards set forth in the documents referenced in Section 245.115(a)(4) through (a)(6).

g) A pre-flush or spacer must be pumped ahead of the cement. (Section 1-70(d)(6) of the Act)

h) Surface casing cement must:

1) be Class A cement, with a minimum density of 14.5 lbs./gal.;	Replace proposed requirement with the following: 1) meet industry standards and be mixed as specified in those standards referenced in Section 245.115(a)(X) through (a)(X).	There is no basis for limiting operators to use of Class A only. There are several other types of cement that can be used in addition to Class A. Availability typically varies regionally, but all are very good for use in oil and gas operations. API standards for cements and mixing/rheology should be added to the reference list.
2) meet the cement requirements of Section 245.520(a) and (b); and 3) be applied behind the casing according to the requirements of Section 245.520(c) and (d).		
i) Surface casing must be fully cemented to the surface with excess cements. Cementing must be by the pump and plug method with a minimum of 25% excess cement with appropriate lost circulation material, unless another amount of excess cement is approved by the Department. If cement returns are not observed at the surface, the permittee must perform remedial actions as appropriate. (Section 1-70(d)(11) of the Act)	Revise as indicated: ...with a minimum of 25% excess cement **based on a gauge hole** with appropriate...	Clarification of terminology and basis for calculating excess cement volume.
j) After the cement is placed behind the surface casing (Section 1-70(d)(8) of the Act), the cement must be tested (comprehensive strength test) and cement job logs maintained pursuant to the requirements of Section 245.520(f) through (h).		

k) After the surface casing cement operation is completed to the surface, the permittee shall notify the Department's District Office by phone and electronic mail to enable an inspector to be present for the following:

1) testing the internal mechanical integrity of the surface casing pursuant to Section 245.540; and

2) installation and testing of the blowout prevention equipment pursuant to Section 245.550.

Section 245.540 Establishment of Internal Mechanical Integrity

An internal mechanical integrity test shall be performed on each cemented casing string after installation for all wells regulated by this Part.

a) The permittee shall contact the Department's District Office during normal business hours by phone and electronic mail at least 24 hours before conducting an internal mechanical integrity pressure test to enable an inspector to be present when the test is performed (Section 1-70(d)(16) of the Act).

b) Mechanical Integrity

1) The internal mechanical integrity of surface and intermediate casing strings shall be tested:

A) with fresh water or brine;

B) to no less than 0.22 psi per foot of casing string length or 1,500 psi, whichever is greater, but not to exceed 70% of the minimum internal yield; and

C) for at least 30 minutes with less than a 5% pressure loss.

2) If the pressure declines more than 5% or if there are other indications of a leak, corrective action shall be taken before conducting further drilling operations. (Section 1-70(d)(16) of the Act)

c) The internal mechanical integrity of the production casing string or any casing string that will have pressure exerted on it during stimulation of the well shall be tested:

1) with fresh water or brine;

2) to at least the maximum anticipated treatment pressure or 1,500 psi, whichever is greater, but not to exceed 70% of the minimum internal yield;

3) for at least 30 minutes with less than a 5% pressure loss; and

4) if the pressure declines more than 5% or if there are other indications of a leak, corrective action shall be taken before conducting further drilling operations. (Section 1-70(d)(16) of the Act)

d) Records of internal mechanical integrity pressure tests for all casing strings must be kept pursuant to the following requirements:

1) A record of the internal mechanical integrity pressure test for each casing string must be maintained by the permittee in the well file at the well site and must be submitted to the Department on a form prescribed by the Department before conducting high volume horizontal hydraulic fracturing operations (Section 1-70(d)(16) of the Act).

2) Permittee shall provide the Department with a copy of all internal mechanical integrity pressure test results for all casing strings 30 days after completion of well construction; and

3) Permittee shall retain these records for the life of the well until the well is plugged, abandoned and restored in accordance with the Illinois Oil and Gas Act, the administrative rules promulgated under that Act, and Subpart J of this Part.

Section 245.550 Installation and Testing of Blowout Prevention Equipment

After the surface casing has been set and cemented pursuant to Section 245.530, the permittee shall install and test blowout prevention equipment pursuant to the requirements of this Section (Section 1-70(e)(1) of the Act).

a) The permittee shall contact the Department's District Office during normal business hours by phone and electronic mail at least 24 hours before conducting pressure tests on the blowout prevention equipment to enable an inspector to be present when the tests are performed.

b) The permittee or permit tee's designated representative shall be present at the well site when the blowout preventer is installed, tested, and in use.
1) That person or personnel shall have a current well control certification from an accredited training program that is acceptable to the Department; and
2) The certification shall be available at the well site and provided to the Department upon request. (Section 1-70(e)(3) of the Act)

c) The permittee shall install all blowout prevention equipment using pipe fittings, valves, and unions placed on or connected to the blow-out prevention systems that have a working pressure capability that exceeds the anticipated pressures. (Section 1-70(e)(2) of the Act)

d) A remote blowout preventer actuator that is powered by a source other than rig hydraulics shall be located at least 50 feet from the wellhead and have an appropriate rated working pressure (Section 1-70(e)(6) of the Act).

e) Pressure testing of the blowout preventer and related equipment for any drilling or completion operation must be performed.

1) Testing must be conducted in accordance with the industry standards set forth in the document referenced in Section 245.115(a)(7). A record of the pressure tests must be made on a form prescribed by the Department.

2) Testing of the blowout preventer shall include testing after the blowout preventer is installed on the well but prior to drilling below the last cemented casing seat.

3) Pressure control equipment, including the blowout preventer, that fails any pressure test shall not be used until it is repaired, or replaced, and passes the pressure test. (Section 1-70(e)(5) of the Act)

4) Records of all pressure tests and repair work on blowout prevention equipment shall be maintained by the permittee in the well file at the well site and made available to the Department upon request.

f) After installation and testing, the blowout prevention equipment must be in use during all drilling and completion operations and shall be maintained in good working condition at all times (Section 1-70(e)(1) and (3) of the Act).

g) Appropriate pressure control procedures must be properly employed and equipment must be installed and maintained in proper working order while conducting drilling and completion operations, including tripping, logging, running casing into the well, and drilling out solid-core stage plugs (Section 1-70(e)(4) of the Act).

Section 245.560 Intermediate Casing Requirements

When intermediate casing is required by subsection (a), intermediate casing used in the construction of wells must be set and cemented pursuant to the requirements of subsections (b) through (m). Intermediate casing used to isolate fresh water must not be used as the production string in the well in which it is installed, and may not be perforated for purposes of conducting a hydraulic fracture treatment through it.

a) Cemented intermediate casing must be installed under the following conditions:
1) when necessary to isolate fresh water not isolated by surface casing; or
2) to seal off potential flow zones, anomalous pressure zones, lost circulation zones and other drilling hazards. (Section 1-70(d)(12) of the Act)

b) Intermediate casing shall be set and cemented to one of the standards below:

1) When intermediate casing is installed to protect fresh water, the permittee shall set a full string of new intermediate casing at least 100 feet below the base of the deepest fresh water and bring cement to the surface;		
2) In instances in which intermediate casing was set solely to protect fresh water encountered below the surface casing shoe, and cementing to the surface is technically infeasible, would result in lost circulation, or both, cement must be brought to a minimum of 600 feet above the shallowest fresh water zone encountered below the surface casing shoe or to the surface if the fresh water zone is less than 600 feet from the surface;	Replace the proposed 600 foot limit with 500 feet consistent with the requirements for production casing throughout this section. Delete the requirement to bring this cement to surface.	Maintain consistency between sections to avoid confusion. Either value is essentially a "rule of thumb" value and equally adequate. Bringing cement to surface, particularly in situation where annular gas flow is a risk is not sound engineering practice. See API 65-2.
3) In the case that intermediate casing was set for a reason other than to protect fresh water, the intermediate casing string shall be cemented from the shoe to a point at least 600 true vertical feet above the shoe; or		
4) If there is a hydrocarbon bearing zone that is capable of producing and that is exposed above the intermediate casing shoe, then the casing shall be cemented from the shoe:		
A) to a point at least 600 true vertical feet above the shallowest hydrocarbon bearing zone;		
B) to a point at least 200 feet above the shoe of the next shallower casing string that was set and cemented in the well; or		

C) to the surface if less than 200 feet. (Section 1-70(d)(12) of the Act)		
c) The location and depths of any hydrocarbon-bearing zones or fresh water zones that are open to the wellbore above the casing shoe must be confirmed by coring, electric logs, or testing and must be reported to the Department. (Section 1-70(d)(12) of the Act)	Revise as indicated: ...of any hydrocarbon-bearing zones **capable of producing**...	Consistent with 4) above. Zones that are not capable of producing do not require isolation.
d) Intermediate casing must conform to the industry standards set forth in the document referenced in Section 245.115(a)(2). Additionally, the use of intermediate casing in the well construction must be in a manner consistent with the industry standards set forth in the document referenced in Section 245.115(a)(2).		
e) Casing thread compound must conform to and meet all manufacturing and material requirements of the industry standards set forth in the document referenced in Section 245.115(a)(3) (Section 1-70(d)(2) of the Act). Additionally, the uses of casing thread compound in the well construction must be in a manner consistent with the industry standards set forth in the document referenced in Section 245.115(a)(3).		
f) The borehole must be circulated and conditioned before intermediate casing setting and cementing to ensure an adequate cement bond (Section 1-70(d)(5) of the Act).		

g) The permittee shall notify the Department's District Office during normal business hours by phone and electronic mail at least 24 hours before setting and cementing intermediate casing cementing operations to enable an inspector to be present.

h) When setting intermediate casing in non-deviated holes, centralizers are required to be used as follows to keep the casing in the center of the wellbore before and during cementing operations:
1) Centralizers shall be placed on every fourth joint from the cement shoe to the ground surface or to the bottom of the cellar;

2) The Department may require additional centralizers as necessary to ensure the integrity of the well design; and
3) All centralizers must conform to and shall meet specifications in, or equivalent to, the industry standards set forth in the documents referenced in Section 245.115(a)(4) through (a)(6). (Section 1-70(d)(3) of the Act)

i) A pre-flush or spacer must be pumped ahead of the cement (Section 1-70(d)(6) of the Act).

j) Intermediate casing cement must:
1) meet the cement requirements of Section 245.520(a) and (b); and
2) be applied behind the casing according to the requirements of Section 245.520(c) and (d).

k) A radial cement bond evaluation log, or other evaluation approved by the Department, such as, but not limited to, temperature surveys, must be run to verify the cement bond on the intermediate casing. Remedial cementing is required if the cement bond is not adequate for drilling ahead. (Section 1-70(d)(13) of the Act)

Revise as indicated: ...approved by the Department~~, such as, but not limited to, temperature surveys,~~ must be run...

A temperature survey will only provide information regarding the top of cement. It does not assess the cement bond. Alternative evaluations should include a review of the job records. When a cement job is pumped according to the plan and is within the desired parameters, the likelihood of cement failure is very low. Electronic tools used to evaluate cement bond are very subjective in their interpretation and for this reason, their use should be much more restricted. Additionally, a relatively small section of sound cement sheath can provide sound pressure isolation, which is indicative of the subjective nature of interpreting results from these tools. API Technical Report 10TR1 - Cement Sheath Evaluation provides much more information on this concern.

l) The cementing and testing requirements of subsections (b)(2), (b)(3), (b)(4), (c) and (k) may be waived if all intermediate casing strings are cemented to surface.

m) After the cement is placed behind the intermediate casing (Section 1-70(d)(8) of the Act), the cement must be tested and cement job logs maintained pursuant to the requirements of Section 245.520(f) through (h).

n) After the intermediate casing cement operation is completed, the permittee shall notify the Department's District Office by phone and electronic mail to enable an inspector to be present for testing the internal mechanical integrity of the intermediate casing pursuant to Section 245.540.

o) If the annulus between the production casing and the surface of intermediate casing has not been cemented to the surface, the intermediate casing annulus shall be equipped with an appropriately sized and tested relief valve. The flow line from the relief valve should be secured and diverted to a lined pit or tank. (See API HF1 – Hydraulic Fracturing Operations – Well Construction and Integrity Guidelines, 1st Edition, October 2009, Section 10.4.2, Pressure Monitoring.)

Section 245.570 Production Casing Requirements

Production casing shall be used in the construction of all wells regulated by this Part and shall be set and cemented pursuant to the requirements of this Section.

a) Production casing must be fully cemented from the production casing shoe to 500 feet above the top perforated formation, if possible (Section 1-70(d)(14) of the Act). However, if that cementing requirement will inhibit the production of oil or gas from the targeted formation, cementing of the production casing must be completed from at least just above the top of the perforated formation to 500 feet above the top of the perforated formation.

Revise the depth requirement throughout to read 500 vertical feet.

b) Production casing must conform to the industry standards set forth in the document referenced in Section 245.115(a)(2). Additionally, the use of production casing in the well construction must be in a manner consistent with the industry standards set forth in the document referenced in Section 245.115(a)(2).

c) Casing thread compound must conform to and meet all manufacturing and material requirements of the industry standards set forth in the document referenced in Section 245.115(a)(3) (Section 1-70(d)(2) of the Act). Additionally, the uses of casing thread compound in the well construction must be in a manner consistent with the industry standards set forth in the document referenced in Section 245.115(a)(3).

d) The borehole must be circulated and conditioned before production casing setting and cementing to ensure an adequate cement bond (Section 1-70(d)(5) of the Act).

e) The permittee shall notify the Department's District Office during regular business hours by phone and electronic mail before setting and cementing production casing to enable an inspector to be present.

f) When setting production casing, centralizers are required to be used as follows to keep the casing in the center of the wellbore prior to and during cement operations:

1) In the vertical portion of the well, a centralizer shall be placed on every fourth joint from the kickoff point to the ground surface or to the bottom of the cellar;

2) In the horizontal portion of the well, rigid centralizers shall be used and placed accordingly to ensure at least 80% standoff;	Delete this requirement.	The value of centralizers in the horizontal section of the well is questionable. Due to the minor directional undulations and variations that are normal for this section of the well, it is not realistic to require 80% standoff in any well. An idealized calculation may indicate that an 80% standoff can be achieved, but those normal directional variations make it almost impossible to actually achieve. An excessive number of centralizers or centralizers used in wells with very long horizontal sections can create excessive drag when running the casing and can affect the ability of the operator to run casing to the total depth of the well in some cases. The quality of the cement job in the horizontal section of the well is of limited real value since this section of the well will typically be extensively perforated and fractured. The critical section of the wellbore from an integrity and zonal isolation standpoint is the section of the well immediately above the last perforation in the completion interval. The existing requirement for 500 feet of cement above this point address zonal isolation.
3) The Department may require additional centralizers as necessary to ensure the integrity of the well design; and		

4) All centralizers used in the vertical portion of the well must conform to and shall meet specifications in, or equivalent to the industry standards set forth in the documents referenced in Section 245.115(a)(4) through (a)(6). (Section 1-70(d)(3) of the Act)

g) A pre-flush or spacer must be pumped ahead of the cement (Section 1-70(d)(6) of the Act).

h) Production casing cement must:
1) meet the cement requirements of Section 245.520(a) and (b); and
2) be applied behind the casing according to the requirements of Section 245.520(c) and (d).

i) After the cement is placed behind the production casing (Section 1-70(d)(8) of the Act), the cement must be tested and cement job logs maintained pursuant to the requirements of Section 245.520(f) through (h).

j) After the production casing cement operation is completed, the permittee shall notify the Department's District Office by phone or electronic mail to enable an inspector to be present for testing the internal mechanical integrity of the production casing pursuant to Section 245.540.

Section 245.580 Establishment of Formation Integrity

a) A formation pressure integrity test shall be conducted below the surface casing and below all intermediate casing in order to demonstrate: 1) that the integrity of the casing shoe is sufficient to contain the wellbore pressures anticipated in the permit application; 2) that no flow path exists to formations above the casing shoe; and 3) that the casing shoe is competent to handle an influx of formation fluid or gas without breaking down. b) The permittee shall notify the Department's District Office during regular business hours by phone and electronic mail at least 24 hours before conducting a formation pressure integrity test to enable an inspector to be present when the test is performed.		
c) The actual hydraulic fracturing treatment pressure must not exceed the mechanical integrity test pressure of the casing tested pursuant to Section 245.540 at any time during high volume horizontal hydraulic fracturing operations.	Move this requirement to Section 245.805	This requirement is not related to formation integrity. It is an operation limitation that is observed during hydraulic fracturing operations.
d) Records of all formation integrity tests must be kept pursuant to the following requirements:		

1) A record of the formation integrity test must be maintained by the permittee in the well file at the well site and must be submitted to the Department on a form prescribed by the Department before conducting high volume horizontal hydraulic fracturing operations. (Section 1-70(d)(18) of the Act)

2) Permittee shall provide the Department with a copy of all formation integrity test results 30 days after completion of well construction.

3) Permittee shall retain these records for the life of the well until the well is plugged, abandoned and restored in accordance with the Illinois Oil and Gas Act, the administrative rules promulgated under that Act, and Subpart J of this Part.

SUBPART F: WATER QUALITY

Section 245.600 Water Quality Monitoring

Water quality monitoring shall be conducted pursuant to the requirements of this Section and in accordance with the water quality monitoring work plan submitted pursuant to Section 245.210(a)(24). Unless specified otherwise, all distances are measured horizontally from the closest edge of the well site.

a) Water Quality Monitoring Work Plan

Each applicant for a high volume horizontal hydraulic fracturing permit shall provide the Department with a water quality monitoring work plan to ensure accurate and complete sampling and testing as required under this Section. A water quality monitoring work plan shall include, at a minimum, the following (Section 1-80(a) of the Act):

1) information identifying all water sources within the range of testing under this Section (Section 1-80(a)(1) of the Act);
2) a sampling plan and protocol consistent with the requirements of subsections (b), (c) and (d), including notification to the Department at least 7 calendar days prior to sample collection (Section 1-80(a)(2) of the Act);

3) the name and contact information of an independent third party under the supervision of a professional engineer or professional geologist that shall be designated to conduct sampling to establish a baseline as provided for under subsection (b) (Section 1-80(a)(3) of the Act);

4) the name and contact information of an independent third party under the supervision of a professional engineer or professional geologist that shall be designated to conduct sampling to establish compliance with monitoring as provided within subsection (c) (Section 1-80(a)(4) of the Act);

5) the name and contact information of an independent testing laboratory accredited or certified by the Agency to perform the required laboratory method and to conduct the analysis required under subsections (b) and (c) (Section 1-80(a)(5) of the Act). When no laboratory has been accredited or certified by the Agency to analyze a particular substance requested in subsection (d), results will be considered only if they have been analyzed by a laboratory accredited or certified by another State agency or an agency of the federal government, if the standards used for the accreditation or certification of that laboratory are substantially equivalent to the accreditation standard under Section 4(o) of the Illinois Environmental Protection Act [415 ILCS 5];

6) proof that the applicant provided each landowner referenced in subsections (a)(7) through (a)(10) with a notice of water sampling rights under the Act pursuant to a form prescribed by the Department and prior to the landowner's execution of any document regarding water sampling.

7) proof of access and the right to test within the area for testing prescribed within subsections (b) and (c) (Section 1-80(a)(6) of the Act);

8) copies of any non-disclosure agreements made with landowners, if applicable (Section 1-80(a)(6) of the Act). Landowners of private property may condition access or permission for sampling of private water wells or ponds wholly within their property or a portion of any perennial stream or river that flows through their property under a non-disclosure agreement, that includes the following terms and conditions (Section 1-80(d) of the Act):

A) the permittee shall provide the results of the water quality testing to the private property landowners (Section 1-80(d)(1) of the Act);

B) the permittee shall retain the results of all water quality testing conducted pursuant subsections (b) and (c) until at least 1 year after completion of all water quality monitoring for review by the Department upon request (Section 1-80(d)(2) of the Act);

C) the permittee shall not file with the Department the results of the water quality testing, except that under subsection (a)(7)(D) (Section 1-80(d)(3) of the Act); and

D) the permittee shall notify and provide to the Department and the Agency within 7 calendar days of its receipt of the water quality data any testing under subsection (c) indicating concentrations that exceed the standards or criteria referenced in the definition of "pollution or diminution" under Section 245.110 (Section 1-80(d)(4) of the Act);

9) documentation that the landowner of the private property declines, expressly and in writing, to provide access or permission for sampling, if applicable. Under these conditions, sampling of private water wells or ponds wholly contained within private property shall not be required (Section 1-80(d) of the Act);

10) evidence as to the good faith efforts (for example, logs of oral communications and copies of written communication) that were made to secure documentation that the landowner of the private property declines to provide proof of his or her refusal to allow access for the purposes of conducting sampling in writing, if applicable. Permits issued under this Part cannot be denied if the landowner of the private property declines to provide proof of his or her refusal to allow access in writing and the permittee provides evidence that good faith efforts were made to gain access for the purposes of conducting sampling (Section 1-80(d) of the Act); and

11) identification of practicable contingency measures, including provision for alternative drinking water supplies, which could be implemented in the event of pollution or diminution of a water source as provided for in Section 245.610 (Section 1-80(a)(7) of the Act).

b) Baseline Testing
Before conducting high volume horizontal hydraulic fracturing operations on a well, a permittee shall retain an independent third party, as identified pursuant to subsection (a)(3). The permittee, through its independent third party, shall, after giving the Department 7 calendar days' notice during regular business hours, conduct baseline water quality sampling of all water sources within 1,500 feet of the well site (Section 1-80(b) of the Act) pursuant to the laboratory analysis procedures of subsection (d) and as follows:

1) If an aquifer to be sampled is inaccessible through groundwater wells within 1,500 feet of the well site, the permittee shall conduct groundwater well sampling of that aquifer at the next closest groundwater well that the permittee has permission to access.

2) Installation of a groundwater monitoring well is not required to satisfy the sampling requirements of this Section.

3) Baseline testing results shall be submitted to the Department no later than 3 calendar days before commencing high volume horizontal hydraulic fracturing operations, unless there are non-disclosure agreements with the applicable private property landowners. In the case of non-disclosure agreements, the permittee shall provide a certification to the Department that the baseline testing results have been provided to the applicable private property landowners no later than 3 calendar days before commencing high volume horizontal hydraulic fracturing operations.

4) The Department shall post the results of the baseline sampling and analysis conducted under this subsection (b) on its website within 7 calendar days after receipt. The posted results shall, at a minimum, include the following:

A) the well name, location and permit number;

B) a detailed description of the sampling and testing conducted under this subsection (b), including the results of the sampling and testing;

C) the chain of custody of the samples;
D) quality control of the testing. (Section 1-80(b) of the Act)
c) Follow-up Monitoring

In areas where an operator has extensive operations, a general monitoring program should be allowed rather than a well by well approach

A well planned general program can often provide better, more comprehensive characterization of a resource much more efficiently.

After baseline tests are conducted under subsection (b) and following the completion of high volume horizontal hydraulic fracturing operations, the permittee, through its independent third party, shall perform the following:

1) Notify the Department during normal business hours at least 7 calendar days prior to taking the samples; and

2) Sample and test all water sources that were subjected to sampling under subsection (b) in the same manner following the procedures under subsection (d) 6 months, 18 months, and 30 months after the high volume horizontal hydraulic fracturing operations have been completed, unless the water source was sampled under this subsection (c) or subsection (b) within the previous month. (Section 1-80(c) of the Act)

d) Laboratory Analysis Procedures

1) Sampling shall, at a minimum, be consistent with the water quality monitoring work plan and allow for a determination of whether any hydraulic fracturing additive or other oil or gas well contaminant has caused pollution or diminution (Section 1-80(e) of the Act). For each water source required to be sampled and tested under subsections (b) and (c):

A) a minimum of 3 separate samples shall be collected by the independent third party, under the supervision of a licensed professional engineer or professional geologist (Section 1-80(b) of the Act) consistent with the approved water quality monitoring work plan; and

B) each sample collected shall be submitted to and analyzed by an Agency-accredited or -certified independent testing laboratory (Section 1-80(b) of the Act) for the following:

i) pH (Section 1-80(e)(1) of the Act);
ii) total dissolved solids, dissolved methane, dissolved propane, dissolved ethane, alkalinity, and specific conductance (Section 1-80(e)(2) of the Act);
iii) chloride, sulfate, arsenic, barium, calcium, chromium, iron, magnesium, selenium, cadmium, lead, manganese, mercury, and silver (Section 1-80(e)(3) of the Act);

iv) BTEX (Section 1-80(e)(4) of the Act);
v) gross alpha and beta particles to determine the presence of any naturally occurring radioactive materials (Section 1-80(e)(5) of the Act);

2) The independent third party's laboratory request submitted to the Agency- accredited or -certified independent testing laboratory shall include:
A) the applicant's name, well name, well location and permit number;

B) a detailed description of the sampling methods used to collect the samples, the date and time of the sampling collections, the location where each sample was collected and by whom, and the specific testing requested;

C) the chain of custody for the samples up to the point when the samples are relinquished to the laboratory; and
D) a specific request to the laboratory that the laboratory's report also include:
i) the name and address of the laboratory;
ii) the sampling method and testing requested in subsection (d);
iii) the analyses being performed;
iv) the test methods used to perform the analyses;
v) the date and time of the analyses;
vi) the identification of any test results performed by a subcontracted laboratory;
vii) the name of any subcontracted laboratory used and the applicable accreditation that the subcontracted laboratory holds and maintains for the analyses performed;

viii) the complete chain of custody through all the analyses in the laboratory and any subcontracted laboratory used;
ix) the test results with the units of measurements used, when appropriate;
x) an interpretation of the test results, including the definitions for any data qualifiers applied to the test results;

xi) the name, title and signature of the person authorizing the test results; and
xii) a summary of the laboratory's quality control results for the analyses performed;
3) The permittee shall, within 7 calendar days after receipt of results of baseline or follow-up monitoring tests conducted under this Section, submit the independent third party's lab request under subsection (d)(2) and the results to the Department for a water source not subject to a non-disclosure agreement or, except as provided by subsection (d)(5), only to the landowner of the water source pursuant to a non-disclosure agreement under subsection (a)(7) (Section 1-80(b) and (c) of the Act).

4) For a water source subject to a non-disclosure agreement, if the independent third party follow-up monitoring test results indicate that concentrations exceed the standards or criteria referenced in the definition of "pollution or diminution" in Section 245.110, the permittee shall submit the independent third party lab requests and the results of those tests to the Department and the Agency within 7 calendar days after its receipt of the follow-up monitoring test results. The permittee must identify which specific standards or criteria are exceeded.

e) Upon receipt of the independent third party's lab requests and the results of the laboratory analyses for follow-up monitoring under subsection (c), the Department shall, in consultation with the Agency as the Department deems appropriate, determine whether any hydraulic fracturing additive or other oil or gas well contaminant has caused pollution or diminution for purposes of Sections 245.610 and 245.620 (Section 1-80(e) of the Act).

f) If the Department makes a determination of pollution or diminution under subsection (e), the procedures set forth in Section 245.615 shall be followed.

Section 245.610 Water Pollution Investigations

a) Any person who has reason to believe he or she has incurred pollution or diminution of a water source as a result of a high volume horizontal hydraulic fracturing treatment of a well may request that an investigation be conducted (Section 1-83(a) of the Act) by:

1) notifying the Department either in writing or electronically through its website; and

2) providing the following information:
A) his or her name, address and contact information; and
B) a detailed description of the suspected contamination, including but not limited to, identifying:

i) the water source being affected; ii) the suspected source of contamination; iii) dates and times related to observations of the suspected contamination; iv) the names of potential witnesses and their contact information; and v) any documents or photographs in his or her possession that may be useful as evidence of pollution or diminution. b) Within 30 calendar days after the notification required by subsection (a), the Department will notify the Agency and initiate an investigation of the claim. The Department will make a reasonable effort to reach a determination within 180 calendar days after receiving the notification. (Section 1-83(b) of the Act) c) If necessary, the Agency shall conduct water quality sampling (Section 1-83(b) of the Act) and the Department shall provide to the Agency all available permit information and other relevant data.	Revise as indicated: ii) the suspected source of contamination **and the suspected contaminants**;	Clarify the allegations of contamination.

d) Any person conducting or who has conducted high volume horizontal hydraulic fracturing operations suspected to be the source of pollution or diminution complained of shall supply any information requested by the Department or Agency to assist with the investigation. The Department, in consultation with the Agency as the Department deems appropriate, shall give due consideration to any information submitted during the course of the investigation (Section 1-83(c) of the Act). The requested information may include additional water quality monitoring sampling in accordance with Section 245.600.

e) The Department, in consultation with the Agency as the Department deems appropriate, shall make a determination of pollution or diminution if sampling results or other information obtained as part of the investigation or the results of tests conducted under Section 245.600 indicate that hydraulic fracturing additive or other oil or gas well contaminant concentrations in the water are found to exceed the following standards or criteria (Section 1-83(d) of the Act) and are statistically significantly higher than the base line sampling results obtained under Section 245.600(b):

1) in groundwater, any of the following:

A) detection of benzene or any other carcinogen in any Class I, Class II, or Class III groundwater;

B) detection of any constituent in 35 Ill. Adm. Code 620.310(a)(3)(A)(i) equal to or above the listed preventive response criteria in any Class I, Class II, or Class III groundwater;

C) detection of any constituent in 35 Ill. Adm. Code 620.410(a), (b), (c), (d) or (e) equal to or above the listed standard in any Class I, Class II, or Class III groundwater;
D) detection of any constituent in Class III groundwater equal to or above a standard established under 35 Ill. Adm. Code 620.260; or

E) detection of any constituent in Class I, Class II, or Class III groundwater equal to or above a cleanup objective listed in 35 Ill. Adm. Code 742.

2) in surface water, exceeding any applicable numeric or narrative standard in 35 Ill. Adm. Code 302 or 304. (Section 1-5 of the Act)

f) If the Department makes a determination of pollution or diminution under subsection (e), the procedures set forth in Section 245.615 shall be followed.

Section 245.615 Procedures

a) Upon a determination of pollution or diminution by the Department, the Department shall issue a Notice of Violation and proceed with appropriate enforcement pursuant to Subpart K. The enforcement shall, in addition to any other penalty available under the law, require the permittee to complete remedial action to temporarily or permanently restore or replace the affected water supply with an alternative source of water adequate in quantity and quality for the purposes served by the water source. The quality of a restored or replaced water source shall meet or exceed the quality of the original water source based upon the results of the baseline test results under Section 245.600(b) for that water source, or other available information. Further, as appropriate, the Department may require the permittee to take immediate action, including, but not limited to, repair, replacement, alteration, or prohibition of operation of equipment permitted by the Department. The Department, in consultation with the Agency and/or the Illinois Department of Public Health, may also issue conditions and orders to protect the public health or welfare or the environment. (Section 1-83(d) of the Act)

b) Within 15 calendar days after a determination of pollution or diminution, the Department shall, with assistance from other State and local agencies, provide notice of its Notice of Violation on the Department's website and to all persons that use the water source for domestic, agricultural, industrial, or any other legitimate beneficial uses (Section 1-83(e) of the Act).

c) Upon issuance of a Notice of Violation pursuant to subsection (b), the Department shall contact the Agency and forward all information to the Agency. The Agency shall investigate the potential for violations as designated within Section 1-87 of the Act. (Section 1-83(f) of the Act)

d) The Department shall publish, on its website, lists of confirmed determinations of pollution or diminution that result from high volume horizontal hydraulic fracturing operations and are final administrative decisions. This information shall be searchable by county. (Section 1-83(h) of the Act)

e) The Agency shall have the duty to investigate complaints that activities under the Act or this Part have caused a violation of Section 12 of the Illinois Environmental Protection Act or surface or groundwater rules adopted under the Illinois Environmental Protection Act. Any action taken by the Agency in enforcing these violations shall be taken under and consistent with the Illinois Environmental Protection Act, including, but not limited to, the Agency's authority to seek a civil or criminal cause of action under that Act. (Section 1-87(b) of the Act)

Section 245.620 Rebuttable Presumption of Pollution or Diminution

a) This Section establishes a rebuttable presumption for use regarding pollution or diminution under Subpart K (Section 1-85(a) of the Act).

b) Unless rebutted by a defense established in subsection (c), it shall be presumed that any person conducting or who has conducted high volume horizontal hydraulic fracturing operations shall be liable for pollution or diminution of a water supply if (Section 1-85(b) of the Act):

1) the water source is within 1,500 feet of the well site (Section 1-85(b)(1) of the Act) where the high volume horizontal hydraulic fracturing operations occurred;

2) the baseline water quality data showed no pollution or diminution before the start of high volume horizontal hydraulic fracturing operations (Section 1-85(b)(2) of the Act);

3) the pollution or diminution occurred during high volume horizontal hydraulic fracturing operations or no more than 30 months after the completion of the high volume horizontal hydraulic fracturing operations (Section 1-85(b)(3) of the Act);
4) the laboratory results from the follow-up monitoring indicate pollution or diminution from at least one of the following:
A) pH;
B) total dissolved solids, dissolved methane, dissolved propane, dissolved ethane, alkalinity, and specific conductance;

C) chloride, sulfate, arsenic, barium, calcium, chromium, iron, magnesium, selenium, cadmium, lead, manganese, mercury, and silver;

D) BTEX; or
E) gross alpha and beta particles to determine the presence of any naturally occurring radioactive materials.
c) To rebut the presumption established under this Section, a person presumed responsible must affirmatively prove by clear and convincing evidence any of the following (Section 1-85(c) of the Act):

1) the water source is not within 1,500 feet of the well site (Section 1-85(c)(1) of the Act);

2) the pollution or diminution occurred before the high volume horizontal hydraulic fracturing operations or more than 30 months after the completion of the high volume horizontal hydraulic fracturing operations (Section 1-85(c)(2) of the Act);

3) the pollution or diminution occurred as the result of an identifiable cause other than the high volume horizontal hydraulic fracturing operations (Section 1-85(c)(3) of the Act); or

4) the laboratory results from the follow-up monitoring do not indicate pollution or diminution from any of the following:

A) pH;

B) total dissolved solids, dissolved methane, dissolved propane, dissolved ethane, alkalinity, and specific conductance;

C) chloride, sulfate, arsenic, barium, calcium, chromium, iron, magnesium, selenium, cadmium, lead, manganese, mercury, and silver;

D) BTEX; or

E) gross alpha and beta particles to determine the presence of any naturally occurring radioactive materials.

Section 245.630 Prohibitions

It is unlawful to inject or discharge hydraulic fracturing fluid, produced water, BTEX, diesel, or petroleum distillates into fresh water (Section 1-25(c) of the Act).

SUBPART G: CHEMICAL DISCLOSURE; TRADE SECRETS

Section 245.700 Chemical Disclosure by Permittee

a) If the chemical disclosure information required by Section 245.210(a)(8) is not submitted at the time of permit application, then the permittee shall submit this information to the Department in electronic format no less than 21 calendar days before performing the high volume horizontal hydraulic fracturing operations (Section 1-77(a) of the Act).

b) Nothing in this Section shall prohibit the permittee from adjusting or altering the contents of the fluid during the treatment process to respond to unexpected conditions, as long as the permittee notifies the Department by electronic mail within 24 hours of the departure from the initial treatment design and includes a brief explanation detailing the reason for the departure (Section 1-77(a) of the Act).

c) No less than 21 calendar days before performing the first stimulation treatment of high volume horizontal hydraulic fracturing operations, the permittee shall maintain and disclose to the Department separate and up-to-date master lists of (Section 1-77(c)(2) of the Act):

1) the base fluid to be used during any high volume horizontal hydraulic fracturing operations within this State (Section 1-77(c)(2)(A) of the Act);

2) all hydraulic fracturing additives to be used during any high volume horizontal hydraulic fracturing operations within this State (Section 1-77(c)(2)(B) of the Act); and
3) all chemicals and associated Chemical Abstract Service numbers to be used in any high volume horizontal hydraulic fracturing operations within this State (Section 1-77(c)(2)(C) of the Act).

d) If a permittee uses the services of another person to perform high volume horizontal hydraulic fracturing operations, that person shall comply with Section 245.710 (Section 1-77(b) of the Act).

Section 245.710 Chemical Disclosure by Contractor

a) A permittee shall be responsible to ensure that any contractor performing high volume horizontal hydraulic fracturing operations within this State on behalf of the permittee shall (Section 1-77(c) of the Act):

1) be authorized to do business in this State (Section 1-77(c)(1) of the Act);
2) provide the Department with the following information:
A) the contractor's business name, address, email address and telephone number;

B) the well name, permit number and permittee name for the well on which high volume horizontal hydraulic fracturing operations will be conducted; and
C) the name, email address and telephone number of the person at the well site responsible for the high volume horizontal hydraulic fracturing operations.
b) No less than 21 calendar days before performing the first stimulation treatment of high volume horizontal hydraulic fracturing operations, the contractor performing high volume horizontal hydraulic fracturing operations on behalf of the permittee shall maintain and disclose to the Department separate and up-to-date master lists of (Section 1-77(c)(2) of the Act):

1) the base fluid to be used during any high volume horizontal hydraulic fracturing operations within this State (Section 1-77(c)(2)(A) of the Act);

2) all hydraulic fracturing additives to be used during any high volume horizontal hydraulic fracturing operations within this State (Section 1-77(c)(2)(B) of the Act); and
3) all chemicals and associated Chemical Abstract Service numbers to be used in any high volume horizontal hydraulic fracturing operations within this State (Section 1-77(c)(2)(C) of the Act).

Section 245.715 Chemical Use Prohibitions

a) The permittee performing high volume horizontal hydraulic fracturing operations is prohibited from using any base fluid, hydraulic fracturing additive, or chemical not listed on their master lists disclosed under Section 245.700.

b) Contractors performing high volume horizontal hydraulic fracturing operations are prohibited from using any base fluid, hydraulic fracturing additive, or chemical not listed on their master lists disclosed under Section 245.710. (Section 1-77(d) of the Act)

Section 245.720 Department Publication of Chemical Disclosures and Claims of Trade Secret

a) The Department shall assemble and post up-to-date copies of the master lists of chemicals it receives under Sections 245.700 and 245.710 on its website within 21 business days after receipt (Section 1-77(e) of the Act).

b) When an applicant, permittee, or person performing high volume horizontal hydraulic fracturing operations furnishes chemical disclosure information to the Department under Section 245.210, 245.700, 245.710 or 245.860 under a claim of trade secret, the applicant, permittee, or person performing high volume horizontal hydraulic fracturing operations shall submit redacted and un-redacted copies of the documents identifying the specific information on the master list of chemicals claimed to be protected as trade secret. The Department shall use the redacted copies when posting the master list of chemicals on its website. (Section 1-77(f) of the Act)

c) Upon submission or within 5 calendar days after submission of the master list of chemicals with chemical disclosure information to the Department under Section 245.210, 245.700, 245.710 or 245.860 under a claim of trade secret, the person that claimed trade secret protection shall provide a justification of the claim containing the following:

1) a detailed description of the procedures used by the person to safeguard that portion of the information on the master list of chemicals for which trade secret is claimed from becoming available to persons other than those selected by the person to have access to the information for limited purposes;

2) a detailed statement identifying the persons or class of persons to whom that portion of the information on the master list of chemicals for which trade secret is claimed has been disclosed;

3) a certification that the person has no knowledge that the portion of the information on the master list of chemicals for which trade secret is claimed has ever been published or disseminated or has otherwise become a matter of general public knowledge;

4) a detailed discussion of why the person believes that the portion of the information on the master list of chemicals for which trade secret is claimed is of competitive value; and

5) any other information that shall support the claim of trade secret. (Section 1-77(g) of the Act)

d) Chemical disclosure information furnished under Section 245.210, 245.700, 245.710 or 245.860 under a claim of trade secret shall be protected from disclosure as a trade secret if the Department determines that the statement of justification demonstrates that (Section 1-77(h) of the Act):

1) the information has not been published, disseminated, or otherwise become a matter of general public knowledge (Section 1-77(h)(1) of the Act). There is a rebuttable presumption that the information has not been published, disseminated, or otherwise become a matter of general public knowledge if the person has taken reasonable measures to prevent the information from becoming available to persons other than those selected by the person to have access to the information for limited purposes and the statement of justification contains a certification that the person has no knowledge that the information has ever been published, disseminated, or otherwise become a matter of general public knowledge (Section 1-77(h) of the Act); and

2) the information has competitive value (Section 1-77(h)(2) of the Act).

e) Denial of a trade secret request under this Section shall be appealable under the Administrative Review Law (Section 1-77(i) of the Act) and the rules adopted under that Law.

f) A person whose request to inspect or copy a public record is denied, in whole or in part, because of a grant of trade secret protection may file a request for review with the Public Access Counselor under Section 9.5 of the Freedom of Information Act [5 ILCS 140] or for injunctive or declaratory relief under Section 11 of the Freedom of Information Act for the purpose of reviewing whether the Department properly determined that the trade secret protection should be granted (Section 1-77(j) of the Act).

g) Except as otherwise provided in Section 245.730 of this Part and Section 1-77(m) of the Act, the Department must maintain the confidentiality of chemical disclosure information furnished under Section 245.210, 245.700, 245.710 or 245.860 under a claim of trade secret, until the Department receives official notification of a final order by a reviewing body with proper jurisdiction that is not subject to further appeal rejecting a grant of trade secret protection for that information (Section 1-77(k) of the Act).

Section 245.730 Trade Secret Disclosure to Health Professional

Information about high volume horizontal hydraulic fracturing treatment chemicals furnished under a claim of trade secret may be disclosed by the Department to a health professional for the limited purpose of determining what health care services are necessary for the treatment of an affected patient pursuant to the requirements of this Section. a) A health professional shall complete and submit a request to obtain trade secret chemical information. In the request, the health professional shall: 1) state a need for the information and articulate why the information is needed; 2) identify whether the affected patient requires emergency or non-emergency health care services; and 3) identify the name and profession of the health professional and the name and location of the facility where the affected patient is being treated. b) In an emergency health care situation, a health professional shall:	Revise as indicated: 2) identify whether the ~~affected~~ patient requires emergency or non-emergency health care services; and Revise as indicated: 3) identify the name and profession of the health professional and the name and location of the facility where the ~~affected~~ patient is being treated.	See prior comments on this point. See prior comments on this point.

1) call the Department during normal business hours and, as soon as circumstances permit without impeding the treatment of the affected patient, submit a completed request for information to the Department online or by fax. The Department shall respond to the health professional as quickly as possible by telephone, fax or other methods determined by the Department to be a secure means of disclosure; or	Revise as indicated: ... without impeding the treatment of the ~~affected~~ patient,...	See prior comments on this point.
2) call the trade secret holder at any time (24 hours/7 days a week) and, as soon as circumstances permit without impeding the treatment of the affected patient, submit a completed request for information to the trade secret holder directly by fax or email. The trade secret holder shall respond to the health professional as quickly as possible, but in no case more than 2 hours, by telephone, fax or other methods determined by the trade secret holder to be a secure means of disclosure.	Revise as indicated: ...without impeding the treatment of the ~~affected~~ patient...	See prior comments on this point.
c) In a non-emergency health care situation, a health professional shall: 1) call the Department during normal business hours and submit a completed request for information to the Department online or by fax. The Department shall respond to the health professional within 2 business days by fax or other methods determined by the Department to be a secure means of disclosure; or		

2) call the trade secret holder at any time (24 hours/7 days a week) and submit a completed request for information to the trade secret holder directly by fax or email. The trade secret holder shall respond to the health professional within the same business day by fax or other methods determined by the trade secret holder to be a secure means of disclosure.		
d) The health professional may share information disclosed pursuant to this Section with other persons as may be professionally necessary, including, but not limited to, the affected patient, other health professionals involved in the treatment of the affected patient, the affected patient's family members if the affected patient is unconscious, unable to make medical decisions, or is a minor, the Centers for Disease Control and Prevention, and other government public health agencies.	Revise as indicated: ... limited to, the ~~affected~~ patient,...	See prior comments on this point.
e) As soon as circumstances permit, the health professional who submitted the request for information shall inform the holder of the trade secret the names of all other health professionals to whom the information was disclosed.		

f) As soon as circumstances permit without impeding the treatment of the affected patient, the holder of the trade secret may request a confidentiality agreement consistent with the requirements of this Section from all health professionals to whom the information is disclosed.
g) Any recipient of the information disclosed pursuant to this Section shall not use the information for purposes other than the health needs asserted in the request and shall otherwise maintain the information as confidential. Information so disclosed to a health professional shall in no way be construed as publicly available. (Section 1-77(l) of the Act)

Revise as indicated: ... treatment of the ~~affected~~ patient,...

See prior comments on this point.

SUBPART H: HIGH VOLUME HORIZONTAL HYDRAULIC FRACTURING PREPARATIONS AND OPERATIONS

Section 245.800 General Conditions and Requirements

a) During all phases of high volume horizontal hydraulic fracturing operations, the permittee shall comply with all terms of the permit, the Act and this Part (Section 1-75(a)(1) of the Act).

b) All phases of high volume horizontal hydraulic fracturing operations shall be conducted in a manner that shall not pose a significant risk to public health, life, property, aquatic life, or wildlife (Section 1-75(a)(2) of the Act).

Section 245.805 Hydraulic Fracturing String Requirements and Pressure Testing

Hydraulic fracturing strings, if used in any wells regulated by this Part, shall be set or reset pursuant to the requirements of this Section.

a) Hydraulic fracturing strings must be either strung into a production liner or run with a packer set at least 100 feet below the deepest cement top.

b) A function-tested relief valve and diversion line must be installed and used to divert flow from the hydraulic fracturing string-casing annulus to a covered watertight steel tank in case of hydraulic fracturing string failure.

1) The relief valve must be set to limit the annular pressure to no more than 95% of the working pressure rating of the weakest casings forming the annulus.

2) The annulus between the hydraulic fracturing string and the production or immediate casing must be pressurized to at least 250 psi and monitored.

c) Hydraulic fracturing strings must be tested to not less than the maximum anticipated treating pressure minus the annulus pressure applied between the fracturing string and the production or immediate casing. The pressure test shall be considered successful if the pressure applied has been held for 30 minutes with no more than 5% pressure loss. (Section 1-70(d)(17) of the Act)

d) The permittee shall notify the Department's District Office during regular business hours by phone and electronic mail at least 24 hours before conducting a pressure test of the hydraulic fracturing string to enable an inspector to be present when the test is performed.

e) A record of the pressure test shall be made on a form prescribed by the Department, maintained by the permittee in the well file at the well site, and made available to the Department upon request and included in the high volume horizontal hydraulic fracturing operations completion report pursuant to Section 245.860(d).

f) If any change to the well involving resetting, repositioning, reconnecting or breaking any pressure connection of the hydraulic fracturing string occurs after a stage of high volume horizontal hydraulic treatment, the pressure test requirements of subsections (c) through (e) must be successfully repeated before initiating any subsequent stage of high volume horizontal hydraulic fracturing treatment.

Section 245.810 Surface Equipment Pressure Testing

For all wells regulated by this Part, the final configuration of surface equipment associated with the high volume horizontal hydraulic fracturing treatment, including the injection lines and manifold, associated valves, fracture head or tree and any other wellhead components or connections, must be pressure tested pursuant to the requirements of this Section before any pumping of hydraulic fracturing fluid.

a) The permittee shall notify the Department's District Office during regular business hours by phone and electronic mail at least 24 hours before conducting a pressure test of the final configuration of the surface equipment used for the high volume horizontal hydraulic fracturing treatment to enable an inspector to be present when the test is performed.

b) The final configuration of the surface equipment used for the high volume horizontal hydraulic fracturing treatment must be pressure tested with fresh water or brine to at least the maximum anticipated treatment pressure for at least 30 minutes with less than a 5% pressure loss.

c) A record of the pressure test must be made on a form prescribed by the Department, maintained by the permittee in the well file at the well site, and made available to the Department upon request. (Section 1-75(b)(2) of the Act)

d) If the configuration of surface equipment used for the high volume horizontal hydraulic fracturing treatment has been reconfigured or changed in any manner that breaks any pressure connection after a stage of high volume horizontal hydraulic fracturing operations treatment, the pressure test requirements of subsections (a) through (c) must be successfully repeated before initiating any subsequent stage of high volume horizontal hydraulic fracturing operations.

Section 245.815 Notice and Approval Before Commencement of High Volume Horizontal Hydraulic Fracturing Operations

Before commencement of high volume horizontal hydraulic fracturing operations, the permittee must notify and receive written approval from the Department by U.S. mail or electronic mail. Department approval for high volume horizontal hydraulic fracturing operations shall be based on the permit tee's compliance with the following:

a) The permittee shall notify the Department's District Office during regular business hours by phone and electronic mail or letter at least 48 hours before the commencement of high volume horizontal hydraulic fracturing operations to enable an inspector to be present (Section 1-75(a)(3) of the Act). The notification under this subsection shall be notice for all stages of a multiple-stage high volume horizontal hydraulic fracturing treatment.

b) Prior to conducting high volume horizontal hydraulic fracturing operations at a well site, the permittee shall cause to be plugged all previously abandoned unplugged or insufficiently plugged well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the geologic formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations pursuant to the requirements of Section 245.1010 (Section 1-95(b) of the Act).

c) Baseline water quality sampling of all water sources within 1,500 feet of the well site must be completed pursuant to Section 245.600(b).

d) All tests required by the following Sections shall be conducted:
1) Section 245.540: well casing internal mechanical integrity tests (see Sections 1-75(b)(1) and 1-70(d)(16) of the Act);

2) Section 245.580: formation integrity tests (see Sections 1-75(b)(1) and 1-70(d)(18) of the Act);

3) Section 245.805: hydraulic fracturing string pressure tests, if required (see Sections 1-75(b)(1) and 1-70(d)(17) of the Act) ; and

4) Section 245.810: surface equipment pressure tests (see Section 1-75(b)(2) of the Act).

Section 245.820 Secondary Containment Inspections

No more than one hour before initiating any stage of the high volume horizontal hydraulic fracturing operations, all secondary containment required pursuant to Section 245.825(b) must be visually inspected by the permittee or the contractor performing the high volume horizontal hydraulic fracturing operations on behalf of the permittee to ensure that all structures and equipment are in place and in proper working order. The results of this inspection must be recorded and documented by the permittee or the contractor performing the high volume horizontal hydraulic fracturing operations on behalf of the permittee on a form prescribed by the Department, maintained in the well file at the well site, and available to the Department upon request. (Section 1-75(c)(13) of the Act)

Section 245.825 General Fluid Storage

In accordance with the approved hydraulic fracturing fluid and flowback plan required by Section 245.210(a)(11) and the approved containment plan required by Section 245.210(a)(13), and except as provided in Section 245.830, hydraulic fracturing additives, hydraulic fracturing fluid, hydraulic fracturing flowback, and produced water shall be stored in above-ground tanks pursuant to the requirements of this Section at all times until removed for proper disposal or recycling (Section 1-75(c)(1) and (c)(2) of the Act).

a) Above-ground tanks must be:
1) closed, watertight, vented in compliance with Section 245.910, and corrosion-resistant (Section 1-75(c)(4) of the Act);
2) constructed of materials compatible with the composition of the hydraulic fracturing fluid, hydraulic fracturing flowback, and produced water (Section 1-70(b)(3) of the Act);

3) of sufficient pressure rating (Section 1-75(c)(6) of the Act);
4) maintained in a leak-free condition (Section 1-75(c)(6) of the Act); and
5) routinely inspected for corrosion (Section 1-75(c)(4) of the Act).
b) Secondary containment is required for all above-ground tanks and additive staging areas.

1) Secondary containment measures may include one or a combination of the following: dikes, liners, pads, impoundments, curbs, sumps, or other structures or equipment capable of containing the substance within the well site.

2) Any secondary containment must be sufficient to contain 150% of the total capacity of the single largest container or tank within a common containment area. (Section 1-75(c)(13) of the Act)

c) Piping, conveyances, valves in contact with hydraulic fracturing fluid, hydraulic fracturing flowback, or produced water must be (Section 1-70(b)(3) of the Act):

1) constructed of materials compatible with the expected composition of the hydraulic fracturing fluid, hydraulic fracturing flowback, and produced water (Section 1-70(b)(3) of the Act);

2) of sufficient pressure rating (Section 1-75 (c)(6) of the Act);

3) able to resist corrosion (Section 1-75(c)(6) of the Act); and

4) maintained in a leak-free condition. (Section 1-75(c)(6) of the Act)

d) Stationary fueling tanks shall meet the requirements of this subsection (d).

1) Stationary fueling tanks shall have secondary containment in accordance with subsection (b) (Section 1-70(c)(2) of the Act);

2) Stationary fueling tanks shall be subject to the setback requirements of Section 245.400 (Section 1-70(c)(2) of the Act);
3) Stationary fueling tank filling operations shall be supervised at the fueling truck and at the tank if the tank is not visible to the fueling operator from the truck (Section 1-70(c)(3) of the Act); and

4) Troughs, drip pads, or drip pans are required beneath the fill port of a stationary fueling tank during filling operations if the fill port is not within the secondary containment required by subsection (b) (Section 1-70(c)(4) of the Act).

e) Fresh water may be stored in tanks or pits at the election of the permittee (Section 1-75(c)(3) of the Act).

Section 245.830 Reserve Pits

a) In accordance with the hydraulic fracturing fluids and flowback plan required by Section 245.210(a)(11) and the containment plan required pursuant to Section 245.210(a)(13), and as approved by the Department, the use of a reserve pit is allowed for the temporary storage of hydraulic fracturing flowback. The reserve pit shall be used only in the event of a lack of capacity for tank storage due to higher than expected volume or rate of hydraulic fracturing flowback, or other unanticipated flowback occurrence. (Section 1-75(c)(2) of the Act)

b) All reserve pits must comply with the following construction standards and liner specifications (Section 1-75(c)(2) of the Act): 1) the synthetic liner material shall have a minimum thickness of 24 mils with high puncture and tear strength and be impervious and resistant to deterioration (Section 1-75(c)(2)(A) of the Act); 2) the pit lining system shall be designed to have a capacity at least equivalent to 110% of the maximum volume of hydraulic fracturing flowback anticipated to be recovered (Section 1-75(c)(2)(B) of the Act); 3) the lined pit shall be constructed, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices to prevent overflow during any use (Section 1-75(c)(2)(C) of the Act); 4) the liner shall have sufficient elongation to cover the bottom and interior sides of the pit with the edges secured with at least a 12 inch deep anchor trench around the pit perimeter to prevent any slippage or destruction of the liner materials (Section 1-75(c)(2)(D) of the Act); and 5) the foundation for the liner shall be free of rock and constructed with soil having a minimum thickness of 12 inches after compaction covering the entire bottom and interior sides of the pit (Section (c)(2)(E) of the Act).	Revise as indicated: 3) the lined pit shall be constructed, **liner** installed and maintained in	Clarification

c) Hydraulic fracturing flowback reserve pit liners shall be disposed of in an Agency-permitted special waste landfill.

Section 245.835 Mechanical Integrity Monitoring

a) During high volume horizontal hydraulic fracturing operations, all sealed annulus pressures, the injection pressure, and the rate of injection shall be continuously monitored and recorded. The records of the monitoring shall be maintained by the permittee in the well file at the well site and shall be provided to the Department upon request at any time during the period up to and including 5 years after the well is permanently plugged or abandoned. (Section 1-75(b)(4) of the Act)

b) During high volume horizontal hydraulic fracturing operations:

1) The pressure test values established for the internal mechanical integrities of the cemented casings pursuant to Section 245.540 and of the hydraulic fracturing string pursuant to Section 245.805 shall not be exceeded. If any of these pressures decline more than 5% or if there are other indications of a leak, corrective action shall be taken before conducting further high volume horizontal hydraulic fracturing operations. (Section 1-70(d)(16) of the Act)

Revise s indicated: ... If any of these pressures decline more than 5% **during testing** or....

Clarify that the 5% threshold applies to the pressure testing process. Pressures during the hydraulic fracturing operation will regularly vary more than 5%, thus such a limit on operating pressures (injection pressure for example) is not workable.

2) The pressure exerted on treating equipment, including valves (includes hydraulic fracturing string relief valve; see Section 245.805(b) of this Part and Section 1-70(d)(17) of the Act), lines, manifolds, hydraulic fracturing head or tree, casing and hydraulic fracturing string, if used, and any other wellhead component or connection, must not exceed 95% of the working pressure rating of the weakest component (Section 1-75(b)(2) and (b)(3) of the Act).

3) The relief valve installed pursuant to Section 245.560(o) should be set so that the pressure exerted on the casing does not exceed the mechanical integrity test pressure of the casing established pursuant to Section 245.240.

4) The actual hydraulic fracturing treatment pressure during high volume horizontal hydraulic fracturing operations must not, at any time, exceed the mechanical integrity test pressures of the casings established pursuant to Section 245.540 (Section 1-70(d)(18) of the Act).

c) High volume horizontal hydraulic fracturing operations must be immediately suspended if the permittee or Department inspector determines that any anomalous pressure or flow condition or any other anticipated pressure or flow condition is occurring in a way that indicates the mechanical integrity of the well has been compromised and continued operations pose a risk to the environment. Remedial action shall be immediately undertaken. (Section 1-75(b)(5) of the Act)

d) The permittee shall notify the Department inspector and the Department's District Office by phone and electronic mail within 1 hour after suspending operations for any matters relating to the mechanical integrity of the well or risk to the environment. (Section 1-75(b)(5) of the Act)

e) Operations shall not resume until the appropriate pressure tests referenced in Sections 245.805 and 245.810 have been successfully repeated.

Section 245.840 Hydraulic Fracturing Fluid and Flowback Confinement

a) Hydraulic fracturing fluid shall be confined to the targeted formation designated in the permit.

b) If the hydraulic fracturing fluid or hydraulic fracturing flowback migrate into a fresh water zone or to the surface from the well in question or from other wells, the permittee shall immediately notify the Department and shut in the well until remedial action that prevents the fluid migration is completed. The permittee shall obtain the approval of the Department prior to resuming operations. (Section 1-75(d) of the Act)

c) Permittee shall be responsible for damages caused by the migration of hydraulic fracturing fluid or hydraulic fracturing flowback outside the targeted formation.

Section 245.845 Management of Gas and Produced Hydrocarbons During Flowback
For wells regulated by this Part, permittees shall be responsible for managing natural gas and hydrocarbon fluids produced during the flowback period to ensure no direct release to the atmosphere or environment as follows:

a) Except for wells covered by subsection (e), recovered hydrocarbon fluids shall be:
1) Routed to one or more storage vessels; or

2) Injected into a permitted Class II UIC well as described in Section 245.300(c)(7); or
3) Used for another lawful and useful purpose that a purchased fuel or raw material would serve, with no direct release to the environment.

The reference should be to subsection (f).

b) Except for wells covered by subsection (e), recovered natural gas shall be:
1) Routed into a flow line or collection system; or

2) Injected into a permitted Class II UIC well as described in Section 245.300(c)(7); or
3) Used as an on-site fuel source; or
4) Used for another lawful and useful purpose that a purchased fuel or raw material would serve, with no direct release to the atmosphere. (Section 1-75(e)(2) of the Act)

The reference should be to subsection (f).

c) If it is technically infeasible or economically unreasonable to minimize emissions associated with the venting of hydrocarbon fluids and natural gas during the flowback period using the methods specified in subsections (a) and (b), the Department, in consultation with the Agency as the Department deems appropriate, shall require the permittee to capture and direct the emissions to a completion combustion device, except:

1) When conditions may result in a fire hazard or explosion; or
2) Where high heat emissions from a completion combustion device may negatively impact waterways.

d) In order to establish technical infeasibility or economic unreasonableness under subsection (c), the permittee must demonstrate to the Department's satisfaction, for each well site on an annual basis, that taking the actions listed in subsections (a) and (b) are not cost effective based on a well site-specific analysis. The Department, in consultation with the Agency as the Department deems appropriate, shall provide the permittee with a written decision.		
e) Completion combustion devices must be equipped with a reliable continuous ignition source over the duration of the flowback period. (Section 1-75(e)(3) of the Act)		
f) For each wildcat well, delineation well, or low pressure well, permittees shall be responsible for minimizing the emissions associated with venting of hydrocarbon fluids and natural gas during the flowback period by capturing and directing the emissions to a completion combustion device during the flowback period, except in conditions that may result in a fire hazard or explosion, or where high heat emissions from a completion combustion device may negatively impact waterways. Completion combustion devices shall be equipped with a reliable continuous ignition source over the duration of the flowback period. (Section 1-75(e)(8) of the Act)	Revise as indicated: i) For each wildcat well, delineation well, **low volume,** or low pressure well,	Wells that produce gas at uneconomic volumes should be afforded this exemption.

Section 245.850 Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal or Recycling, Transportation and Reporting Requirements

The permittee shall notify the Department of the date when high volume horizontal hydraulic fracturing operations are completed and shall dispose of or recycle hydraulic fracturing fluids and hydraulic fracturing flowback pursuant to the requirements of this Section.

a) Completion of high volume horizontal hydraulic fracturing operations occurs when the flowback period begins after the last stage of high volume horizontal hydraulic fracturing operations. The permittee shall notify the Department's District Office by phone and electronic mail within 24 hours after high volume horizontal hydraulic fracturing operations are completed.

b) Hydraulic fracturing fluids and hydraulic fracturing flowback must be removed from the well site within 60 days after completion of high volume horizontal fracturing operations, except as provided in subsection (c) (Section 1-75(c)(5) of the Act).

c) Any excess hydraulic fracturing flowback captured for temporary storage in a reserve pit as provided in Section 245.825 must be removed from the well site or transferred to storage in above-ground tanks for later disposal or recycling within 7 days after completion of high volume horizontal hydraulic fracturing operations. Excess hydraulic fracturing flowback cannot be removed from the well site until the hydraulic fracturing flowback is tested and the analytical results are provided pursuant to subsection (d) (Sections 1-75(c)(5) and (c)(8) of the Act).

d) Testing of hydraulic fracturing flowback shall be completed as follows:
1) Hydraulic fracturing flowback must be tested for the presence of volatile organic chemicals, semi-volatile organic chemicals, inorganic chemicals, heavy metals, and naturally occurring radioactive material before removal from the well site, including specifically:

A) pH;
B) total dissolved solids, dissolved methane, dissolved propane, dissolved ethane, alkalinity, and specific conductance;

C) chloride, sulfate, arsenic, barium, calcium, chromium, iron, magnesium, selenium, cadmium, lead, manganese, mercury, and silver;

D) BTEX; and

E) gross alpha and beta particles to determine the presence of any naturally occurring radioactive materials.

2) Testing shall be completed on a composited sample of the hydraulic fracturing flowback.

3) Testing shall occur once per well site at an Agency-accredited or -certified independent laboratory. When no laboratory has been accredited or certified by the Agency to analyze a particular substance requested in subsection (d), results will be considered only if they have been analyzed by a laboratory accredited or certified by another State agency or an agency of the federal government, if the standards used for the accreditation or certification of that laboratory are substantially equivalent to the accreditation standard under Section 4(o) of the Illinois Environmental Protection Act [415 ILCS 5].

4) The analytical results shall be filed with the Department and the Agency, and provided to the liquid oilfield waste transportation and disposal operators at or before the time of pickup. (Section 1-75(c)(7) of the Act)

e) Before plugging and site restoration required by Section 245.1030, the ground adjacent to the storage tanks and any hydraulic fracturing flowback reserve pit must be measured for radioactivity (Section 1-75(c)(7) of the Act).

f) Surface discharge of hydraulic fracturing fluids or hydraulic fracturing flowback onto the ground or into any surface water or water drainage way at the well site or any other location is prohibited (Sections 1-75(c)(9) and 1-25(c) of the Act).

g) Except for recycling allowed by subsection (i), hydraulic fracturing flowback may only be disposed of by injection into a Class II injection disposal well that is below interface between fresh water and naturally occurring Class IV groundwater (Sections 1-75(c)(8) and 1-25(c) of the Act). The Class II injection disposal well must be equipped with an electronic flowmeter and approved by the Department.

h) Fluid transfer operations from tanks to tanker trucks for transportation offsite must be supervised at the truck and at the tank if the tank is not visible to the truck operator from the truck. During transfer operations, all interconnecting piping must be supervised if not visible to transfer personnel at the truck and tank. (Section 1-75(c)(6) of the Act)

i) Hydraulic fracturing flowback may be treated and recycled for use in hydraulic fracturing fluid for high volume horizontal hydraulic fracturing operations. (Section 1-75(c)(8) of the Act)

j) Transport of all hydraulic fracturing fluids and hydraulic fracturing flowback by vehicle for disposal or recycling must be undertaken by a liquid oilfield waste hauler permitted by the Department under Section 8c of the Illinois Oil and Gas Act. The liquid oilfield waste hauler transporting hydraulic fracturing fluids or hydraulic fracturing flowback under this Part shall comply with all laws, rules, and regulations concerning liquid oilfield waste. (Section 1-75(c)(10) of the Act)

k) A fluid handling report on the transportation and disposal or recycling of the hydraulic fracturing fluids and hydraulic fracturing flowback shall be prepared by the permittee on a form prescribed by the Department and included in the well file.

1) Each report must include:

A) the amount of hydraulic fracturing fluids or hydraulic fracturing flowback transported;

B) identification of the company that transported the hydraulic fracturing fluids or hydraulic fracturing flowback;

C) the date the hydraulic fracturing fluids or hydraulic fracturing flowback were picked up from the well site (see Section 1-75(c)(14) of the Act);

D) the destination of the hydraulic fracturing fluids or hydraulic fracturing flowback, including the name, address and type of facility accepting the hydraulic fracturing fluids or hydraulic fracturing flowback;

E) the method of disposal (Section 1-75(c)(14) of the Act) or recycling; and
F) a copy of the analytical results of the testing required pursuant to subsection (d).
2) The permittee shall prepare 4 copies of each fluid handling report for distribution as follows:

A) one copy for the permittee's records;
B) two copies for the liquid oilfield waste hauler upon pick-up of the liquids as follows:

i) one copy for the waste hauler's records; and

ii) one copy to be provided to the permittee of the Class II UIC well, to the operator of the storage location where the liquids will be disposed of, or to the operator of the storage location where liquids will be recycled; and

C) one copy for the Department. A set of all fluid handling reports shall be submitted to the Department within 90 days after the completion of all high volume horizontal hydraulic fracturing operations.
3) All copies of the fluid handling reports shall be retained for at least 5 years.
Section 245.855 Spills and Remediation

a) Any release of hydraulic fracturing fluid, hydraulic fracturing additive, hydraulic fracturing flowback, or produced water, used or generated during or after high volume horizontal hydraulic fracturing operation, shall be immediately cleaned up and remediated pursuant to requirements of the Illinois Oil and Gas Act and the administrative rules promulgated under the Act.

b) Any release of hydraulic fracturing fluid or hydraulic fracturing flowback in excess of one barrel, shall be reported to the Department.

c) Any release of produced water in excess of 5 barrels shall be cleaned up, remediated, and reported pursuant to requirements of the Illinois Oil and Gas Act and the administrative rules promulgated under that Act.

d) Any release of a hydraulic fracturing additive shall be reported to IEMA in accordance with the appropriate reportable quantity thresholds established under the federal Emergency Planning and Community Right-to-Know Act as published at 40 CFR 355, 370, and 372, the federal Comprehensive Environmental Response, Compensation, and Liability Act as published in 40 CFR 302, and Section 112(r) of the Federal Clean Air Act as published at 40 CFR 68. (Section 1-75(c)(12) of the Act)

Section 245.860 High Volume Horizontal Hydraulic Fracturing Operations Completion Report

a) Within 60 calendar days after the conclusion of high volume horizontal hydraulic fracturing operations, the permittee shall file a high volume horizontal hydraulic fracturing operations completion report with the Department in hard copy and electronic format (PDF).

b) A copy of each completion report submitted to the Department shall be provided by the Department to the Illinois State Geological Survey in electronic format.

c) Completion reports shall be made available on the Department's website no later than 30 days after receipt by the Department. (Section 1-75(f) of the Act)

d) The high volume horizontal hydraulic fracturing operations completion report shall contain the following information (Section 1-75(f) of the Act):

1) the permittee's name as listed in the permit application (Section 1-75(f)(1) of the Act);

2) the dates of the high volume horizontal hydraulic fracturing operations (Section 1-75(f)(2) of the Act);

3) the county where the well is located (Section 1-75(f)(3) of the Act);

4) the well name and Department reference number (Section 1-75(f)(4) of the Act);

5) the total water volume used in each stage and the total used in the high volume horizontal hydraulic fracturing operations of the well, and the type and total volume of the base fluid used if something other than water (Section 1-75(f)(5) of the Act); 6) each source from which the water used in the high volume horizontal hydraulic fracturing operations was drawn, and the specific location of each source, including, but not limited to, the name of the county and latitude and longitude coordinates (Section 1-75(f)(6) of the Act);		
7) the quantity of hydraulic fracturing flowback recovered from the well and the time period for flowback recovery (Section 1-75(f)(7) of the Act);		
8) a description of how hydraulic fracturing flowback recovered from the well was disposed or recycled (Section 1-75(f)(8) of the Act);		
9) a chemical disclosure report identifying each chemical and proppant used in hydraulic fracturing fluid for each stage of the high volume horizontal hydraulic fracturing operations including the following (Section 1-75(f)(9) of the Act): A) the total volume of water used in the high volume horizontal hydraulic fracturing treatment of the well or the type and total volume of the base fluid used in the high volume horizontal hydraulic fracturing treatment, if something other than water (Section 1-75(f)(9)(A) of the Act);	The department should allow posting of this data to the FracFocus website to meet the compliance requirements of this part.	As stated previously, the data requirement for this section are identical to those used by FracFocus. See prior comments on this point.

B) each hydraulic fracturing additive used in the hydraulic fracturing fluid, including the trade name, vendor, a brief descriptor of the intended use or function of each hydraulic fracturing additive, and the Material Safety Data Sheet (MSDS), if applicable (Section 1-75(f)(9)(B) of the Act);

C) each chemical intentionally added to the base fluid, including, for each chemical, the Chemical Abstracts Service number, if applicable (Section 1-75(f)(9)(C) of the Act); and

D) the actual concentration in the base fluid, in percent by mass, of each chemical intentionally added to the base fluid (Section 1-75(f)(9)(D) of the Act);

10) a copy of the hydraulic fracturing string pressure test conducted pursuant to Section 245.805(e), if applicable;

11) all pressures recorded during the high volume horizontal hydraulic fracturing operations in accordance with Section 245.835 (Section 1-75(f)(10) of the Act);

12) plans for how produced water will be disposed of or recycled as required by Section 245.940 (see Section 1-75(c)(8) of the Act). If produced water is to be disposed of, the names and locations of Class II injection wells to be used. All Class II injection wells to be used for disposal of produced water must be shown to be in compliance with 62 Ill. Adm. Code 240.360 at the time of the issuance of the high volume horizontal hydraulic fracturing permit; and		
13) any other reasonable or pertinent information related to the conduct of the high volume horizontal hydraulic fracturing operations the Department may request or require (Section 1-75(f)(11) of the Act). e) The high volume horizontal hydraulic fracturing operations completion report must be approved and signed and certified by a licensed professional engineer, licensed professional geologist or the permittee.		
Section 245.870 Use of Diesel in High Volume Horizontal Hydraulic Fracturing Operations is Prohibited It is unlawful to perform any high volume horizontal hydraulic fracturing operations by knowingly or recklessly injecting diesel (Section 1-25(d) of the Act).	Delete the term "recklessly". A simple statement prohibiting the injection of diesel in hydraulic fracturing operations is sufficient.	This tem is not defined and is subject to broad and inconsistent interpretation
SUBPART I: HIGH VOLUME HORIZONTAL HYDRAULIC FRACTURING PRODUCTION **Section 245.900 Managing Natural Gas and Hydrocarbon Fluids During Production**		

For wells regulated by this Part, permittees shall be responsible for minimizing the emissions associated with venting of hydrocarbon fluids and natural gas during the production phase to safely maximize resource recovery and minimize releases to the environment (Section 1-75(e)(4) of the Act).

a) Except for wells covered by subsection (i), sand traps, surge vessels, separators, and tanks must be employed as soon as practicable during cleanout operations to safely maximize resource recovery and minimize releases to the environment. (Section 1-75(e)(4)(B) of the Act)

b) Except for wells covered by subsection (i), recovered hydrocarbon fluids must be routed into storage vessels. (Section 1-75(e)(4)(A) of the Act)

c) Except for wells covered by subsection (i), recovered natural gas must be:
1) routed into a gas gathering line or collection system, or to a generator for onsite energy generation;
2) provided to the surface landowner of the well site for use for heat or energy generation; or

3) used for a lawful and useful purpose other than venting or flaring. (Section 1-75(e)(4)(A))

d) If the permittee establishes that it is technically infeasible or economically unreasonable to minimize emissions associated with the venting of hydrocarbon fluids and natural gas during production using the methods specified in subsections (b) and (c), the Department, in consultation with the Agency as the Department deems appropriate, shall require the permittee to capture and direct any natural gas produced during the production phase to a flare.

e) In order to establish technical infeasibility or economic unreasonableness under subsection (d), the permittee must demonstrate to the Department's satisfaction, for each well site on an annual basis, that taking the actions listed in subsections (b) and (c) are not cost effective based on a well site-specific analysis. The Department, in consultation with the Agency as the Department deems appropriate, shall provide the permittee with a written decision.

f) Any flare used pursuant to this Section shall be equipped with a reliable continuous ignition source over the duration of production.

g) Permittees that use a flare during the production phase for operations other than emergency conditions shall file an updated well site-specific analysis annually with the Department on a form prescribed by the Department in consultation with the Agency. The analysis shall:

1) be due one year from the date of the previous submission; and 2) detail whether any changes have occurred that alter the technical infeasibility or economic unreasonableness of the permittee to reduce emissions in accordance with subsections (b) and (c). (Section 1-75(e)(5) of the Act)		
h) On or after July 1, 2015, all flares used under this Section shall: 1) operate with a combustion efficiency of at least 98% and in accordance with 40 CFR 60.18;		
2) be certified by the manufacturer of the device; and 3) be maintained and operated in accordance with manufacturer specifications. (Section 1-75(e)(9) of the Act)		
i) For each wildcat well, delineation well, or low pressure well, permittees shall be responsible for minimizing the emissions associated with venting of hydrocarbon fluids and natural gas during the production phase by capturing and directing the emissions to a flare during the production phase, except in conditions that may result in a fire hazard or explosion, or where high heat emissions from a flare may negatively impact waterways. Flares shall be used during the production phase. (Section 1-75(e)(8) of the Act)	Revise as indicated: i) For each wildcat well, delineation well, **low volume,** or low pressure well,	Wells that produce gas at uneconomic volumes should be afforded this exemption.

Section 245.910 Uncontrolled Emissions from Storage Tanks Containing Natural Gas and Hydrocarbon Fluids

a) In addition to the requirements of Section 245.900, uncontrolled emissions exceeding 6 tons per year from storage tanks containing natural gas or hydrocarbon fluids shall be recovered and routed to a flare that is designed in accordance with 40 CFR 60.18 and is certified by the manufacturer of the device.

b) The permittee shall maintain and operate the flare in accordance with the manufacturer's specifications.

c) Any flare used under this Section must be equipped with a reliable continuous ignition source over the duration of production pursuant to the requirements of Section 245.900(h). (Section 1-75(e)(6) of the Act)

Section 245.920 Flaring Waiver

For wells regulated by this Part:

a) The Department, in consultation with the Agency as the Department deems appropriate, may approve an exemption request made in writing that waives the flaring requirements of Sections 245.900 and 245.910 only if the permittee demonstrates to the Department's satisfaction that the use of the flare will pose a significant risk of injury or property damage and that alternative methods of collection will not threaten harm to the environment (Section 1-75(e)(7) of the Act).

b) In determining whether to approve a waiver, the Department, in consultation with the Agency as the Department deems appropriate, shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures, crops, inhabited structures, public buildings, and public roads and railways (Section 1-75(e)(7) of the Act).

c) The Department, in consultation with the Agency as the Department deems appropriate, shall provide the permittee with a written decision.

Section 245.930 Annual Flaring Reports

Pursuant to Sections 245.900 and 245.910, permittees shall record on an annual basis and report to the Department on an annual basis the amount of gas flared or vented from each high volume horizontal hydraulic fracturing well (Section 1-75(e)(11) of the Act).

Section 245.940 Produced Water Disposal or Recycling, Transportation and Reporting Requirements

The permittee shall dispose of or recycle produced water in accordance with the requirements of this Section:

a) Surface discharge of produced water onto the ground or into any surface water or water drainage way is prohibited (Sections 1-75(c)(9) and 1-25(c) of the Act).

b) Except for recycling allowed under subsection (d), produced water may only be disposed of by injection into a Class II injection well that is below interface between fresh water and naturally occurring Class IV groundwater (Sections 1-75(c)(8) and 1-25(c) of the Act). Unless used for enhanced oil recovery, the Class II injection well must be equipped with an electronic flowmeter and approved by the Department.

c) Produced water transfer operations from tanks to tanker trucks for transportation offsite must be supervised at the truck and at the tank if the tank is not visible to the truck operator from the truck. During transfer operations, all interconnecting piping must be supervised if not visible to transfer personnel at the truck and tank. (Section 1-75(c)(6) of the Act)

d) Produced water may be treated and recycled for use in hydraulic fracturing fluid for high volume horizontal hydraulic fracturing operations (Section 1-75(c)(8) of the Act).

e) Transport of produced water by vehicle for disposal or recycling must be undertaken by a liquid oilfield waste hauler permitted by the Department under Section 8c of the Illinois Oil and Gas Act. The liquid oilfield waste hauler transporting produced water under this Part shall comply with all laws, rules, and regulations concerning liquid oilfield waste. (Section 1-75(c)(10) of the Act)

f) Permittees must submit an annual produced water report to the Department detailing the management of any produced water associated with the permitted well.
1) The produced water report shall be due to the Department no later than April 30 of each year and shall provide information on the operator's management of any produced water for the prior calendar year and the anticipated management for the next calendar year; and

2) The produced water report shall contain information relative to the amount of produced water from the well, the method by which the produced water was transported and disposed of or recycled, the destination where the produced water was disposed of (Section 1-75(c)(15) of the Act) or recycled.

SUBPART J: PLUGGING AND RESTORATION
Section 245.1000 Plugging and Restoration Requirements

a) The permittee shall perform and complete plugging of the well and restoration of the well site in accordance with the Illinois Oil and Gas Act and any and all rules adopted under that Act (62 Ill. Adm. Code 240.Subpart K). The permittee shall bear all costs related to plugging of the well and reclamation of the well site.

b) If the permittee fails to plug the well in accordance with this Section, the owner of the well shall be responsible for complying with this Section. (Section 1-95(a) of the Act)

c) Special Plugging Requirement
If the permittee stimulates the geologic formation in accordance with the permit using a high volume horizontal hydraulic fracturing process, then once commercial production ceases from the well and it is time to plug the well, in addition to all the other requirements, the permittee shall initiate the plugging process using a circulation method starting at the top of the geologic formation stimulated installing a cement plug at least 100 feet above the top of the geologic formation.

d) Upon completion of the requirements of this Subpart J, the Department will release the permit in accordance with Section 245.350.

Section 245.1010 Plugging Previously Abandoned Unplugged or Insufficiently Plugged Wells

Prior to conducting high volume horizontal hydraulic fracturing operations at a well site, the permittee shall cause to be plugged all previously abandoned unplugged or insufficiently plugged well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the geologic formation that will be stimulated as part of the high volume horizontal hydraulic fracturing operations pursuant to the requirements of this Section (Section 1-95(b) of the Act). a) Any abandoned unplugged, or insufficiently plugged, well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the geologic formation that will be stimulated as part of the permittee's proposed high volume horizontal hydraulic fracturing operations (Section 1-95 of the Act) shall be designated for plugging by the Department as a condition of the permit that shall be completed before conducting high volume horizontal hydraulic fracturing operations. b) This pre-high volume horizontal hydraulic fracturing operations plugging obligation shall be performed in accordance with 62 Ill. Adm. Code 240.1110 and shall be completed before any high volume horizontal hydraulic fracturing operations may begin.	The department should better describe what constitutes an "insufficiently plugged well".	Absent a clear description of this term, inconsistent application of this requirement is likely.

1) If the permittee does not have authority to plug an abandoned well within the Plugging and Restoration Fund Program, the Department will give the permittee authority to enter upon the land, plug the well, and restore the well site consistent with 62 Ill. Adm. Code 240.1610(e).

2) If the permittee does not have authority to plug an abandoned well that is not within the Plugging and Restoration Fund Program, either:

A) the Department will initiate abandoned well proceedings pursuant to Section 19.1 of the Illinois Oil and Gas Act and 62 Ill. Adm. Code 240.1610, in order to grant the permittee authority to plug the abandoned well; or

B) the permittee will work with the landowner and the person responsible for the abandoned well to arrange for plugging and restoration.

c) If the permittee is unable to locate an abandoned unplugged well or insufficiently plugged well identified by the Department for plugging before high volume horizontal hydraulic fracturing operations begin, the permittee may receive a waiver of the plugging requirement from the Department after demonstrating a diligent effort to locate the abandoned unplugged well or insufficiently plugged well in the field.

d) Before proceeding with any high volume horizontal hydraulic fracturing operations, the permittee shall receive written approval from the Department that all wells under the permit within 750 feet of any part of the horizontal well bore that appear to penetrate within 400 vertical feet of the formation that the permittee intends to stimulate have been plugged, or that the plugging requirements have been met.

e) If, during or after performing high volume horizontal hydraulic fracturing operations, there is any evidence of fluids leaking at the surface from abandoned wells, unpermitted wells, or previously plugged wells within 750 feet of any part of the horizontal well bore,

1) the permittee shall immediately notify the Department and shut in the well;

2) the permittee shall plug those wells and restore the well sites in accordance with 62 Ill. Adm. Code 240.870, 240.875 and 240.1110; and

3) the permittee shall obtain the approval of the Department prior to resuming operations.

1) the permittee shall immediately **stop hydraulic fracturing operations and** notify the Department ~~and shut in the well~~;

Establish priorities and clarify the requirement.

f) If, during or after performing high volume horizontal hydraulic fracturing operations, there is any evidence of damage from the permittee's high volume horizontal hydraulic fracturing operations to a producing well within 750 feet of any part of the horizontal well bore, the permittee shall be responsible for all repairs to the well construction or the costs of plugging the damaged well.		
Section 245.1020 Restoration of Lands Other than the Well Site and Production Facility Unless contractually agreed to the contrary by the permittee and the surface landowner, the permittee shall restore any lands used by the permittee other than the well site and production facility to a condition as closely approximating the pre-drilling conditions that existed before the land was disturbed for any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations.	Revise as indicated: ...the permittee shall ~~restore~~ **reclaim** any lands used...	The more accurate term to use in this context is reclaim rather than restore. It is rarely possible to fully restore a landscape immediately. Restoration is a process that can take long periods of time, hence reclamation is more appropriate.
a) Restoration shall be commenced within 6 months after completion of the well site and shall be completed within 12 months.	Revise as indicated: a) ~~Restoration~~ **Reclamation** shall be commenced...	See prior comments on this point.
b) Restoration shall include, but is not limited to: 1) repair of tile lines, 2) repair of fences and barriers, 3) mitigation of soil compaction and rutting, 4) application of fertilizer or lime to restore the fertility of disturbed soil, and	Revise as indicated: b) ~~Restoration~~ **Reclamation** shall include,	See prior comments on this point.

5) repair of soil conservation practices such as terraces and grassed waterways. (Section 1-95(c) of the Act)		
Section 245.1030 Restoration of the Well Site and Production Facility		
Unless contractually agreed to the contrary by the permittee and surface landowner, the permittee shall restore the well site and production facility to a condition as closely approximating the pre-drilling conditions that existed before the land was disturbed for any stage of site preparation activities, drilling, and high volume horizontal hydraulic fracturing operations.	Revise as indicated: ...permittee shall ~~restore~~ **reclaim** the well site	See prior comments on this point.
a) Restoration shall include: 1) all of the requirements set forth in Section 245.1020(b); 2) removal of all equipment and materials involved in site preparation, drilling, and high volume horizontal hydraulic fracturing operations, including tank batteries, rock and concrete pads, oil field debris, injection and flow lines at or above the surface, electric power lines and poles extending on or above the surface, tanks, fluids, pipes at or above the surface, secondary containment measures, rock or concrete bases, drilling equipment and supplies, and any and all other equipment, facilities, or materials used during any stage of site preparation work, drilling, or high volume horizontal hydraulic fracturing operations at the well site;	Revise as indicated: a) ~~Restoration~~ **Reclamation** shall include:	See prior comments on this point.

3) all of the requirements of 62 Ill. Adm. Code 240.1180 and 240.1181;		
b) Restoration and work on the removal of equipment and materials at the well site shall begin within 6 months after plugging the final well on the well site and be completed no later than 12 months after the last producing well on the well site has been plugged; and	Revise as indicated: b) ~~Restoration~~ **Reclamation** and work on the removal	See prior comments on this point.
c) Roads installed as part of the oil and gas operation may only be left in place if provided in the lease or pursuant to agreement with the landowner, as applicable. (Section 1-95(d) of the Act)		
SUBPART K: ENFORCEMENT		
Section 245.1100 Suspension, Revocation, Remediation and Administrative Penalties		
The Department may, through the enforcement process set forth in this Subpart, suspend or revoke a high volume horizontal hydraulic fracturing permit, order actions to remediate, or issue administrative penalties for one or more of the following causes:		
a) providing misleading, or materially untrue information in a permit application process or in any document or information provided to the Department (Section 1-60(a)(1) of the Act);		
b) violating any condition of the permit (Section 1-60(a)(2) of the Act);		

c) violating any provision of or any regulation adopted under the Act or the Illinois Oil and Gas Act (Section 1-60(a)(3) of the Act);

d) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere (Section 1-60(a)(4) of the Act);

e) having a high volume horizontal hydraulic fracturing permit, or its equivalent, revoked in any other state, province, district, or territory for incurring a material or major violation or using fraudulent or dishonest practices (Section 1-60(a)(5) of the Act);

f) the existence of an emergency condition under which the conduct of high volume horizontal hydraulic fracturing operations would pose a significant hazard to public health, aquatic life, wildlife, or the environment (Section 1-60(a)(6) of the Act); or

g) a determination of pollution or diminution made pursuant to an investigation under Section 245.610 (Section 1-83(d) of the Act).

Section 245.1110 Notice of Violation

a) When the Department determines to suspend or revoke a permit issued pursuant to this Part, orders actions to remediate, or issues administrative penalties under this Subpart, a Notice of Violation shall be completed and delivered to the Permittee and to the Director or the Director's designee.

b) The Notice of Violation shall contain:
1) The name and permit number for the well at issue;
2) The provision of Section 245.1100 that applies, a statement specifying the factual nature of the violation and, as applicable, a citation to the specific permit condition alleged to have been violated or to the specific Section of this Part, the Act, the Illinois Oil and Gas Act or the administrative rules promulgated under that Act alleged to have been violated;

3) A statement as to whether the permit is immediately suspended by the Notice of Violation and, if so:
A) A factual explanation indicating an emergency condition posing a significant threat to the public health, aquatic life, wildlife or the environment if the permit operation is allowed to continue; and

B) The terms of the suspension, including but not limited to whether the suspension is pending a Director's Decision to revoke the permit;

4) A statement as to whether a remedial action is needed to address the violation and, if so, identification of the remedial action and the time within which the remedial action is required to be completed;

5) A statement as to whether probationary or permanent modification or conditions on the permit will be recommended and, if so, the substance of the recommended probationary or permanent modification or conditions; and

6) Any factors known to the person completing the Notice of Violation in aggravation or mitigation of the violation and the existence of any factors indicating that the permit should be conditioned or modified.

c) The permittee charged with the Notice of Violation may provide the Department, in writing, any information in mitigation of the Notice of Violation within 14 days after the date of receiving the Notice of Violation. The written information may include a proposed alternative to the Department's suggested remedial action needed to address the violation.

d) If a Notice of Violation includes an immediate permit suspension, the suspension may be stayed, at any time, by the Department, if requested by the permittee and evidence is submitted demonstrating that there is no significant threat to the public health, aquatic life, wildlife, or the environment if the operation is allowed to continue (Section 1-60(d) of the Act). Requests for stay must be made in writing to the Department and shall provide the basis for the requested stay and be accompanied by any supporting documents. All requests for stay shall be delivered to the Department's Office of Oil and Gas Resource Management located in Springfield, Illinois or mailed to the Department at Illinois Department of Natural Resources, Attention: Office of Oil and Gas Resource Management, One Natural Resources Way, Springfield IL 62702. A request for stay shall be decided by the Director or the Director's designee within 5 business days after its receipt.

Section 245.1120 Director's Decision

a) Upon receipt of a Notice of Violation, the Director or Director's designee shall conduct an investigation and may affirm, vacate or modify the Notice of Violation. In determining whether to affirm, vacate or modify the Notice of Violation, the Director shall consider:

1) whether the facts support the violation set forth in the Notice of Violation;

2) the seriousness of the violation, including any harm to public health, aquatic life, wildlife, the environment or damage to property;

3) the permittee's history of previous violations, including violations at other locations and under other permits.
A) A violation shall not be counted if the Notice of Violation or Director's Decision is the subject of pending administrative review by the Department under Section 245.1130, or judicial review under the Administrative Review Law and the rules adopted under that Law, or if the time to request a review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision.

B) No violation for which the Notice of Violation or Director's Decision has been vacated shall be counted;
4) the degree of culpability of the permittee;

5) whether the remedial action to address the violation set forth in the Notice of Violation is completed within the time set forth in the Notice of Violation; and
6) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by any person or by the permittee.

b) Modification to the Notice of Violation may include:

1) any different or additional remedial actions required to address the violation and the time within which the remedial actions must be completed;

2) assessment of administrative penalties not to exceed $1,000 a day for each and every act of violation;

3) probationary or permanent modification or conditions on the permit, which may include special monitoring or reporting requirements;

4) suspension of the permit; and

5) revocation of the permit.

c) The Director shall determine whether to assess administrative penalties based on the factors set forth in subsection (a). Administrative penalties shall not be assessed for a violation of Section 245.1100(g). If an administrative penalty is assessed by the Department, the administrative penalty shall be computed as follows, but shall not exceed $1,000 per day for each and every act of violation:

1) Administrative violations are violations of any submission, reporting or notification requirements of this Part, including, but not limited to, providing incorrect, misleading, incomplete or materially untrue information regarding permittee registration, permit application, permit modification, permit transfer, or permit bonding, and failing to properly comply with the reporting and Department notification requirements set forth in the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit, and shall be assessed on a permittee-specific basis. The Department may assess a penalty for an administrative violation as follows:

A) No previous violation of the same rule: $50.

B) One previous violation of the same rule: $100.

C) Two previous violations of the same rule: $150.

D) Three previous violations of the same rule: $200.

E) Four or more previous violations of the same rule: $500.

2) Operating violations are violations of all other requirements of this Part not covered by subsection (c)(1), including, but not limited to, operating a well required to be permitted under the Act without first obtaining a proper permit from the Department, constructing or operating a well in violation of the construction, operation, monitoring, disclosure or production requirements of this Part or of the permit. The Department may assess a penalty for an operating violation by considering elements of subsections (c)(2)(A), (B) and (C) as follows:

A) History of Violations:
i) No previous violation of the same rule: $100.

ii) One previous violation of the same rule: $250.

iii) Two previous violations of the same rule: $500.
iv) Three previous violations of the same rule: $750.
v) Four previous violations of the same rule: $1,000.
vi) Five or more previous violations of the same rule: $2,500.
B) Seriousness:

i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $100; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $250; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add $1,000.	The department should prepare guidance for determining what will constitute a low or high degree of probability to cause environmental damage.	Without guidance, these are very subjective determinations that could be made inconsistently. With sound guidance, much of that subjectivity and inconsistency can be managed.
ii) If the violation created a hazard to the safety of any person: add $2,000. C) Permittee's Actions: i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 245.1110 or correspondence from the Department and failed to comply: add $500.		
ii) If the violation occurred as a result of the permittee's lack of reasonable care: add $250; or, if the violation occurred as a result of the permittee's deliberate conduct, including lack of reasonable maintenance of equipment: add $500.		

d) The Director or Director's designee shall serve the permittee with his or her decision at the conclusion of the investigation. The Director's Decision shall be served either personally or by certified mail, receipt return requested, to the permittee (Section 1-60(b) of the Act). The Director's Decision shall provide that the permittee has the right to request a hearing to contest the Director's Decision in accordance with Section 245.1130.

e) The Director's Decision shall take effect upon issuance.

f) The permittee may contest the Director's Decision by submitting a request, in writing, within 30 days after the date of receiving the Director's Decision, for a hearing in accordance with Section 245.1130. Except as provided under Section 245.1130(d)(2), in the event a hearing is requested, the Director's Decision shall remain in effect until a final order is entered pursuant to the hearing. (Section 1-60(c) of the Act)

g) Failure of the permittee to timely request a hearing, or if a civil penalty has been assessed, to timely tender the assessed civil penalty, shall constitute a failure to exhaust all administrative remedies and a waiver of all legal rights to contest the Director's Decision, including the amount of the civil penalty.

h) The permittee may, within 30 days from the date of receiving the Director's Decision, submit to the Department, in writing, any mitigating factors that permittee believes to be relevant to the violation cited in the Director's Decision.

i) Upon further investigation, the Director may enter into a settlement agreement, issue an amended Director's Decision, or issue a replacement Director's Decision.
1) A settlement agreement shall be issued to:

A) extend the amount of time provided to complete remedial action necessary to address a violation set forth in the Director's Decision; or

B) reduce the civil penalty assessed in the Director's Decision; or
C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement.
2) An amended Director's Decision shall be issued to:
A) extend the amount of time provided to complete remedial action necessary to address a violation set forth in the Director's Decision; or

B) reduce the civil penalty assessed in the Director's Decision.
3) A replacement Director's Decision shall be issued to correct an administrative error contained in the Director's Decision or the Notice of Violation.

4) The permittee shall have no right to administrative hearing associated with the issuance of a settlement agreement or an amended Director's Decision.

j) If the Director's Decision includes the assessment of an administrative penalty and the permittee named in the Director's Decision does not request a hearing in accordance with Section 245.1130, the administrative penalty assessed shall be paid to the Department in full within 30 days after receiving the Director's Decision.

k) All administrative penalties assessed and paid to the Department shall be deposited in the Mines and Minerals Regulatory Fund (Section 1-35(e) of the Act).

Section 245.1130 Director's Decision Hearings

a) A permittee shall have 30 days from the date of receiving the Director's Decision to submit a written request for hearing to contest the Director's Decision. The written request for hearing shall provide the basis for contesting the Director's Decision and be accompanied by any documents evidencing the basis for contesting the Director's Decision. A permittee seeking to contest any Director's Decision in which a civil penalty has been assessed shall submit the assessed amount to the Department, by cashier's check or money order, together with a timely written request for hearing. The assessed amount shall be deposited by the Department pending the outcome of the hearing. The assessed amount, or applicable portion thereof, shall be ordered refunded to the permittee at the conclusion of the hearing if the Department does not prevail. All requests forhearing shall be delivered to the Department's Office of Oil and Gas Resource Management located in Springfield, Illinois or mailed to the Department at Illinois Department of Natural Resources, Attention: Office of Oil and Gas Resource Management, One Natural Resources Way, Springfield IL 62702.

b) Upon receipt of a request for hearing submitted in accordance with all requirements of subsection (a), the Department shall provide an opportunity for a formal hearing upon not less than 5 days' written notice mailed to the permittee or person submitting the hearing request. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.

c) The hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall have all powers necessary to conduct the hearing, including, but not limited to, the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material (Section 1-60(e) of the Act).

d) The hearing shall be conducted in accordance with the following procedures:
1) Pre-Hearing Conference
A) A pre-hearing conference shall be scheduled within 60 days after the request for hearing:

i) to define the factual and legal issues to be litigated at the administrative hearing;
ii) to determine the timing and scope of discovery available to the parties;

iii) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each witness;

iv) to schedule a date for the administrative hearing; and
v) to arrive at an equitable settlement of the hearing request, if possible.
B) Pre-hearing conferences under this Section may be conducted via telephone conference if that procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted at the Department's offices located in Springfield, Illinois, or a place designated by the Hearing Officer.

2) Stays of Suspension or Revocation. The order of suspension or revocation of a permit based on Section 245.1000(f) may be stayed, at any time, by the Hearing Officer, if requested by the permittee by appropriate motion and evidence is submitted demonstrating that there is no significant threat to the public health, aquatic life, wildlife, or the environment if the operation is allowed to continue (Section 1-60(d) of the Act). The Hearing Officer shall issue an order granting or denying a motion to stay within 5 business days after it is heard.

3) Either party may file motions for default judgment, motions for summary judgment, motions for protective orders and motions for orders compelling discovery. The Hearing Officer shall issue an order granting or denying motions filed within 15 days after service or, if applicable, after hearing. Any order granting a motion for default judgment or a motion for summary judgment shall constitute the Department's final administrative decision as to the matter being contested.

4) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of violation or cessation order was issued will be deemed to have waived all right to further review of the violation or administrative penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the Hearing Officer and shall constitute the Department's final administrative decision as to the matter being contested.

5) All hearings, under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].

6) At the hearing, the Department shall have the burden of proving the facts of the violation alleged in the notice of violation at issue. The amount of any administrative penalty assessed shall be presumed to be proper; however, the permittee may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The permittee shall have the right to challenge the Hearing Officer if the person or permittee believes the Hearing Officer is prejudiced against him or her or has a conflict of interest. If the Hearing Officer disqualifies himself or herself, the Director shall designate a new Hearing Officer. The Hearing Officer shall conduct the hearing and hear the evidence. The Hearing Officer, at the conclusion of the hearing, shall have 30 days to issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

7) The Director or the Director's designee shall review the administrative record in conjunction with the Hearing Officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. Within 15 days after receiving the Hearing Officer's recommendations, the Department shall issue a final administrative decision.

e) All Department final administrative decisions set forth in this Section are subject to judicial review under the Administrative Review Law and the rules adopted under that Law.

f) The costs associated with the administrative hearing shall be borne by the permittee (Section 1-60(f) of the Act). Foreseeable costs are the costs of transcription services: court reporters attendance at the hearings and transcribing the hearing record into paper and electronic format for all parties as required. All parties shall be responsible for their own attorneys' fees, and the Department shall provide the Hearing Officer and the Hearing room at IDNR Headquarters. The Hearing Officer shall have the discretion to order the permittee to pay additional costs as appropriate.

Section 245.1140 Alternative Enforcement

a) All persons, owners and permittees regulated under the Act and this Part are also subject to, and required to comply with, the Illinois Oil and Gas Act and 62 Ill. Adm. Code 240.

b) Any violation of this Part may also include violations of the permittee's Oil and Gas permit related to the same well, the Illinois Oil and Gas Act, and regulations adopted under that Act.

c) All violations related to the same well may be brought as one case at the discretion of the Department.

d) Failure to meet the burden of proof required for revocation or suspension of a permit under the Act, this Part, the Illinois Oil and Gas Act, or the regulations promulgated under that Act, does not mean that the Department necessarily failed to prove other violations under the Act, this Part, the Illinois Oil and Gas Act, or the regulations promulgated under that Act.

e) Knowing violations of this Part may be a criminal offense as defined in Section 1-100 of the Act, which will be, in addition to any administrative action taken by the Department, referred to the State's Attorney in the county where the violation occurred or the Attorney General's Office.

f) Any person who violates this Part may also be liable for a civil penalty as defined in Section 1-101 of the Act, which will be in addition to any administrative action taken by the Department.

SUBPART L: MEDIUM VOLUME HORIZONTAL HYDRAULIC FRACTURING OPERATIONS COMPLETION REPORTS

Section 245.1200 Medium Volume Horizontal Hydraulic Fracturing Completion Reports

a) For any horizontal hydraulic fracturing operations where all combined stages of a stimulation treatment of a horizontal well are by the pressurized application of more than 80,000 gallons but less than 300,001 gallons of hydraulic fracturing fluid and proppant to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas, reporting under subsection (c) is required (Section 1-98(a) of the Act).

b) Permittees with a high volume horizontal hydraulic fracturing permit are not required to report under subsection (c).

c) Within 60 calendar days after the conclusion of horizontal hydraulic fracturing operations identified in subsection (a), the permittee shall file a medium volume horizontal hydraulic fracturing operations completion report with the Department. The medium volume horizontal hydraulic fracturing operations completion report shall contain the following information (Section 1-98(b) of the Act):

1) the name and location of the well (Section 1-98(b)(1) of the Act). The well location shall be surveyed by an Illinois licensed land surveyor or Illinois registered professional engineer and the description of the surveyed well location shall also include the legal description, the GPS latitude and longitude location, and ground elevation of the well. The GPS location shall be recorded as degrees and decimal degrees recorded to 6 decimal places in the North American Datum 1983 projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement;

2) the permittee number and well reference number issued pursuant to the Illinois Oil and Gas Act;
3) the total and per-stage gallons of hydraulic fracturing fluid used at the well (Section 1-98(b)(2) of the Act), the quantity recovered during the flowback period, and what the permittee did to dispose of, reuse or recycle the flowback;

4) depth of the wellbore (including both total vertical depth and total measured depth) (Section 1-98(b)(3) of the Act);
5) length of horizontal wellbore (Section 1-98(b)(4) of the Act);
6) the maximum surface treating pressure used (Section 1-98(b)(5) of the Act);
7) the formation targeted (Section 1-98(b)(6) of the Act);

8) the number of hydraulic fracturing stages (Section 1-98(b)(7) of the Act); and
9) total perforated interval and individual perforation intervals (Section 1-98(b)(8) of the Act).

Section 240.796 Operating and Reporting Requirements, Hydraulic Fracturing Operations, Seismicity

a) Applicability

This Section applies to all Class II UIC disposal wells that inject any Class II fluids or hydraulic fracturing flowback from a high volume horizontal hydraulic fracturing operation permitted by the Department under the Hydraulic Fracturing Regulatory Act [225 ILCS 732]. This Section does not apply to Class II UIC wells used for enhanced oil recovery operations.

b) Definitions

For purposes of this Section, the terms defined in 62 Ill. Adm. Code 245.110 have the same meanings when used in this Section. Additionally, the following terms have the meanings ascribed in this subsection:

Green Light Alert means the Department received notice from either USGS or ISGS that there was an earthquake in Illinois with a magnitude less than 3.0.

The term magnitude should be defined.

There are several different types of magnitude so it is important that this be specified by definition. IPC recommends either Modified Mercalli or moment magnitude.

Induced Seismicity means an earthquake event that is felt, recorded by the national seismic network, and attributable to a Class II UIC well used for disposal of flowback and produced fluid from high volume horizontal hydraulic fracturing operations. (Section 1-96(a) of the Hydraulic Fracturing Regulatory Act)

ISGS means Illinois State Geological Survey.

Red Light Alert means the Department received notice from either USGS or ISGS that there was an earthquake in Illinois or a bordering state with a magnitude of 5.0 or greater.

USGS means United States Geological Survey.

Yellow Light Alert means the Department received notice from either USGS or ISGS that there was an earthquake in Illinois or a bordering state with a magnitude of at least 3.0, but less than 5.0.

c) Class II UIC Well Operations

1) All Class II UIC wells regulated by this Section shall be equipped with a flow meter capable of monitoring the rate of flow of fluids injected down into the well on a per day basis consistent with the Class II UIC permit issued by the Department.

The department should consider using a risk based approach in lieu of absolute trigger levels.

Potential surface effects will be influenced by the depth of the event hypocenter. As a result, measurement of peak ground acceleration may be more relevant as suggested by the recent NRC report.

2) All permittees shall record and maintain pressure and flow data for each Class II UIC well on a monthly basis. The report shall include the average and maximum monthly injection rates and pressures. The records shall be submitted to the Department in accordance with Section 240.780(e). The records shall be maintained for at least 5 years and shall be available to the Department for inspection upon request.	The data requirements must be clarified.	Does this requirement mean to report a single (monthly) data point or multiple data points that are reported monthly?
d) Induced Seismicity Reporting 1) The Department will report any Yellow Light Alert to all Class II UIC well permittees with wells located within a 3 mile radius of the earthquake event's epicenter measured from the surface above the hypocenter. After receiving a Yellow Light Alert, a Class II UIC well permittee has the discretion to operate the permitted well according to the terms of the permit, adjust the operation of the permitted well reducing the volume of fluids injected into the well, and consult with the Department and ISGS about the implications of the Yellow Light Alert as it relates to the operation of the well.	It should be noted that there may be considerable uncertainty around the actual location of any epicenter due to the scarcity of the USGS seismometer array.	Depending on seismometer placement, a 3 mile radius may be well within the margin of error for the calculation of the event epicenter. Event depth, which is not mentioned is also an important consideration and will also be sensitive to the same margin of error factors.
2) The Department will report any Red Light Alert to all Class II UIC well permittees with wells located within a 6 mile radius of the earthquake event's epicenter measured from the surface above the hypocenter. e) Induced Seismicity Cessation Orders	Same as (d)(1) above.	

The Department shall issue orders to permittees of Class II UIC wells for the immediate cessation of operations due to conditions that create imminent danger to the health and safety of the public, or significant damage to property, pursuant to Section 19.1 of the Oil and Gas Act and 62 Ill. Adm. Code 246.186, under any of the following conditions:	This process appears to presume that all detected seismicity will be attributed to injection operations regardless of the actual cause.	Being able to discern between natural and manmade events is critical. Operators should not be required to cease operation due to natural events. Other possible induced seismicity sources such as water reservoirs and mining should also be evaluated.
1) If a particular well regulated by this Section receives a third Yellow Light Alert and within the last year the same permittee received a Notice of Violation for the same well related to flow, pressure or mechanical integrity;	It should be noted that the events that generate a Yellow Light Alert may not be due to UIC well operation and the permittee should not be held accountable for events that are not their making.	There are a number of sources of seismicity. The UIC well operator should only be held accountable or be subject to a Notice of Violation if the seismicity is most likely the result of their operations.
2) If a particular well regulated by this Section receives any number of Yellow Light Alerts and there is confirmed property damage to any building or structure as a result of the earthquake event with a magnitude greater than 4.5. The confirmation can be performed by personnel from the Department or personnel from any local, state or federal agency;	It should be noted that damage to any building or structure is more directly related to peak ground acceleration and a structure's design basis and the pre-existing condition of the structure rather than the magnitude of any event. There are different magnitude scales for seismic events and it should be clear what is being used for such purposes.	It may be difficult to distinguish between various potential causes of structural damage. For instance, frost heaving and wedging can produce damage to structures and foundations. Velocity models and advanced measurements are needed to confirm peak ground acceleration.
3) If a particular well regulated by this Section receives a fifth Yellow Light Alert; or	Same as (e)(2) above	
4) If a particular well regulated by this Section receives a Red Light Alert and is within 3 miles of the epicenter of the earthquake event measured from the surface above the hypocenter.	Same as (e)(2) above	

f) The Department has discretion to issue cessation orders to permittees with wells regulated by this Section within 6 miles of any earthquake epicenter, when necessary, if, after consultation with ISGS, induced seismicity conditions warrant cessation.	If there are multiple UIC wells within any specified geographic area it may be difficult, if not impossible to identify a specific well that is most likely to be the cause of any induced seismicity. It should also be noted that due to the sparsity of the current USGS array, calculation of epicenter locations may be outside this margin of error, which could result in the closure of injection wells which are not within the assumed specified area defined by regulation.	This can be confirmed through consultation with the USGS earthquake center.
g) Induced Seismicity Mitigation Requirements		
1) After receiving a cessation order, in addition to the requirements of the order, the permittee shall schedule a meeting with the Department and representatives of ISGS at the Department's Headquarters, One Natural Resources Way, Springfield, Illinois, to be held within 30 calendar days after issuance of the order and before the cessation order hearing. Once scheduled, the permittee shall confirm the meeting in writing to both the Department and ISGS and provide the last 6 months of well data required in subsection (c)(2) to help facilitate the meeting. The purpose of the meeting will be to determine possible ways to mitigate induced seismicity events near the permitted well.		

2) If the permittee and Department, in consultation with ISGS, reach agreement on how to test induced seismicity mitigation, the Department shall present the agreement as a settlement before the Hearing Officer for the cessation order hearing (see Section 240.186(d)).

It might be useful to have some established guidance in place for when such circumstances occur.

h) Enforcement
Penalties for administrative and operating violations are specified in Section 240.160(c). Violations under this Section are classified as administrative or operating, as follows:

1) Failure to comply with any portion of subsection (c)(2) related to records is an administrative violation.
2) Failure to schedule and attend a meeting within 30 days after the issuance of a cessation order is an administrative violation.

3) Failure to install a flow meter, or maintain a flow meter in operating condition, is an operating violation.
4) Failure to cease operations after a cessation order is issued by the Department is an operating violation.
5) Failure to comply with an induced seismicity mitigation agreement is an operating violation.