



## New Illinois Act Establishes Comprehensive Regulatory Regime Governing "Fracking"

July 1, 2013

On June 17, 2013, Illinois Governor Pat Quinn signed into law Senate Bill 1715 (Public Act 098-0022), which regulates the permitting and operation of high-volume horizontal hydraulic fracturing operations, commonly known as "fracking." The bill establishes one of the nation's most comprehensive regulatory regimes governing fracking — providing requirements for permit applications and public participation — administered primarily by the Illinois Department of Natural Resources (IDNR).

### Key Regulatory Requirements

Permit applications will require a detailed description of well operations, including plans for freshwater usage, waste fluid disposal and traffic management. If a proposed well is to be located within an incorporated city, village or town, the municipality's consent must be obtained before a permit can be issued. The fee for application is \$13,500 per well, and applicants must register with the IDNR 30 days before an application can be submitted. Groundwater quality tests are required both before and after fracking operations, and well pressure must be monitored continually. Well operators are presumptively at fault for groundwater pollution within 1,500 feet of well sites.

The law also provides extensive opportunity for public comment and participation. In addition to publication of the application and initial groundwater tests on the IDNR website, applicants must specifically notify landowners within 1,500 feet of the well site of their application. Prior to approving the application, the IDNR will accept comments during a 30-day comment period. During that time, persons affected by the proposed well can request a formal "contested case" hearing. If the IDNR fails to perform any nondiscretionary duties under the Act, adversely affected parties may also file citizen suits to compel compliance.

### What You Can Do If a Fracking Project Is Proposed for Your Area

Hinshaw has represented applicants, objectors, businesses, municipalities, counties and other such entities concerning applications and hearings similar to those now mandated by this new law. We have also negotiated and drafted many of the contracts and leases that revolve around such projects. It is anticipated that there will be many proposed fracking operations in Illinois, particularly in the southern portion of the state.



For more information, or if you are confronted with a potential hydraulic fracturing project or opportunity, please contact [Richard S. Porter](#) or your regular [Hinshaw attorney](#).

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