

## Illinois Enacts Comprehensive Hydraulic Fracturing Legislation

JUNE 21, 2013

On July 17, 2013, Illinois Governor Pat Quinn signed into law Senate Bill 1715, called the Hydraulic Fracturing Regulatory Act ("Act"). Illinois legislators are optimistic that the Act will lead to increased oil and gas development in Illinois and bring badly-needed jobs to the State.

The Act includes some of the most stringent permit and disclosure requirements applicable to hydraulic fracturing activities in the nation and includes a citizen suit/enforcement provision. Under the Act, permits must be obtained from the Illinois Department of Natural Resources and operators must disclose the chemicals used in hydraulic fracturing both before and after performing high-volume horizontal hydraulic fracturing operations.

To protect water quality, the Act requires permittees to test surface water and groundwater located near oil and gas wells before and after hydraulic fracturing operations. If contaminated water is found within a certain distance of a well site, the Act establishes a presumption that the contamination was caused by hydraulic fracturing activities, unless permittees can prove it was caused by another source or that the requirements for the presumption are not met.

The Act also regulates air emissions from hydraulic fracturing activities by prohibiting emissions to the atmosphere during the flowback period unless technically infeasible or economically unreasonable, in which case permittees would be required to minimize emissions by venting, routing, or directing hydrocarbon fluids and natural gas using various methods.

Tip: Oil and gas developers interested in conducting high-volume hydraulic fracturing operations in Illinois will need to ensure compliance with the Act's extensive requirements and take into account in their planning process the potential for citizen suits.

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