

IDNR Proposes Regulations Implementing the Hydraulic Fracturing Regulatory Act

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Last week, the Illinois Department of Natural Resources ("IDNR") proposed two rules implementing the [Hydraulic Fracturing Regulatory Act](#). The [first proposal](#) would create extensive permitting, construction, operational, and reporting requirements applicable to horizontal hydraulic fracturing operations, such as requirements for (i) the disclosure of chemicals anticipated to be used in hydraulic fracturing fluid, subject to trade secret protection; (ii) conducting baseline groundwater sampling of all water sources within 1,500 feet of a well site prior to commencing operations; and (iii) storage of produced water in aboveground storage tanks, rather than surface impoundments, prior to disposal via underground injection into a Class II Underground Injection Control ("UIC") Program well.

The [second proposal](#) would create new operating and reporting requirements for Class II UIC wells used for the disposal of hydraulic fracturing flowback from high volume horizontal hydraulic fracturing operations. In addition, IDNR could order cessation of operations at Class II UIC disposal wells due to seismic activity attributable to such wells.

IDNR will accept public comments on both proposals until January 3, 2014. IDNR will also host public hearings on the proposed rules in Chicago on November 26 and in Ina (in Jefferson County) on December 3.

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