

## Hydraulic Fracturing Legislation Introduced in Illinois General Assembly

FEBRUARY 26, 2013

On February 21, 2013, the Hydraulic Fracturing Regulatory Act, HB 2615 was introduced in the Illinois General Assembly by Democratic Rep. John E. Bradley. The bill was co-sponsored by over 20 representatives, mostly Republicans. The provisions of HB 2615 were negotiated by representatives from various state agencies, the oil and gas industry, environmental organizations, and various legislators. The bill, which many are calling the most far-reaching in the nation, would establish a new permit program within the Illinois Department of Natural Resources and would require that a permit be obtained before conducting high volume horizontal hydraulic fracturing activities. Any person with reason to believe their water source has been polluted by high volume horizontal hydraulic fracturing could request that the State conduct an investigation, and if the investigation reveals that the water source has been contaminated, the permittee would be required to provide replacement water. The bill would also impose a rebuttable presumption of liability upon any person conducting high volume horizontal hydraulic fracturing operations, if a water supply becomes contaminated after the completion of such activities. New requirements would be imposed on permittees to minimize emissions from the release of natural gas during productions, going further than existing federal regulations in this respect. Standards for well construction and drilling, fluids and waste management, and disclosures of hydraulic fracturing fluids and chemical additives would also be imposed through the permits.

If the bill passes, which many expect will happen due to the intense negotiations that preceded its introduction, Illinois could become the next hotbed of hydraulic fracturing activities. Already, an estimated half a million acres in southern Illinois have been leased for oil and gas drilling.

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