



Illinois Department of Natural Resources

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JB Pritzker, Governor
Colleen Callahan, Director

LAND RECLAMATION DIVISION Memorandum No. 2022-02

To: All Coal Mine Operators/Consultants

From: Dan Barkley, Acting Supervisor
Land Reclamation Division *Daniel W. Barkley*

Dan Brennan, Acting Director *Daniel M. Brennan*
Office of Oil and Gas Resource Management

Date: May 23, 2022

Re: Pre-Permit Wells/Coal Test Holes

Permitting under the Surface Coal Mining Land Conservation and Reclamation Act (Act) requires background groundwater monitoring data be collected for submission of any new permit application. Because these wells are installed prior to any final permit decision under the Act, the permitting, installation, operation, and plugging of these wells is subject to the requirements of 62 Ill. Adm. Code 240 – The Illinois Oil and Gas Act (Oil and Gas Act), Subpart L: Requirements for Other Types of Wells. The Oil and Gas Act and associated regulations are under the jurisdiction of the Illinois Department of Natural Resources, Office of Oil and Gas Resource Management (OOGRM) which, in addition to the coal groundwater monitoring wells, includes the regulation of coal test holes, structure test holes, and mineral test holes. The Oil and Gas Act and the regulations may also apply to other wells that are part of coal exploration and/or mining projects. The Department has recently discovered numerous wells initially installed for the purpose of collecting background groundwater monitoring data for which Coal Mine Operators failed to obtain a permit under the Oil and Gas Act as required. Therefore, the Department is taking this opportunity to advise its coal mine operators of regulatory obligations under the Oil and Gas Act for such wells. A copy of the Oil and Gas Act regulations can be found at:

<https://www.ilga.gov/commission/jcar/admincode/062/06200240sections.html>

Failure to properly permit, operate, plug, and restore the site of such wells can result in enforcement action being taken under the Oil and Gas Act. Additional information regarding the permitting of these wells can be obtained by contacting the OOGRM at 217/782-7756.

In addition, the Department highly recommends that any operator proposing to install such monitoring wells contact either the Illinois Department of Public Health and/or the local County Health Department to ensure all 77 Ill. Adm. Code 920 requirements are being properly addressed.