
ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING

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AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Natural Gas Storage Safety Act [415 ILCS 160], and Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100].

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2023; amended at 48 Ill. Reg. 5734, effective March 27, 2024; amended at 49 Ill. Reg. 565, effective December 30, 2024; amended at 50 Ill. Reg. 7226, effective April 29, 2026; amended at 50 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 240.160 Director's Decision

- a) Upon receipt of a notice of violation, the Director shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation, the Director shall consider:
 - 1) *the person's or permittee's history of previous violations, including violations at other locations and under other permits.*
 - A) A violation for which no penalty has been assessed shall not be counted if the Director's Decision associated with the violation is the subject of pending administrative review by the Department under Section 240.180 or if the time to request a review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative order or a final judicial decision affirming the Department's order, if administrative review of the Department's final administrative order is sought.
 - B) A violation for which a penalty has been assessed shall not be counted if the Director's Decision associated with the violation is the subject of pending administrative review by the Department under Section 240.180 or if the time to request a review has not expired, and thereafter it shall be counted for only three years after the date of the Department's final administrative order or a final judicial decision affirming the Department's order, if administrative review of the Department's final administrative order is sought.
 - C) No violation for which the notice of violation has been vacated shall be counted;

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- 2) *the seriousness of the violation, including any irreparable harm to the environment or damage to property;*
 - 3) *the degree of culpability of the person or permittee; and*
 - 4) *the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee. (Section 8a of the Act).*
- b) *Modification of the notice of violation may include:*
- 1) *any different or additional remedial actions required to abate the violation, not listed in the original notice of violation, and the time within which the violation must be abated;*
 - 2) *the assessment of civil penalties not to exceed \$5,000 for each and every falsification or material misrepresentation and \$1,000 a day, from the date the permittee knew or should have known of the existence of facts or conditions that resulted in the violations and for as long as the violation continues, for each and every act of violation not subject to the separate \$5,000 penalty for falsification and material misrepresentation;*
 - 3) *probationary or permanent modification or conditions on the permit, which may include special monitoring or reporting requirements; and*
 - 4) *revocation of the permit. (Section 8a of the Act)*
- c) When the notice of violation is finalized, both the Director, or his or her designee, and the individual or permittee who the notice of violation (NOV) addresses, may receive the notice of violation via electric mail.
- d) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a). Except for violations listed in subsection (d), the Director may not assess a civil penalty if the violation is abated within the time frame originally set by the Department or any extensions granted by the Department. If a violation is not abated within that timeframe, or if the violation is listed in subsection (d) and the Department assesses a penalty, the penalty shall

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not exceed \$5,000 for each and every falsification or material misrepresentation and \$1,000 per day, from the date the permittee knew or should have known of the existence of facts or conditions that resulted in the violations and for as long as the violation continues, for each and every act of violation not subject to the \$5,000 penalty for falsification and material misrepresentation (Section 8a of the Act).

- e) The Department shall have the discretion to assess a civil penalty for the following violations, even if the violation is abated within the timeframe granted by the Department:
- 1) drilling, deepening, converting or operating, without a permit or completed permit transfer from the Department, a well required to be permitted under the Act;
 - 2) failure to prohibit waste as defined in the Act;
 - 3) operating an annular or casing injection/disposal well or a well with pressure on the annulus;
 - 4) failure to maintain the required performance bond for wells under permit or operating wells without paying annual well fees;
 - 5) failure to repay all expended funds from the Plugging and Restoration Fund prior to operating any other existing wells under permit;
 - 6) failure to secure approved Temporary Abandonment status or plug a well following a denial of Temporary Abandonment status;
 - 7) failure to establish mechanical integrity on a Class II UIC well or to plug or repair a Class II UIC well following failure of mechanical integrity;
 - 8) failure to shut in a Class II UIC well that fails an internal mechanical integrity test or on which an internal mechanical integrity test has not been performed;
 - 9) operating a Class II injection or disposal well in excess of the permitted maximum injection pressure or rate;

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- 10) failure to confine injection fluid to the permitted formation;
- 11) failure to abate a notice of noncompliance, issued under Section 240.140 within the time granted by the Department;
- 12) operating a well that has been placed in the Plugging and Restoration Program;
- 13) failure to notify the Department of a reportable crude oil or produced water spill;
- 14) failure to notify the Department of a natural gas release or natural gas incident at an underground natural gas storage field;
- 15) failure to provide emergency response for a crude oil or produced water spill;
- 16) failure to provide emergency response for a natural gas release or natural gas incident at an underground natural gas storage field;
- 17) failure to provide notice of a natural gas incident as required by Section 7.5 of the Act;
- 18) failure to remediate a crude oil or saltwater spill;
- 19) improper discharge or disposal of produced fluids or liquid oilfield wastes;
- 20) operating a liquid oilfield waste transportation system or vehicle without a permit;
- 21) knowingly using the services of an unpermitted liquid oilfield waste transporter;
- 22) failure to contain gas to a permitted storage formation;
- 23) operating a well in violation of spacing requirements or permit conditions;

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- 24) failure to plug an uncased well;
 - 25) failure to restore a well site after plugging;
 - 26) failure to maintain a well, flowline or other equipment in a leak-free condition;
 - 27) falsification or material misrepresentation in violation of Section 240.135; and
 - 28) any willful or knowing violation.
- f) *Any person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section. (Section 8a of the Act)*
- g) The Director shall serve the person or permittee with his or her decision at the conclusion of the investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be *considered served when mailed by first class mail to the person or permittee at his or her last known address.* (Section 8a of the Act)
- h) A Director's decision not appealed in accordance with Section 240.180 within 30 days after service shall serve as the Department's final administrative order, pursuant to Section 8a and become a final administrative decision of the Department, pursuant to Section 10 of the Act. *The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.* (Section 8a of the Act)
- i) Upon receipt of the notice that a violation has been sent to the Director or their designee, the permittee or person subject to the notice of violation may submit a notification to the Department that extraordinary circumstances will delay abatement of the violation.
- 1) If the Department receives a notification that a permittee believes extraordinary circumstances exist, then the Department shall review the

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notification, before assessing a civil penalty, to determine whether the submitted evidence is sufficient to show the existence of extraordinary circumstances.

- 2) Within 10 business days, the Department shall respond to the permittee in writing with a determination that:
 - A) extraordinary circumstances exist;
 - B) more evidence is needed to make such a determination; or
 - C) an explanation as to why the circumstances are not extraordinary.
 - 3) Any finding of extraordinary circumstances will include a new deadline for abating the violation.
- j) The permittee or person subject to the Director's decision may, within 30 days from the date of service of the Director's decision, submit to the Department, in writing, any mitigating factors that permittee believes to be relevant to the violation cited in the Director's decision. Within 30 days from the date of service of the Director's decision, the permittee or person subject to the Director's decision may also request to enter into a settlement agreement with the Department.
- k) Upon further investigation, or after receiving additional information from the permittee or person as allowed for under subsection (h), the Director may enter into a settlement agreement, issue an amended Director's decision, or issue a replacement Director's decision.
- 1) The Department may enter into a settlement agreement with the permittee or person subject to the Director's decision in order to:
 - A) extend the amount of time provided to complete remedial actions necessary to abate the violations set forth in the Director's decision; or
 - B) reduce the civil penalty assessed in the Director's decision;

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- C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement; or
 - D) modify any probationary or permanent modifications or conditions on the permit ordered in the Director's decision.
- 2) An amended Director's decision shall be issued to:
- A) modify the amount of time provided to complete remedial action necessary to abate the violation set forth in the Director's decision; or
 - B) modify the civil penalty assessed in the Director's decision.
- 3) A replacement Director's decision shall be issued to correct an administrative error contained in the Director's decision.
- 4) The permittee shall have no right to hearing associated with the issuance of an amended or replacement Director's decision unless the period to appeal the original Director's decision has not expired or the amended or replacement Director's decision alleges new facts, violations, or additional or modified civil penalties, not contained in the original Director's decision.
- l) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Director's decision.
- m) *All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Section 8a of the Act)*

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART J: VACUUM

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Section 240.1020 Contents of Application

The application for a permit to use a vacuum device on a production well shall include:

- a) the name and address of the Permittee;
- b) the name of the well;
- c) the legal location of the well;
- d) the names and depths of the formations subject to a vacuum;
- e) a map showing:
 - 1) the boundaries of the leasehold or enhanced oil recovery unit in which the vacuum device will be located;
 - 2) the exact location of the well on which the vacuum device will be installed;
 - 3) the location of all unplugged production wells on the lease or unit;
 - 4) the names of all permittees of producing lease holds within 1/4 mile of the well on which the vacuum device will be located; and
 - 5) the location of all offset production wells located within 1/4 mile of the well on which the vacuum device will be located;
- f) submit evidence of Notice required under Section 240.1040;
- g) a non-refundable fee of \$300.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART K: PLUGGING OF WELLS

Section 240.1130 Plugging and Temporary Abandonment of Inactive Production Wells

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- a) Any idle production well on an active lease or unit that has not had commercial production during the last 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600, and plugged in accordance with Section 240.1140 unless the well has been approved for Temporary Abandonment status in accordance with subsection (c).
- b) Any idle production well on an inactive lease or unit, if the lease or unit has not had commercial production during the last 24 consecutive months, shall be deemed abandoned and not eligible for Temporary Abandonment status, pending a hearing held in accordance with Section 240.1610.
- c) The permittee shall apply for Temporary Abandonment status by making written application on forms provided by the Department. The Department shall place the well on Temporary Abandonment status, if the following conditions (which shall be continuing requirements) are met:
 - 1) The well:
 - A) shall have proper bond in effect in accordance with the Act, if applicable; and
 - B) is not in the Plugging and Restoration Fund.
 - 2) The well shall have an intact leak free wellhead, or be capped with a valve, and configured to monitor casing or annular pressure. The well shall be configured to include a one quarter inch female fitting, with shut-off valve, to allow monitoring of the annulus.
 - 3) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsection (d) do not apply.
 - 4) The wellhead shall be above ground level.
 - 5) The permittee complies with the requirements of subsection (d).
- d) Prior to the Department placing the well on Temporary Abandonment status, the permittee shall conduct a fluid level test upon the fluid in the well bore, after notice to and under the supervision of a Department representative, using

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acoustical, wire line or string line measuring methods. If the Department authorizes the permittee to conduct a fluid level test without the presence of a Department representative, the permittee shall report the fluid level test on a form prescribed by the Department.

- 1) If the fluid level in the wellbore is no higher than 100 feet below the base of the fresh water, the Department may grant Temporary Abandonment status if the conditions in subsections (c)(1) through (4) are met. Unless the permittee elects to satisfy the conditions of subsections (d)(3)(A) or (B), the permittee shall perform additional fluid level tests, as prescribed in subsection (d), every 5 years or until the well is removed from Temporary Abandoned status.
- 2) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water and, at the time of the Temporary Abandonment request, the well is listed in Active status in the Department's records, the permittee may:
 - A) After notice to and under the supervision of a Department representative, remove any fluid to a level 100 feet below the base of the fresh water. At least 48 hours, but not more than 96 hours after the fluid has been removed, the permittee shall measure the fluid level as prescribed in subsection (d).
 - i) If the fluid level is higher than 100 feet below the base of fresh water, the permittee shall follow the requirements in subsection (d)(3)(A) or (B); or
 - ii) If the fluid level remains more than 100 feet below the base of fresh water, at least 9, but no longer than 12 months from the date that fluid was removed from the well bore, the permittee shall measure the fluid level in accordance with subsection (d). If, after the subsequent fluid level test, the fluid level within the wellbore has remained at least 100 feet below the base of fresh water, and the conditions in subsections (c)(1) through (4) continue to be met, the Department shall grant Temporary Abandonment status for 5 years from the date of the subsequent fluid level test.

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Thereafter, the permittee shall perform additional fluid level tests, as prescribed in subsection (d), every 5 years or until the well is removed from Temporary Abandonment status.

- B) Elect to follow the requirements of subsections (d)(3)(A) or (B).
- 3) If the fluid level, as tested, is higher than 100 feet below the base of fresh water and, at the time of the Temporary Abandonment request, the well is listed in Temporary Abandonment status in the Department's records, the permittee may, after notice to, and under the supervision of, a Department representative:
- A) set a cast iron plug within 200 feet above the uppermost perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level every 5 years in accordance with subsection (d); or
 - B) set a cast iron plug within 200 feet above the uppermost perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes. Subsequent pressure tests shall be conducted every 5 years or until the well is removed from Temporary Abandonment status.
- e) If the Department finds that a well that is in Temporary Abandonment status is in violation of the operational requirements set forth in subsection (c) or (d), the Department shall issue a Director's Decision requiring that the well be properly plugged, re-plugged or repaired. If the permittee has not complied with a Director's Decision issued by the Department pursuant to this subsection (e) and after a final administrative decision is issued, the well is found to be in violation of subsection (c) or (d), the Temporary Abandonment status for the well shall be revoked until the violation has been remediated and the well is in compliance with this Section.

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- f) The permittee shall monitor the well and certify annually, on a form provided by the Department, that there is no pressure on the casing or any annuls of a well that has been granted Temporary Abandonment status.
- g) If a Temporary Abandonment request is denied, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved Temporary Abandonment permit.
- h) Beginning January 1, 2023, Temporary Abandonment status shall terminate 5 years from the date that Temporary Abandonment status was granted unless the permittee complies with the requirements of subsection (d) for each 5-year period that a well is in Temporary Abandonment status. Temporary Abandonment status may be terminated upon application for termination of Temporary Abandonment status by the permittee and a Temporary Abandonment request being approved by the Department following a well inspection by a Department well inspector. Temporary Abandonment termination requests shall be on a form prescribed by the Department.
- i) Wells On Temporary Abandonment Status On January 1, 2023
 - 1) Beginning January 1, 2023, wells on Temporary Abandonment status on January 1, 2023, shall be granted an additional Temporary Abandonment status of 5 years upon the expiration of the original Temporary Abandonment designation, provided:
 - A) the well remains in compliance with subsections (c) and (d);
 - B) the lease or unit which the wells are located remains active; and
 - C) the permittee submits an application pursuant to subsection (c) and that application is approved by the Department.
 - 2) Temporary Abandonment status may be renewed for successive 5-year periods if the well remains in compliance with this Section.
- j) The Department shall assess and collect annual fees of \$100 per well for each well that is in Temporary Abandonment status.

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- k) The Department shall grant Temporary Abandonment status for successive 5 year periods if a well remains in compliance with this Section and upon the permittee's submission of detailed geological, engineering, or economical evidence that, based on industry standards, the well remains viable for future oil and gas development purposes.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section 240.1205 Application for Permit to Drill a Test Well or Drill Hole

- a) No person shall drill a test well or hole covered by this Subpart without a permit from the Department.
- b) An application for a permit to drill a coal test hole, mineral test hole, structure test hole, or coal or mineral groundwater monitoring well shall:
- 1) Be made on forms prescribed by the Department.
 - 2) Be executed under penalties of perjury, and accompanied by the nonrefundable fee of \$400 per section, or part of a section, as delineated by the United States Public Land Survey.
 - 3) Contain a statement indicating whether the well or drill hole is located over an underground gas storage field as defined in Section 240.1805(c) or the gas storage rights are owned by someone other than the lessor under the oil and gas lease; the applicant shall submit documentation establishing compliance with Section 240.1820.
 - 4) Be accompanied by the bond required under Subpart O.
 - 5) Include the name and location of the well surveyed by an Illinois licensed land surveyor or Illinois registered professional engineer, the GPS (Global Positioning System) latitude and longitude location, and ground elevation of the well; the GPS location shall be recorded as degrees and decimal degrees recorded to six decimal places in the North American Datum 1983 projection and shall be accurate to within three feet; the reported GPS

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location is required to be an actual GPS field measurement and not a calculated or conversion measurement.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.1250 When Wells Shall Be Plugged and Department Notification

- a) Structure, coal and mineral test holes shall be plugged within thirty (30) days after drilling ceases unless written permission is given by the Department as set forth in subsection (c) below or the hole is converted to a potable water well in accordance with Section 240.1280; however, if such hole is to be used as a mineral or coal groundwater monitoring well, the well shall be plugged in accordance with subsection (b) below. The permittee shall contact the District Office responsible for the area in which the permit is located 24 hours prior to beginning drilling operations covered by the permit.
- b) Mineral or coal groundwater monitoring wells shall be plugged when no longer used for the purpose for which they were permitted. At least 24 hours prior to commencing plugging the permittee shall notify the District Office for the county in which the well is located.
- c) Structure test holes testing for geological structure for gas storage shall be plugged within 30 days after drilling ceases unless written permission is given by the Department. Upon written request from the permittee, the Department may allow the permittee to postpone plugging of the well for additional testing. The permittee shall provide any documentation or updated reporting at the request of the Department during the postponement of plugging.
- d) Schematic Diagram: The applicant shall submit a schematic diagram of the proposed injection well showing:
 - 1) the total depth and plugged back depth of the well;
 - 2) the sizes and depths of the holes drilled for the surface casing, mine or intermediate casing, and production casing;
 - 3) the sizes and depths of all casing in the well and any additional casing to be used in the well; and

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- 4) the amount of cement used for each string of casing in the well and any additional cement to be used in the well.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART O: BONDS

Section 240.1500 When Required, Amount and When Released

- a) To Drill, Deepen, Convert or Operate an Oil or Gas Well
- 1) A bond, in the amount provided in this Section, shall be submitted, along with an application to drill, deepen, convert, operate or transfer a production or Class II well, if:
- A) the applicant was not an owner on April 29, 2026 of the right to drill and produce the well or wells in the transfer request; or
 - B) the applicant was not a permittee of record on April 29, 2026; or
 - C) the applicant has had a bond forfeited or is the subject of an unappealed, unabated Department final administrative decision requiring wells to be plugged; or
 - D) the applicant was not assessed an annual well fee as of July 1 preceding the application date, unless applicant was a permittee of record of an unplugged well in the previous fiscal year and not the subject of an unappealed, unabated Department final administrative decision; or
 - E) the applicant has had funds expended and/or wells plugged on its behalf by the Department using funds from the PRF; or
 - F) the applicant is not an appointed trustee or receiver in accordance with Section 240.1410(a)(4).
- 2) When a bond is required to be filed with the Department to drill, deepen,

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convert or operate an oil or gas well or Class II well, the amount of the bond shall be:

- A) *\$10,000 for one well;*
 - B) *\$25,000 for up to 10 wells of a permittee;*
 - C) *\$50,000 for up to 50 wells of a permittee;*
 - D) *\$100,000 for up to 100 wells of a permittee; or*
 - E) *Any blanket bond covering over 100 wells shall be increased to include the bond amount, as listed above, for the total number of wells over 100 that will be covered by the blanket bond. [225 ILCS 725/6(2.5)]*
- 3) Failure to provide the required bond will result in the issuance of a cessation of operations order in accordance with Section 240.185(b).
- 4) A bond submitted pursuant to Section 240.1500(a) shall be released when:
- A) all wells covered by the bond are plugged and restored in accordance with Subpart K; or
 - B) all wells covered by the bond are transferred in accordance with Subpart N; or
 - C) the permittee has paid assessments to the Department in accordance with Section 19.7 for 5 consecutive years and the permittee is not in violation of the Act.
- b) To Operate a Liquid Oilfield Waste Transportation System
The amount of bond required to be filed with the Department before a permit is issued authorizing a person to operate a liquid oilfield waste system shall be *\$10,000*. [225 ILCS 725/8c] When requested by permittee, bond shall be released when the permittee ceases operation and this system and the permittee's system is not in violation of the Act.

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- c) To Drill a Test Hole
- The amount of bond required to be filed with the Department before a permit is issued to drill a geological structure, coal or other mineral test hole, or a monitoring well in connection with any activity regulated by the Department shall be *\$2,500 for each permit or a blanket bond of \$25,000 for all permits*. [225 ILCS 725/2] The bond requirements of this Subpart shall not apply to a hole or well drilled on acreage permitted and bonded under the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715] or the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]. When requested by permittee, bonds shall be released when the hole or holes are plugged and restored in accordance with Section 240.1260 and the permittee is not in violation of the Act.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects

- a) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act, this Part or any permit condition, and this practice, condition or violation creates an imminent danger to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, the Department shall issue a cessation order to the last known permittee of record or the permittee responsible for the condition in accordance with Sections 240.870 and 24.875 of this Part. If the responsible party cannot be readily located or refuses to abate the violation after written notification or is no longer in existence, the Department is not required to issue a cessation order and may take any action deemed necessary to correct the condition.
- b) Upon the expiration of time within which abatement was required under the cessation order, if issued, the Department may take any action, including well and facility repair, well plugging, well site restoration, facility remediation, or emergency remediation, deemed necessary to cause a cessation of the danger to the public health and safety or environmental harm and abatement of any condition.

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- c) The cost of all emergency well plugging, emergency repair work and emergency remediation projects completed under this Section shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund. Permittees or responsible parties for which funds were expended under this Section shall be required to reimburse the Plugging and Restoration Fund for all the expenditures.

(Source: Amended at 50 Ill. Reg. _____, effective _____)