

ADMINISTRATIVE CODE

TITLE 62: MINING CHAPTER I: DEPARTMENT OF NATURAL RESOURCES PART 240 THE ILLINOIS OIL AND GAS ACT SECTION 240.370 PUBLIC NOTICE

Section 240.370 Public Notice

- a) Contents of Notice and Publication

Public notice shall be given no earlier than 30 days prior to the filing of the application. A notice that an application for a permit to drill, deepen or convert to a Class II UIC well has been or will be filed with the Department shall be published by the applicant in a newspaper of general circulation and published in the county in which the proposed injection well is to be located. The applicant shall submit a copy of, or the original of, the Certificate of Publication to the Department prior to approval of the application.
- 1) The notice shall include:
 - A) the name and address of the applicant;
 - B) the date on or before which the application will be filed;
 - C) the legal description of the location of the proposed injection well, including both the United States Public Land Survey and GPS coordinates ~~if required~~ as specified under Section 240.320(b);
 - D) the geologic name and depth of the injection intervals;
 - E) the proposed maximum injection pressure and maximum injection rate;
 - F) the address and telephone number for the Office; and

- G) a statement that the public has 15 days to comment on the application and that comments must be made in writing to the Office. The deadline for filing comments shall appear in the notice. The comment period shall be either:
 - i) 15 days from the date the application is filed with the Department, when the application is filed after notice has been published; or
 - ii) 15 days from the date of publication of the notice, when the notice is published after the application is filed.
- 2) If the notice does not contain all of the information listed in subsection (a) (1) or, if the application is not received on or before the date designated in subsection (a)(1)(B) or the date the notice is published, whichever is later, the applicant shall be required to republish the notice.
- b) **Notice Within the Area of Review**

A copy of the published notice, or a letter containing the same information as in the notice, shall be mailed by shall be mailed by certified mail, return receipt requested **or personal delivery** to the owner of the surface of the land on which the proposed injection well is to be located, and to each permittee of a producing leasehold, and the owner or manager of all mines, including the mined-out area and undeveloped limits of all mines, located within ¼ mile of the proposed Class II UIC well. Evidence of mailing shall be submitted to the Department prior to approval of the application. The returned certified mail receipt card, or a copy of the card, shall serve as evidence of mailing. **The applicant shall provide the Department with a copy of the notice attached to the application for permit, with the evidence of delivery to the surface owner or a sworn statement that the applicant has the evidence of delivery in the applicant's possession, giving the names and addresses of the owners of the surface rights and date of delivery of the notice.**
- c) **Objections**

If a written objection to the application is filed within 15 days after the filing of the application, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a factual or legal question regarding the sufficiency of the application in meeting the requirements for a permit, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.
- d) **Public Hearing**
 - 1) Any public hearing held pursuant to subsection (c) shall be an informal

hearing conducted by the Department solely for the purpose of resolving the factual or legal question raised by the objection.

- 2) Notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing the notice by United States mail, postage prepaid, addressed to their last known home addresses.
- 3) A certified court reporter shall record the hearing at the Department's expense.
- 4) A Hearing Officer designated by the Director shall conduct the hearing. The Hearing Officer shall allow all parties to the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determines the evidence is irrelevant, immaterial, unduly repetitious, or of such a nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs.
- 5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence.
- 6) Within 10 days after the closing of the record or the receipt of the transcript of the hearing, whichever comes later, the Department shall render a decision on the objection.

(Source: Amended at 42 Ill. Reg. 5811, effective March 14, 2018)