

Joint Committee on Administrative Rules**ADMINISTRATIVE CODE****TITLE 62: MINING****CHAPTER I: DEPARTMENT OF NATURAL RESOURCES****PART 240 THE ILLINOIS OIL AND GAS ACT****SECTION 240.870 LEAKING UNPERMITTED DRILL HOLE****Section 240.870 Leaking Unpermitted Drill Hole**

- a) When any fluids are potentially leaking into the fresh water as determined by geologic and field investigation or are leaking onto the surface, through an unpermitted drill hole, the unpermitted drill hole shall be plugged by the current permittee of the lease where the unpermitted drill hole is located. Pending plugging of the well, all injection wells within a $\frac{1}{4}$ mile radius of the leaking drill hole shall be shut in until the leaking drill hole is plugged. The leaking or previously leaking drill hole shall be plugged regardless of well status at the time of plugging. If the leak persists after the shut in of all injection wells within a $\frac{1}{4}$ mile radius of the leaking drill hole, the radius shall be expanded to $\frac{1}{2}$ mile radius. If the Department determines through investigation that further expansion of the radius is needed, it may expand the radius in $\frac{1}{4}$ mile increments to prevent waste and environmental damage.
- b) Within 24 hours after notification by the Department of the leaking drill hole, the current permittee of the lease shall take all necessary actions required to contain the leaking drill hole fluids to prevent any further migration and environmental damage until the drill hole is properly plugged and restored. These actions may include, but are not limited to, the digging of containment pits and/or building containment dikes to collect and contain the leaking fluids, hauling and disposing of the collected fluids, and the use of absorbent materials to pick up leaking fluids. All collected and contained fluids shall be properly disposed of in a permitted Class II injection well. All used absorbent materials shall be disposed of in accordance with Section 240.891(b).
- c) If the current permittee does not take the required actions to contain the leaking fluids within 24 hours after notification by the Department, or within the time frame of any extensions granted by the Department because of extenuating circumstances such as weather conditions, the permittee shall not operate any wells on the lease where the leaking drill hole is located until all required actions have been taken and may be issued a Notice of Violation and assessed a civil penalty of up to \$1,000 in accordance with Section 240.160(c)(3)(B) and (C).
- d) Within 90 days after notification by the Department of the leaking drill hole, or within the time frame of any extensions granted by the Department because of extenuating circumstances, including but not limited to weather conditions, the non-availability of plugging equipment, or downhole construction or conditions, the current permittee of the lease shall properly plug and restore the leaking drill hole in the presence of a Department well inspector.

- e) If the current permittee does not plug the leaking drill hole within 90 days after notification by the Department, or within the time frame of any extensions granted by the Department, the current permittee shall not operate any wells on the lease

where the leaking drill hole is located until the leaking drill hole has been properly plugged in the presence of a Department well inspector.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)