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New Illinois Fracking Law: Deadline for Regulatory Approval and Public Review Extended

In light of considerable concern expressed by industry and activist organizations to Illinois' law on hydraulic fracturing, or "fracking," the deadline for submission of additional public comment has been extended to October 7, 2014.

The Illinois Hydraulic Fracturing Regulatory Act (the Act), signed into law by Illinois Governor Pat Quinn on June 17, 2013, is reportedly one of the most stringent fracking laws in the nation. It contains extensive requirements to protect water quality, assure transparency, and promote public involvement.

In December 2013, the Illinois Department of Natural Resources (IDNR) posted the first draft of regulations for public review. After receiving more than 30,000 comments on the first draft of the rules, IDNR submitted revised rules for the Act to the Illinois Joint Committee on Administrative Rules (JCAR) for final approval on Friday, August 29, 2014.

Initially, JCAR had 45 days to approve the proposed regulations with the ability to request an additional 45 days to revisit the rules. After several industries and numerous environmental groups reached out to JCAR and expressed their concerns about the rules, JCAR made the decision to take an additional 45 days to consider the rules. JCAR announced it will use this extra time to ensure the rules comply with the Act and potentially accommodate requests for changes from interest groups.

What This Means to You

The proposed rule regarding modified and reconstructed units will dramatically affect unconventional oil and gas exploration in the state. In

addition, the proposed rule will have broader implications for the overall state economy.

Any further public comments on the rules must be made before October 7, 2014. The next JCAR meeting is scheduled for October 14, 2014, at which time IDNR will present a new set of draft rules and recommendations. If approved, the final rules could go into effect as early as November 15, 2014.

Contact Us

For additional information regarding how the proposed laws might impact your business or your clients, or if you'd like assistance filing comments on the proposed rules, please contact Kyle Barry, a Springfield, Illinois-based regulatory attorney in Husch Blackwell's Energy and Natural Resources industry group, at 217.670.1782.