**Section 240.1650 Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Abandonment**

a) A permittee shall not work on, operate or produce any of its wells or facilities that have been placed into the PRF Program without first obtaining temporary relief through the Department's final administrative decision placing the wells and facilities into the PRF Program.

b) A permittee's application to the Department for temporary relief from the Department's final administrative decision placing its wells or facilities in the PRF Program shall contain the following information on a lease by lease basis:

1) A list of all the wells and facilities in the PRF Program on the lease;

2) A plan of action for each well on the lease (e.g., production, injection, plug or temporarily abandon);

3) A plan to bring the wells and facilities on the lease into full compliance with the Act and this Part;

4) The date by which all work bringing the wells and facilities on the lease into full compliance will be completed;

5) Either a new base lease or a copy of a valid lease, along with lease ratifications by the current mineral owners signed within the last 180 days affirming the permittee's existing lease is valid. Lease ratifications shall include the mineral owner's name, address, signature, date, and the name and legal location of the lease;

6) Certification, under penalty of perjury, that the applicant has the right, pursuant to valid and subsisting oil and gas leases, documents or memoranda of public record, and/or any statute or regulation, to drill for and operate a well on the lands and formations required for the proposed well, as set forth in Subpart D;

7) Payment of a non-refundable administrative fee of $250 per well for each well the permittee is requesting to remove from the PRF Program, made payable to the Illinois Department of Natural Resources/Plugging and Restoration Fund; and

8) A request to authorize the permittee's access to the lease for the purpose of implementing the proposed plan of action so the wells and facilities can be brought into full compliance and, upon Department approval, removed from the PRF Program.

c) The Department shall approve or deny the application for temporary relief from the Department's final administrative decision placing the wells and facilities in the PRF Program. If the application is approved, the Department shall request that the Hearing Officer issue an Order granting temporary relief. If, however, upon review of the application for temporary relief, the Department determines that property rights or environmental or public safety and welfare will be adversely affected, the proposed plan of action does not meet the requirements of the Act or this Part, the time proposed by the permittee to complete the required work is deemed to be excessive, or the permittee owes the Department civil penalties, annual well fees or funds expended from the PRF Program, the application shall be denied.

d) All Hearing Officer Orders granting temporary relief to permittees to work on, operate and produce wells and facilities in the PRF Program shall subject permittees to the following terms and conditions:

1) All work required to bring the wells and facilities on the lease into full compliance with the Act and this Part shall be completed in accordance with the plan of action submitted by the permittee with the application for temporary relief and by the date specified in the Hearing Officer's Order.

2) All wells, facilities and hydrocarbons on the lease shall remain in the PRF Program until:

A) All wells and facilities on the lease have been inspected by the Department and are in compliance with the Act and this Part;

B) The Department has modified or vacated the final administrative decision that placed the wells and facilities into the PRF Program; and

C) The Department has removed the wells and facilities from the PRF Program.

3) No equipment or hydrocarbons may be removed or sold from the lease until the Department has removed the wells and facilities on the lease from the PRF Program.

e) The Hearing Officer may approve or deny any request or motion for an extension of time to complete the work required to bring the wells and facilities on the lease into compliance with the Act and this Part. When determining to approve or deny a request for an extension of time to complete the required work, the Hearing Officer will consider factors including, but not limited to, the permittee's diligence in completing the work since the issuance of the Order granting temporary relief, weather conditions, amount and type of work still remaining to be completed in accordance with the plan of action, amount and type of work completed, number of wells and facilities involved in the work, and conditions beyond the permittee's control.

f) Any work performed on the wells or facilities on the lease is solely at the permittee's own expense and risk. If all work required to bring the wells and facilities on the lease into compliance with the Act and this Part is not completed by the date specified in the Hearing Officer's Order, or the Hearing Officer's Order is revoked, the Order including authorization to access the lease shall terminate and the permittee is required to abandon the lease, leaving any equipment, improvements and hydrocarbons on the lease. Any equipment, improvements and hydrocarbons shall be placed into the PRF Program and disposed of by the Department in accordance with Section 240.1610(e).

g) If, after a hearing on the matter, the Hearing Officer determines that a permittee failed to comply with the terms and conditions of the Hearing Officer's Order granting temporary relief from the Department's final administrative decision or violated the requirements of the Act or this Part on the leasehold that is the subject of the Order, the Hearing Officer shall revoke the order granting temporary relief.

h) If the permittee completes all work required to bring the wells and facilities on the lease into compliance with the Act and this Part pursuant to the terms and conditions of the Hearing Officer's Order to work on, operate or produce wells and facilities in the PRF Program, the permittee shall notify the Department of the completion of the work. Upon notification, the Department shall, within 30 days, make an inspection of the wells and facilities on the lease to determine compliance with the Act and this Part. Upon an inspection indicating that the wells and facilities are in compliance with the Act and this Part, the Hearing Officer shall, within 30 days, modify or vacate the final administrative decision that placed the wells and facilities into the PRF Program and notify the permittee in writing that the wells and facilities have been removed from the PRF Program.

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