**Section 245.850 Hydraulic Fracturing Fluid and Hydraulic Fracturing Flowback Storage, Disposal or Recycling, Transportation and Reporting Requirements**

The permittee shall notify the Department of the date when HVHHF operations are completed and shall dispose of or recycle hydraulic fracturing fluids and hydraulic fracturing flowback pursuant to the requirements of this Section.

a) Completion of HVHHF operations occurs when the flowback period begins after the last stage of HVHHF operations. The permittee shall notify the Department's District Office by phone and electronic mail within 24 hours after HVHHF operations are completed.

b) *Hydraulic fracturing fluids and hydraulic fracturing flowback must be removed from the well site within 60 days after completion of high volume horizontal fracturing operations, except* as provided in subsection (c) (Section 1-75(c)(5) of the Act).

c) *Any excess hydraulic fracturing flowback captured for temporary storage in a reserve pit as provided in* Section 245.825 *must be* either *removed from the well site* or transferred to storage in above-ground tanks for later disposal or recycling *within 7 days* after the fluid is first deposited into the reserve pit (Section 1-75(c)(5) of the Act). Excess hydraulic fracturing flowback cannot be removed from the well site until the hydraulic fracturing flowback is tested and the analytical results are provided pursuant to subsection (d).

d) Testing of hydraulic fracturing flowback shall be completed as follows:

1) *Hydraulic fracturing flowback must be tested for* the presence of *volatile organic chemicals, semi-volatile organic chemicals, inorganic chemicals, heavy metals, and naturally occurring radioactive material* before *removal from the* well *site*, including specifically:

A) pH;

B) total dissolved solids, dissolved methane, dissolved propane, dissolved ethane, alkalinity and specific conductance;

C) chloride, sulfate, arsenic, barium, calcium, chromium, iron, magnesium, selenium, cadmium, lead, manganese, mercury and silver;

D) BTEX; and

E) gross alpha and beta particles to determine the presence of any naturally occurring radioactive materials.

2) Testing shall be completed on a composited sample of the hydraulic fracturing flowback.

3) *Testing shall occur once per well* site at an Agency-accredited or -certified independent laboratory. When no laboratory has been accredited or certified by the Agency to analyze a particular substance requested in this subsection (d), results will be considered only if they have been analyzed by a laboratory accredited or certified by another State agency or an agency of the federal government, if the standards used for the accreditation or certification of that laboratory are substantially equivalent to the accreditation standard under Section 4(o) of the Illinois Environmental Protection Act [415 ILCS 5].

4) *The analytical results shall be filed with the Department and the Agency, and provided to the liquid oilfield waste transportation and disposal operators* at or before the time of pickup. (Section 1-75(c)(7) of the Act)

e) Before *plugging and site restoration* required by Section 245.1030, *the ground adjacent to the storage tanks and any hydraulic fracturing flowback reserve pit must be measured for radioactivity* (Section 1-75(c)(7) of the Act).

f) Surface *discharge of hydraulic fracturing fluids* or *hydraulic fracturing flowback* onto the ground or *into any surface water or water drainage way* at the well site or any other location *is prohibited* (Sections 1-75(c)(9) and 1-25(c) of the Act).

g) Except for recycling allowed by subsection (i), *hydraulic fracturing flowback may only be disposed of by injection into a Class II injection* disposal *well that is below interface between fresh water and naturally occurring Class IV groundwater* (Sections 1-75(c)(8) and 1-25(c) of the Act)*.* The Class II injection disposal well must be equipped with an electronic flowmeter and approved by the Department.

h) *Fluid transfer operations from tanks to tanker trucks* for transportation offsite *must be supervised at the truck and at the tank if the tank is not visible to the truck operator from the truck. During transfer operations, all interconnecting piping must be supervised if not visible to transfer personnel at the truck and tank.* (Section 1-75(c)(6) of the Act)

i) *Hydraulic fracturing flowback may be treated and recycled for use in hydraulic fracturing fluid for high volume horizontal hydraulic fracturing operations.* (Section 1-75(c)(8) of the Act)

j) *Transport of all hydraulic fracturing fluids* and *hydraulic fracturing flowback by vehicle for disposal* or recycling *must be undertaken by a liquid oilfield waste hauler permitted by the Department under Section 8c of the Illinois Oil and Gas Act. The liquid oilfield waste hauler transporting hydraulic fracturing fluids* or *hydraulic fracturing flowback under this* Part *shall comply with all laws, rules, and regulations concerning liquid oilfield waste.* (Section 1-75(c)(10) of the Act)

k) A fluid handling *report on the transportation and disposal* or recycling *of the hydraulic fracturing fluids and hydraulic fracturing flowback shall be prepared* by the permittee on a form prescribed by the Department *and included in the well file*.

1) Each report must include:

A) *the amount of* hydraulic fracturing *fluids* or hydraulic fracturing flowback *transported*;

B) *identification of the company that transported the* hydraulic fracturing *fluids* or hydraulic fracturing flowback;

C) the date the hydraulic fracturing fluids or hydraulic fracturing flowback were picked up from the well site (see Section 1-75(c)(14) of the Act);

D) *the destination of the* hydraulic fracturing *fluids* or hydraulic fracturing flowback, including the name, address and type of facility accepting the hydraulic fracturing fluids or hydraulic fracturing flowback;

E) *the method of disposal* (Section 1-75(c)(14) of the Act) or recycling; and

F) a copy of the analytical results of the testing required pursuant to subsection (d).

2) The permittee shall prepare 4 copies of each fluid handling report for distribution as follows:

A) one copy for the permittee's records;

B) two copies for the liquid oilfield waste hauler upon pick-up of the liquids as follows:

i) one copy for the waste hauler's records; and

ii) one copy to be provided to the permittee of the Class II UIC well, to the operator of the storage location where the liquids will be disposed of, or to the operator of the storage location where liquids will be recycled; and

C) one copy for the Department. A set of all fluid handling reports shall be submitted to the Department within 90 days after the completion of all HVHHF operations.

3) All copies of the fluid handling reports shall be retained for at least 5 years.