**Section 245.1010 Plugging Previously Abandoned Unplugged or Insufficiently Plugged Wells**

a) The permittee shall plug any abandoned *unplugged*, or insufficiently plugged, *well bores within 750 feet of any part of the horizontal well bore that penetrated within 400 vertical feet of the geologic formation that will be stimulated as part of the* permittee's proposed *high volume horizontal hydraulic fracturing operations* (Section 1-95 of the Act). In determining whether a well has been sufficiently plugged, the Department will consider, but is not limited to, well completion reports, cementing records, well construction records, cement bond logs, tracer surveys, oxygen activation logs and plugging records. The permittee shall complete this plugging before the permittee conducts any HVHHF operations.

b) This pre-HVHHF operations plugging obligation shall be performed in accordance with 62 Ill. Adm. Code 240.1110.

1) If the permittee does not have authority to plug an abandoned well within the Plugging and Restoration Fund Program, the Department will give the permittee authority to enter upon the land, plug the well, and restore the well site consistent with 62 Ill. Adm. Code 240.1610(e).

2) If the permittee does not have authority to plug an abandoned well that is not within the Plugging and Restoration Fund Program, either:

A) the Department will initiate abandoned well proceedings pursuant to Section 19.1 of the Illinois Oil and Gas Act and 62 Ill. Adm. Code 240.1610, in order to grant the permittee authority to plug the abandoned well; or

B) the permittee will work with the landowner and the person responsible for the abandoned well to arrange for plugging and restoration.

c) If the permittee is unable to locate an abandoned unplugged well or insufficiently plugged well identified by the Department for plugging before HVHHF operations begin, the permittee may receive a waiver of the plugging requirement from the Department after demonstrating a diligent effort to locate the abandoned unplugged well or insufficiently plugged well in the field.

d) Before proceeding with any HVHHF operations, the permittee shall receive written approval from the Department that all wells under the permit within 750 feet of any part of the horizontal well bore that appear to penetrate within 400 vertical feet of the formation that the permittee intends to stimulate have been plugged, or that the plugging requirements have been met.

e) If, during or after performing HVHHF operations, there is any evidence of fluids leaking at the surface from abandoned wells, unpermitted wells, or previously plugged wells within 750 feet of any part of the horizontal well bore:

1) the permittee shall immediately stop hydraulic fracturing operations, notify the Department, and shut in the well;

2) the permittee shall plug those wells and restore the well sites in accordance with 62 Ill. Adm. Code 240.870, 240.875 and 240.1110; and

3) the permittee shall obtain the approval of the Department prior to resuming operations.

f) If, during or after performing HVHHF operations, there is any evidence of damage from the permittee's HVHHF operations to a producing well within 750 feet of any part of the horizontal well bore, the permittee shall be responsible for all repairs to the well construction or the costs of plugging the damaged well.