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Hagan, Womer Benjamin, Young, Webster, Cates, Fessler, Trakas,
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SENATORS Mumper, Robert Gardner**

A B I L L

To amend sections 1509.23 and 1509.39 and to enact 1
section 3704.12 of the Revised Code to generally 2
prohibit the sale of motor vehicle fuel containing 3
methyl tertiary butyl ether (MTBE) in certain 4
quantities and to authorize the Department of 5
Natural Resources to specify minimum distances for 6
the location of oil and gas well facilities from 7
bodies of water. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1509.23 and 1509.39 be amended and 9
section 3704.12 of the Revised Code be enacted to read as follows: 10

Sec. 1509.23. (A) Rules of the chief of the division of 11
mineral resources management may specify practices to be followed 12
in the drilling of wells and production of oil and gas for 13

protection of public health or safety or to prevent damage to 14
natural resources, including specification of the following: 15

(1) Appropriate devices, ~~minimum~~; 16

(2) Minimum distances that wells and other excavations, 17
structures, and equipment shall be located from water wells, 18
streets, roads, highways, rivers, lakes, streams, ponds, other 19
bodies of water, railroad tracks, and buildings, ~~other~~; 20

(3) Other methods of operation, ~~and procedures~~; 21

(4) Procedures, methods, and equipment and other requirements 22
for equipment to prevent and contain discharges of oil from oil 23
production facilities and oil drilling and workover facilities 24
consistent with and equivalent in scope, content, and coverage to 25
section 311(j)(1)(c) of the "Federal Water Pollution Control Act 26
Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended, 27
and regulations adopted under it. 28

(B) The chief, in consultation with the emergency response 29
commission created in section 3750.02 of the Revised Code, shall 30
adopt rules in accordance with Chapter 119. of the Revised Code 31
that specify the information that shall be included in an 32
electronic database that the chief shall create and host. The 33
information shall be that which the chief considers to be 34
appropriate for the purpose of responding to emergency situations 35
that pose a threat to public health or safety or the environment. 36
At the minimum, the information shall include that which a person 37
who is regulated under this chapter is required to submit under 38
the "Emergency Planning and Community Right-To-Know Act of 1986," 39
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 40
it. 41

In addition, the rules shall specify whether and to what 42
extent the database and the information that it contains will be 43
made accessible to the public. The rules shall ensure that the 44

database will be made available via the internet or a system of
computer disks to the emergency response commission and to every
local emergency planning committee and fire department in this
state.

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Sec. 1509.39. This chapter or rules adopted under it shall
not be construed to prevent any municipal corporation, county, or
township from enacting and enforcing health and safety standards
for the drilling and exploration for oil and gas, provided that
~~such~~ those standards are not less restrictive than this chapter or
the rules adopted ~~thereunder~~ under it by the division of mineral
resources management. No county or township shall adopt or enforce
any ordinances, resolutions, rules, or requirements relative to
the minimum acreage requirements for drilling units; minimum
distances from which a new well or related production facilities
may be drilled or an existing well deepened, plugged back, or
reopened to a source of supply different from the existing pool
from boundaries of tracts, drilling units, other wells, streets,
roads, highways, railroad tracks, and any other structures ~~or~~
facilities, or features included in section 1509.23 of the Revised
Code; or the restoration or plugging of an oil and gas well. No
county or township shall require any permit or license for the
drilling, operation, production, plugging, or abandonment of any
oil or gas well, nor any fee, bond, or other security, or
insurance for any activity associated with the drilling,
operation, production, plugging, or abandonment of a well, except
for the permit provided for in section 4513.34 of the Revised Code
and any bond or other security associated ~~therewith~~ with that
permit.

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Sec. 3704.12. (A) Subject to division (C) of this section, on
or after July 1, 2005, no person shall sell or deliver to any
distributor within this state, or import into this state for sale

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in this state, any motor vehicle fuel containing methyl tertiary
butyl ether (MTBE) in quantities greater than one-half of one per
cent by volume.

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(B) The attorney general, upon the request of the director of
environmental protection, shall commence an action for injunctive
relief in any court of competent jurisdiction against any person
violating or threatening to violate division (A) of this section.
The court may grant temporary as well as permanent injunctive
relief.

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(C) The prohibitions of this section shall not operate unless
the United States environmental protection agency grants a waiver
allowing this state to control or prohibit the use of MTBE in
motor vehicle fuels. The director of environmental protection
shall apply for this waiver in a timely manner in order to obtain
it before July 1, 2005.

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Section 2. That existing sections 1509.23 and 1509.39 of the
Revised Code are hereby repealed.

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