

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 425**

**REPRESENTATIVES Reinhard, Faber, Grendell, Manning, Husted, Gilb, Core,  
Hagan, Womer Benjamin, Young, Webster, Cates, Fessler, Trakas,  
Carmichael, Buehrer, Clancy, Flowers, Perry, Damschroder, Lendrum, Seitz,  
Carey, Peterson, Seaver, Patton, Redfern, Allen, Ogg, D. Miller, Wilson,  
Cirelli, Coates, Roman, Barrett, Carano, Latell, Britton, McGregor, Aslanides,  
Hartnett, Collier, Bocchieri, Otterman, Hoops, Hughes, Reidelbach, G. Smith,  
Widowfield, Salerno, Sulzer**

**SENATORS Mumper, Robert Gardner**

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**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

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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

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made accessible to the public. The rules shall ensure that the  
 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

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distributor within this state, or import into this state for sale  
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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