

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 278

**Representatives Niehaus, Reidelbach, Seitz, Kearns, Carano, Webster,
Fessler, Gibbs, Husted, Peterson, Hoops, Carmichael, Blasdel, T. Patton,
D. Evans, McGregor, Gilb, DeWine, Setzer, Willamowski, Raga, Schaffer,
Book, Widowfield**

A B I L L

To amend sections 303.211, 519.211, 1509.02, 1509.06, 1
1509.072, 1509.23, and 1509.31 and to repeal 2
section 1509.39 of the Revised Code to declare 3
that the Division of Mineral Resources Management 4
in the Department of Natural Resources has 5
exclusive authority to regulate the permitting, 6
location, and spacing of oil and gas wells in the 7
state, and to revise the laws governing the 8
drilling of oil and gas. 9

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

Section 1. That sections 303.211, 519.211, 1509.02, 1509.06, 10
1509.072, 1509.23, and 1509.31 of the Revised Code be amended to 11
read as follows: 12

Sec. 303.211. (A) Except as otherwise provided in division 13
(B) or (C) of this section, sections 303.01 to 303.25 of the 14
Revised Code do not confer any power on any board of county 15
commissioners or board of zoning appeals in respect to the 16
location, erection, construction, reconstruction, change, 17

alteration, maintenance, removal, use, or enlargement of any 18
buildings or structures of any public utility or railroad, whether 19
publicly or privately owned, or the use of land by any public 20
utility or railroad for the operation of its business. 21

(B)(1) As used in this division, "telecommunications tower" 22
means any free-standing structure, or any structure to be attached 23
to a building or other structure, that meets all of the following 24
criteria: 25

(a) The free-standing or attached structure is proposed to be 26
constructed on or after October 31, 1996. 27

(b) The free-standing or attached structure is proposed to be 28
owned or principally used by a public utility engaged in the 29
provision of telecommunications services. 30

(c) The free-standing or attached structure is proposed to be 31
located in an unincorporated area of a township, in an area zoned 32
for residential use. 33

(d)(i) The free-standing structure is proposed to top at a 34
height that is greater than either the maximum allowable height of 35
residential structures within the zoned area as set forth in the 36
applicable zoning regulations, or the maximum allowable height of 37
such a free-standing structure as set forth in any applicable 38
zoning regulations in effect immediately prior to October 31, 39
1996, or as those regulations subsequently are amended. 40

(ii) The attached structure is proposed to top at a height 41
that is greater than either the height of the building or other 42
structure to which it is to be attached, or the maximum allowable 43
height of such an attached structure as set forth in any 44
applicable zoning regulations in effect immediately prior to 45
October 31, 1996, or as those regulations subsequently are 46
amended. 47

(e) The free-standing or attached structure is proposed to 48
have attached to it radio frequency transmission or reception 49
equipment. 50

(2) Sections 303.01 to 303.25 of the Revised Code confer 51
power on a board of county commissioners or board of zoning 52
appeals with respect to the location, erection, construction, 53
reconstruction, change, alteration, removal, or enlargement of a 54
telecommunications tower, but not with respect to the maintenance 55
or use of such a tower or any change or alteration that would not 56
substantially increase the tower's height. However, the power so 57
conferred shall apply to a particular telecommunications tower 58
only upon the provision of a notice, in accordance with division 59
(B)(4)(a) of this section, to the person proposing to construct 60
the tower. 61

(3) Any person who plans to construct a telecommunications 62
tower in an area subject to county zoning regulations shall 63
provide both of the following by certified mail: 64

(a) Written notice to the board of township trustees of the 65
township in which the tower is proposed to be constructed and to 66
each owner of property, as shown on the county auditor's current 67
tax list, whose land is contiguous to or directly across a street 68
or roadway from the property on which the tower is proposed to be 69
constructed, stating all of the following in clear and concise 70
language: 71

(i) The person's intent to construct the tower; 72

(ii) A description of the property sufficient to identify the 73
proposed location; 74

(iii) That, no later than fifteen days after the date of 75
mailing of the notice, such board of township trustees or any such 76
property owner may give written notice to the board of county 77
commissioners requesting that sections 303.01 to 303.25 of the 78

Revised Code apply to the proposed location of the tower as 79
provided under division (B)(4)(a) of this section. 80

If the notice to the board of township trustees or to a 81
property owner is returned unclaimed or refused, the person shall 82
mail the notice by regular mail. The failure of delivery of the 83
notice does not invalidate the notice. 84

(b) Written notice to the board of county commissioners of 85
the information specified in divisions (B)(3)(a)(i) and (ii) of 86
this section. The notice to the board also shall include 87
verification that the person has complied with division (B)(3)(a) 88
of this section. 89

(4)(a) If the board of county commissioners receives notice 90
from the board of township trustees or a property owner under 91
division (B)(3)(a)(iii) of this section within the time specified 92
in that division or if a member of the board of county 93
commissioners makes an objection to the proposed location of the 94
telecommunications tower within fifteen days after the date of 95
mailing of the notice sent under division (B)(3)(b) of this 96
section, the board of county commissioners shall send the person 97
proposing to construct the tower written notice that the tower is 98
subject to the power conferred by and in accordance with division 99
(B)(2) of this section. The notice shall be sent no later than 100
five days after the earlier of the date the board first receives 101
such a notice from the board of township trustees or a property 102
owner or the date upon which a member of the board of county 103
commissioners makes an objection. Upon the date of mailing of the 104
notice to the person, sections 303.01 to 303.25 of the Revised 105
Code shall apply to the tower. 106

(b) If the board of county commissioners receives no notice 107
under division (B)(3)(a)(iii) of this section within the time 108
prescribed by that division or no board member has an objection as 109
provided under division (B)(4)(a) of this section within the time 110

prescribed by that division, division (A) of this section shall 111
apply to the tower without exception. 112

(C) Sections 303.01 to 303.25 of the Revised Code confer 113
power on a board of county commissioners or board of zoning 114
appeals with respect to the location, erection, construction, 115
reconstruction, change, alteration, maintenance, removal, use, or 116
enlargement of any buildings or structures of a public utility 117
engaged in the business of transporting persons or property, or 118
both, or providing or furnishing such transportation service, over 119
any public street, road, or highway in this state, and with 120
respect to the use of land by any such public utility for the 121
operation of its business, to the extent that any exercise of such 122
power is reasonable and not inconsistent with Chapters 4901., 123
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 124
However, this division confers no power on a board of county 125
commissioners or board of zoning appeals with respect to a 126
building or structure of, or the use of land by, a person engaged 127
in the transportation of farm supplies to the farm or farm 128
products from farm to market or to food fabricating plants. 129

(D) Sections 303.01 to 303.25 of the Revised Code confer no 130
power on any county rural zoning commission, board of county 131
commissioners, or board of zoning appeals to prohibit the sale or 132
use of alcoholic beverages in areas where the establishment and 133
operation of any retail business, hotel, lunchroom, or restaurant 134
is permitted. 135

~~(E) Sections 303.01 to 303.25 of the Revised Code do not 136
confer any power on any county rural zoning commission, board of 137
county commissioners, or board of zoning appeals to prohibit the 138
use of any land owned or leased by an industrial firm for the 139
conduct of oil or natural gas well drilling or production 140
activities or the location of associated facilities or equipment 141
when such oil or natural gas obtained by the industrial firm is 142~~

~~used for the operation of its own plants.~~ 143

~~(F)~~(1) Any person who plans to construct a telecommunications 144
tower within one hundred feet of a residential dwelling shall 145
provide a written notice to the owner of the residential dwelling 146
and to the person occupying the residence, if that person is not 147
the owner of the residence, stating in clear and concise language 148
the person's intent to construct the tower and a description of 149
the property sufficient to identify the proposed location. The 150
notice shall be sent by certified mail. If the notice is returned 151
unclaimed or refused, the person shall mail the notice by regular 152
mail. The failure of delivery does not invalidate the notice. 153

(2) As used in division ~~(F)~~(E) of this section: 154

(a) "Residential dwelling" means a building used or intended 155
to be used as a personal residence by the owner, part-time owner, 156
or lessee of the building, or any person authorized by such a 157
person to use the building as a personal residence~~+~~. 158

(b) "Telecommunications tower" has the same meaning as in 159
division (B)(1) of this section, except that the proposed location 160
of the free-standing or attached structure may be an area other 161
than an unincorporated area of a township, in an area zoned for 162
residential use. 163

Sec. 519.211. (A) Except as otherwise provided in division 164
(B) or (C) of this section, sections 519.02 to 519.25 of the 165
Revised Code confer no power on any board of township trustees or 166
board of zoning appeals in respect to the location, erection, 167
construction, reconstruction, change, alteration, maintenance, 168
removal, use, or enlargement of any buildings or structures of any 169
public utility or railroad, whether publicly or privately owned, 170
or the use of land by any public utility or railroad, for the 171
operation of its business. 172

(B)(1) As used in this division, "telecommunications tower" 173
means any free-standing structure, or any structure to be attached 174
to a building or other structure, that meets all of the following 175
criteria: 176

(a) The free-standing or attached structure is proposed to be 177
constructed on or after October 31, 1996. 178

(b) The free-standing or attached structure is proposed to be 179
owned or principally used by a public utility engaged in the 180
provision of telecommunications services. 181

(c) The free-standing or attached structure is proposed to be 182
located in an unincorporated area of a township, in an area zoned 183
for residential use. 184

(d)(i) The free-standing structure is proposed to top at a 185
height that is greater than either the maximum allowable height of 186
residential structures within the zoned area as set forth in the 187
applicable zoning regulations, or the maximum allowable height of 188
such a free-standing structure as set forth in any applicable 189
zoning regulations in effect immediately prior to October 31, 190
1996, or as those regulations subsequently are amended. 191

(ii) The attached structure is proposed to top at a height 192
that is greater than either the height of the building or other 193
structure to which it is to be attached, or the maximum allowable 194
height of such an attached structure as set forth in any 195
applicable zoning regulations in effect immediately prior to 196
October 31, 1996, or as those regulations subsequently are 197
amended. 198

(e) The free-standing or attached structure is proposed to 199
have attached to it radio frequency transmission or reception 200
equipment. 201

(2) Sections 519.02 to 519.25 of the Revised Code confer 202

power on a board of township trustees or board of zoning appeals 203
with respect to the location, erection, construction, 204
reconstruction, change, alteration, removal, or enlargement of a 205
telecommunications tower, but not with respect to the maintenance 206
or use of such a tower or any change or alteration that would not 207
substantially increase the tower's height. However, the power so 208
conferred shall apply to a particular telecommunications tower 209
only upon the provision of a notice, in accordance with division 210
(B)(4)(a) of this section, to the person proposing to construct 211
the tower. 212

(3) Any person who plans to construct a telecommunications 213
tower in an area subject to township zoning regulations shall 214
provide both of the following by certified mail: 215

(a) Written notice to each owner of property, as shown on the 216
county auditor's current tax list, whose land is contiguous to or 217
directly across a street or roadway from the property on which the 218
tower is proposed to be constructed, stating all of the following 219
in clear and concise language: 220

(i) The person's intent to construct the tower; 221

(ii) A description of the property sufficient to identify the 222
proposed location; 223

(iii) That, no later than fifteen days after the date of 224
mailing of the notice, any such property owner may give written 225
notice to the board of township trustees requesting that sections 226
519.02 to 519.25 of the Revised Code apply to the proposed 227
location of the tower as provided under division (B)(4)(a) of this 228
section. 229

If the notice to a property owner is returned unclaimed or 230
refused, the person shall mail the notice by regular mail. The 231
failure of delivery of the notice does not invalidate the notice. 232

(b) Written notice to the board of township trustees of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.

(4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time prescribed by that division or no board member has an objection as provided under division (B)(4)(a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

(C) Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or

both, or providing or furnishing such transportation service, over 265
any public street, road, or highway in this state, and with 266
respect to the use of land by any such public utility for the 267
operation of its business, to the extent that any exercise of such 268
power is reasonable and not inconsistent with Chapters 4901., 269
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 270
However, this division confers no power on a board of township 271
trustees or board of zoning appeals with respect to a building or 272
structure of, or the use of land by, a person engaged in the 273
transportation of farm supplies to the farm or farm products from 274
farm to market or to food fabricating plants. 275

(D) Sections 519.02 to 519.25 of the Revised Code confer no 276
power on any township zoning commission, board of township 277
trustees, or board of zoning appeals to prohibit the sale or use 278
of alcoholic beverages in areas where the establishment and 279
operation of any retail business, hotel, lunchroom, or restaurant 280
is permitted. 281

~~(E) Sections 519.02 to 519.25 of the Revised Code do not 282
confer any power on any township zoning commission, board of 283
township trustees, or board of zoning appeals to prohibit the use 284
of any land owned or leased by an industrial firm for the conduct 285
of oil or natural gas well drilling or production activities or 286
the location of associated facilities or equipment when such oil 287
or natural gas obtained by the industrial firm is used for the 288
operation of its own plants. 289~~

~~(F)~~(1) Any person who plans to construct a telecommunications 290
tower within one hundred feet of a residential dwelling shall 291
provide a written notice to the owner of the residential dwelling 292
and to the person occupying the residence, if that person is not 293
the owner of the residence stating in clear and concise language 294
the person's intent to construct the tower and a description of 295
the property sufficient to identify the proposed location. The 296

notice shall be sent by certified mail. If the notice is returned 297
unclaimed or refused, the person shall mail the notice by regular 298
mail. The failure of delivery does not invalidate the notice. 299

(2) As used in division ~~(F)~~(E) of this section: 300

(a) "Residential dwelling" means a building used or intended 301
to be used as a personal residence by the owner, part-time owner, 302
or lessee of the building, or any person authorized by such a 303
person to use the building as a personal residence. 304

(b) "Telecommunications tower" has the same meaning as in 305
division (B)(1) of this section, except that the proposed location 306
of the free-standing or attached structure may be an area other 307
than an unincorporated area of a township, in an area zoned for 308
residential use. 309

Sec. 1509.02. There is hereby created in the department of 310
natural resources the division of mineral resources management, 311
which shall be administered by the chief of the division of 312
mineral resources management. The division has sole and exclusive 313
authority to regulate the permitting, location, and spacing of oil 314
and gas wells within the state. The regulation of oil and gas 315
activities is a matter of general statewide interest that requires 316
uniform statewide regulation, and this chapter and rules adopted 317
under it constitute a comprehensive plan with respect to all 318
aspects of the locating, drilling, and operating of oil and gas 319
wells within this state, including site restoration and disposal 320
of wastes from those wells. 321

The chief shall not hold any other public office, nor shall 322
the chief be engaged in any occupation or business that might 323
interfere with or be inconsistent with the duties as chief. 324

All moneys collected by the chief pursuant to sections 325
1509.06, 1509.061, 1509.071, 1509.13, 1509.22, and 1509.222, 326

ninety per cent of moneys received by the treasurer of state from 327
the tax levied in divisions (A)(5) and (6) of section 5749.02, all 328
civil penalties paid under section 1509.33, and, notwithstanding 329
any section of the Revised Code relating to the distribution or 330
crediting of fines for violations of the Revised Code, all fines 331
imposed under divisions (A) and (B) of section 1509.99 of the 332
Revised Code and fines imposed under divisions (C) and (D) of 333
section 1509.99 of the Revised Code for all violations prosecuted 334
by the attorney general and for violations prosecuted by 335
prosecuting attorneys that do not involve the transportation of 336
brine by vehicle shall be deposited into the state treasury to the 337
credit of the oil and gas well fund, which is hereby created. 338
Fines imposed under divisions (C) and (D) of section 1509.99 of 339
the Revised Code for violations prosecuted by prosecuting 340
attorneys that involve the transportation of brine by vehicle 341
shall be paid to the county treasury of the county where the 342
violation occurred. 343

The fund shall be used for the purposes enumerated in 344
division (B) of section 1509.071 of the Revised Code, for the 345
expenses of the division associated with the administration of the 346
"Natural Gas Policy Act of 1978," 92 Stat. 3358, 15 U.S.C. 3301, 347
and for the division's other functions. The expenses of the 348
division in excess of the moneys available in the fund shall be 349
paid from general revenue fund appropriations to the department. 350

Sec. 1509.06. An application for a permit to drill a new 351
well, drill an existing well deeper, reopen a well, convert a well 352
to any use other than its original purpose, or plug back a well to 353
a different source of supply shall be filed with the chief of the 354
division of mineral resources management upon such form as the 355
chief prescribes and shall contain each of the following that is 356
applicable: 357

(A) The name and address of the owner and, if a corporation,	358
the name and address of the statutory agent;	359
(B) The signature of the owner or the owner's authorized	360
agent. When an authorized agent signs an application, it shall be	361
accompanied by a certified copy of the appointment as such agent.	362
(C) The names and addresses of all persons holding the	363
royalty interest in the tract upon which the well is located or is	364
to be drilled or within a proposed drilling unit;	365
(D) The location of the tract or drilling unit on which the	366
well is located or is to be drilled identified by section or lot	367
number, city, village, township, and county;	368
(E) Designation of the well by name and number;	369
(F) The geological formation to be tested or used and the	370
proposed total depth of the well;	371
(G) The type of drilling equipment to be used;	372
(H) If the well is for the injection of a liquid, identity of	373
the geological formation to be used as the injection zone and the	374
composition of the liquid to be injected;	375
(I) A sworn statement that all requirements of any municipal	376
corporation, county, or township having jurisdiction over any	377
activity related to the drilling or operation of an oil or gas	378
well that have been filed with the division of mineral resources	379
management and are in effect at the time the application is filed,	380
including, but not limited to, zoning ordinances and resolutions	381
and the requirements of section 4513.34 of the Revised Code, will	382
be complied with until abandonment of the well;	383
(J) A plan for restoration of the land surface disturbed by	384
drilling operations. The plan shall provide for compliance with	385
the restoration requirements of division (A) of section 1509.072	386
of the Revised Code and any rules adopted by the chief pertaining	387

to that restoration. 388

~~(K)~~(J) A description by name or number of the county, 389
township, and municipal corporation roads, streets, and highways 390
that the applicant anticipates will be used for access to and 391
egress from the well site; 392

~~(L)~~(K) Such other relevant information as the chief 393
prescribes by rule. 394

Each application shall be accompanied by a map, on a scale 395
not smaller than four hundred feet to the inch, prepared by an 396
Ohio registered surveyor, showing the location of the well and 397
containing such other data as may be prescribed by the chief. If 398
the well is or is to be located within the excavations and 399
workings of a mine, the map also shall include the location of the 400
mine, the name of the mine, and the name of the person operating 401
the mine. 402

The chief shall cause a copy of the weekly circular prepared 403
by the division to be provided to the county engineer of each 404
county that contains active or proposed drilling activity. The 405
weekly circular shall contain, in the manner prescribed by the 406
chief, the names of all applicants for permits, the location of 407
each well or proposed well, the information required by division 408
~~(K)~~(J) of this section, and any additional information the chief 409
prescribes. 410

The chief shall not issue a permit for at least ten days 411
after the date of filing of the application for the permit unless, 412
upon reasonable cause shown, the chief waives that period or a 413
request for expedited review is filed under this section. However, 414
the chief shall issue a permit within twenty-one days of the 415
filing of the application unless the chief denies the application 416
by order. 417

An applicant may file a request with the chief for expedited 418

review of a permit application if the well is not or is not to be 419
located in a gas storage reservoir or reservoir protective area, 420
as "reservoir protective area" is defined in section 1571.01 of 421
the Revised Code. If the well is or is to be located in a coal 422
bearing township, the application shall be accompanied by the 423
affidavit of the landowner prescribed in section 1509.08 of the 424
Revised Code. 425

In addition to a complete application for a permit that meets 426
the requirements of this section and the permit fee prescribed by 427
this section, a request for expedited review shall be accompanied 428
by a separate nonrefundable filing fee of five hundred dollars. 429
Upon the filing of a request for expedited review, the chief shall 430
cause the county engineer of the county in which the well is or is 431
to be located to be notified of the filing of the permit 432
application and the request for expedited review by telephone or 433
other means that in the judgment of the chief will provide timely 434
notice of the application and request. The chief shall issue a 435
permit within seven days of the filing of the request unless the 436
chief denies the application by order. Notwithstanding the 437
provisions of this section governing expedited review of permit 438
applications, the chief may refuse to accept requests for 439
expedited review if, in the chief's judgment, the acceptance of 440
the requests would prevent the issuance, within twenty-one days of 441
their filing, of permits for which applications are pending. 442

A well shall be drilled and operated in accordance with the 443
plans, sworn statements, and other information submitted in the 444
approved application. 445

The chief shall issue an order denying a permit if the chief 446
finds that there is a substantial risk that the operation will 447
result in violations of this chapter or rules adopted under it 448
that will present an imminent danger to public health or safety or 449
damage to the environment, provided that where the chief finds 450

that terms or conditions to the permit can reasonably be expected 451
to prevent such violations, the chief shall issue the permit 452
subject to those terms or conditions. 453

Each application for a permit required by section 1509.05 of 454
the Revised Code, except an application for a well drilled or 455
reopened for purposes of section 1509.22 of the Revised Code, also 456
shall be accompanied by a nonrefundable fee of two hundred fifty 457
dollars. 458

The chief may order the immediate suspension of drilling, 459
operating, or plugging activities after finding that any person is 460
causing, engaging in, or maintaining a condition or activity that 461
in the chief's judgment presents an imminent danger to public 462
health or safety or results in or is likely to result in immediate 463
substantial damage to natural resources or for nonpayment of the 464
fee required by this section. The chief may order the immediate 465
suspension of the drilling or reopening of a well in a coal 466
bearing township after determining that the drilling or reopening 467
activities present an imminent and substantial threat to public 468
health or safety or to miners' health or safety. Before issuing 469
any such order, the chief shall notify the owner in such manner as 470
in the chief's judgment would provide reasonable notification that 471
the chief intends to issue a suspension order. The chief may issue 472
such an order without prior notification if reasonable attempts to 473
notify the owner have failed, but in such an event notification 474
shall be given as soon thereafter as practical. Within five 475
calendar days after the issuance of the order, the chief shall 476
provide the owner an opportunity to be heard and to present 477
evidence that the condition or activity is not likely to result in 478
immediate substantial damage to natural resources or does not 479
present an imminent danger to public health or safety or to 480
miners' health or safety, if applicable. In the case of activities 481
in a coal bearing township, if the chief, after considering 482

evidence presented by the owner, determines that the activities do 483
not present such a threat, the chief shall revoke the suspension 484
order. Notwithstanding any provision of this chapter, the owner 485
may appeal a suspension order directly to the court of common 486
pleas of the county in which the activity is located or, if in a 487
coal bearing township, to the reclamation commission under section 488
1513.13 of the Revised Code. 489

Sec. 1509.072. No oil or gas well owner or agent of an oil or 490
gas well owner shall fail to restore the land surface within the 491
area disturbed in siting, drilling, completing, and producing the 492
well as required in this section. 493

(A) Within five months after the date upon which the surface 494
drilling of a well is commenced, the owner or the owner's agent, 495
in accordance with the restoration plan filed under division 496
~~(F)~~(I) of section 1509.06 of the Revised Code, shall fill all the 497
pits for containing brine, other waste substances resulting, 498
obtained, or produced in connection with exploration or drilling 499
for, or production of, oil or gas, or oil that are not required by 500
other state or federal law or regulation, and remove all concrete 501
bases, drilling supplies, and drilling equipment. Within nine 502
months after the date upon which the surface drilling of a well is 503
commenced, the owner or the owner's agent shall grade or terrace 504
and plant, seed, or sod the area disturbed that is not required in 505
production of the well where necessary to bind the soil and 506
prevent substantial erosion and sedimentation. If the chief of the 507
division of mineral resources management finds that a pit used for 508
containing brine, other waste substances, or oil is in violation 509
of section 1509.22 of the Revised Code or rules adopted or orders 510
issued under it, the chief may require the pit to be emptied and 511
closed before expiration of the five-month restoration period. 512

(B) Within six months after a well that has produced oil or 513

gas is plugged, or after the plugging of a dry hole, the owner or 514
the owner's agent shall remove all production and storage 515
structures, supplies, and equipment, and any oil, salt water, and 516
debris, and fill any remaining excavations. Within that period the 517
owner or the owner's agent shall grade or terrace and plant, seed, 518
or sod the area disturbed where necessary to bind the soil and 519
prevent substantial erosion and sedimentation. 520

The owner shall be released from responsibility to perform 521
any or all restoration requirements of this section on any part or 522
all of the area disturbed upon the filing of a request for a 523
waiver with and obtaining the written approval of the chief, which 524
request shall be signed by the surface owner to certify the 525
approval of the surface owner of the release sought. The chief 526
shall approve the request unless the chief finds upon inspection 527
that the waiver would be likely to result in substantial damage to 528
adjoining property, substantial contamination of surface or 529
underground water, or substantial erosion or sedimentation. 530

The chief, by order, may shorten the time periods provided 531
for under division (A) or (B) of this section if failure to 532
shorten the periods would be likely to result in damage to public 533
health or the waters or natural resources of the state. 534

The chief, upon written application by an owner or an owner's 535
agent showing reasonable cause, may extend the period within which 536
restoration shall be completed under divisions (A) and (B) of this 537
section, but not to exceed a further six-month period, except 538
under extraordinarily adverse weather conditions or when essential 539
equipment, fuel, or labor is unavailable to the owner or the 540
owner's agent. 541

If the chief refuses to approve a request for waiver or 542
extension, the chief shall do so by order. 543

Sec. 1509.23. (A) Rules of the chief of the division of 544

mineral resources management may specify practices to be followed 545
in the drilling of wells and production of oil and gas for 546
protection of public health or safety or to prevent damage to 547
natural resources, including specification of the following: 548

(1) Appropriate devices; 549

(2) Minimum distances that wells and other excavations, 550
structures, and equipment shall be located from water wells, 551
streets, roads, highways, rivers, lakes, streams, ponds, other 552
bodies of water, railroad tracks, public or private recreational 553
areas, zoning districts, and buildings or other structures; 554

(3) Other methods of operation; 555

(4) Procedures, methods, and equipment and other requirements 556
for equipment to prevent and contain discharges of oil from oil 557
production facilities and oil drilling and workover facilities 558
consistent with and equivalent in scope, content, and coverage to 559
section 311(j)(1)(c) of the "Federal Water Pollution Control Act 560
Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended, 561
and regulations adopted under it. 562

(B) The chief, in consultation with the emergency response 563
commission created in section 3750.02 of the Revised Code, shall 564
adopt rules in accordance with Chapter 119. of the Revised Code 565
that specify the information that shall be included in an 566
electronic database that the chief shall create and host. The 567
information shall be that which the chief considers to be 568
appropriate for the purpose of responding to emergency situations 569
that pose a threat to public health or safety or the environment. 570
At the minimum, the information shall include that which a person 571
who is regulated under this chapter is required to submit under 572
the "Emergency Planning and Community Right-To-Know Act of 1986," 573
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 574
it. 575

In addition, the rules shall specify whether and to what extent the database and the information that it contains will be 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.

Sec. 1509.31. Whenever the entire interest of an oil and gas lease is assigned or otherwise transferred, the assignor or transferor shall notify the holders of the royalty interests, and, if a well or wells exist on the lease, the division of mineral resources management, of the name and address of the assignee or transferee by certified mail, return receipt requested, not later than thirty days after the date of the assignment or transfer. When notice of any such assignment or transfer is required to be provided to the division, it shall be provided on a form prescribed and provided by the division and verified by both the assignor or transferor and by the assignee or transferee. The notice form applicable to assignments or transfers of a well to the owner of the surface estate of the tract on which the well is located shall contain a statement informing the landowner that the well may require periodic servicing to maintain its productivity; that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for compliance with the requirements of this chapter and rules adopted under it, including, without limitation, the proper disposal of brine obtained from the well, the plugging of the well when it becomes incapable of producing oil or gas, and the restoration of the well site; and that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for the costs of compliance with the requirements of this chapter and rules adopted under it and the costs for operating and servicing the well.

The owner holding a permit under section 1509.05 of the Revised Code is responsible for all obligations and liabilities imposed by this chapter and any rules, orders, and terms and conditions of a permit adopted or issued under it, and no assignment or transfer by the owner relieves the owner of the obligations and liabilities until and unless the assignee or transferee files with the division the information described in divisions (A), (B), (C), (D), (E), (I), (J), and (K), ~~and (L)~~ of section 1509.06 of the Revised Code; obtains liability insurance coverage required by section 1509.07 of the Revised Code, except when none is required by that section; and executes and files a surety bond, negotiable certificates of deposit or irrevocable letters of credit, or cash, as described in that section. Instead of a bond, but only upon acceptance by the chief of the division of mineral resources management, the assignee or transferee may file proof of financial responsibility, described in section 1509.07 of the Revised Code. Section 1509.071 of the Revised Code applies to the surety bond, cash, and negotiable certificates of deposit and irrevocable letters of credit described in this section. Unless the chief approves a modification, each assignee or transferee shall operate in accordance with the plans and information filed by the permit holder pursuant to section 1509.06 of the Revised Code.

Section 2. That existing sections 303.211, 519.211, 1509.02, 1509.06, 1509.072, 1509.23, and 1509.31 and section 1509.39 of the Revised Code are hereby repealed.