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125th General Assembly

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Sub. H. B. No. 278

**Representatives Niehaus, Reidelbach, Seitz, Webster, Gibbs, Husted,
Peterson, Hoops, Carmichael, Blasdel, T. Patton, D. Evans, McGregor, Gilb,
DeWine, Setzer, Willamowski, Raga, Schaffer, Book, Widowfield, Hollister,
Callender, Cates, Flowers, Hagan, Walcher, Wolpert
Senators Mumper, Harris, Nein, White, Amstutz, Wachtmann, Austria,
Padgett**

A B I L L

To amend sections 303.211, 519.211, 1509.02, 1509.03, 1
1509.06, 1509.23, 1509.31, and 1510.11 and to 2
repeal section 1509.39 of the Revised Code to 3
declare that the Division of Mineral Resources 4
Management in the Department of Natural Resources 5
has exclusive authority to regulate the 6
permitting, location, and spacing of oil and gas 7
wells in the state, and to revise the laws 8
governing the drilling of oil and gas and the oil 9
and natural gas marketing program. 10

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

Section 1. That sections 303.211, 519.211, 1509.02, 1509.03, 11
1509.06, 1509.23, 1509.31, and 1510.11 of the Revised Code be 12
amended to read as follows: 13

Sec. 303.211. (A) Except as otherwise provided in division 14
(B) or (C) of this section, sections 303.01 to 303.25 of the 15

Revised Code do not confer any power on any board of county
commissioners or board of zoning appeals in respect to the
location, erection, construction, reconstruction, change,
alteration, maintenance, removal, use, or enlargement of any
buildings or structures of any public utility or railroad, whether
publicly or privately owned, or the use of land by any public
utility or railroad for the operation of its business.

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

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

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

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

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

(ii) The attached structure is proposed to top at a height
that is greater than either the height of the building or other
structure to which it is to be attached, or the maximum allowable
height of such an attached structure as set forth in any

applicable zoning regulations in effect immediately prior to 46
October 31, 1996, or as those regulations subsequently are 47
amended. 48

(e) The free-standing or attached structure is proposed to 49
have attached to it radio frequency transmission or reception 50
equipment. 51

(2) Sections 303.01 to 303.25 of the Revised Code confer 52
power on a board of county commissioners or board of zoning 53
appeals with respect to the location, erection, construction, 54
reconstruction, change, alteration, removal, or enlargement of a 55
telecommunications tower, but not with respect to the maintenance 56
or use of such a tower or any change or alteration that would not 57
substantially increase the tower's height. However, the power so 58
conferred shall apply to a particular telecommunications tower 59
only upon the provision of a notice, in accordance with division 60
(B)(4)(a) of this section, to the person proposing to construct 61
the tower. 62

(3) Any person who plans to construct a telecommunications 63
tower in an area subject to county zoning regulations shall 64
provide both of the following by certified mail: 65

(a) Written notice to the board of township trustees of the 66
township in which the tower is proposed to be constructed and to 67
each owner of property, as shown on the county auditor's current 68
tax list, whose land is contiguous to or directly across a street 69
or roadway from the property on which the tower is proposed to be 70
constructed, stating all of the following in clear and concise 71
language: 72

(i) The person's intent to construct the tower; 73

(ii) A description of the property sufficient to identify the 74
proposed location; 75

(iii) That, no later than fifteen days after the date of 76

mailing of the notice, such board of township trustees or any such
property owner may give written notice to the board of county
commissioners requesting that sections 303.01 to 303.25 of the
Revised Code apply to the proposed location of the tower as
provided under division (B)(4)(a) of this section.

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

(b) Written notice to the board of county commissioners 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 county commissioners receives notice
from the board of township trustees or a property owner under
division (B)(3)(a)(iii) of this section within the time specified
in that division or if a member of the board of county
commissioners 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 of county commissioners shall 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 the board of township trustees or a property
owner or the date upon which a member of the board of county
commissioners makes an objection. Upon the date of mailing of the
notice to the person, sections 303.01 to 303.25 of the Revised
Code shall apply to the tower.

(b) If the board of county commissioners receives no notice 108
under division (B)(3)(a)(iii) of this section within the time 109
prescribed by that division or no board member has an objection as 110
provided under division (B)(4)(a) of this section within the time 111
prescribed by that division, division (A) of this section shall 112
apply to the tower without exception. 113

(C) Sections 303.01 to 303.25 of the Revised Code confer 114
power on a board of county commissioners or board of zoning 115
appeals with respect to the location, erection, construction, 116
reconstruction, change, alteration, maintenance, removal, use, or 117
enlargement of any buildings or structures of a public utility 118
engaged in the business of transporting persons or property, or 119
both, or providing or furnishing such transportation service, over 120
any public street, road, or highway in this state, and with 121
respect to the use of land by any such public utility for the 122
operation of its business, to the extent that any exercise of such 123
power is reasonable and not inconsistent with Chapters 4901., 124
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 125
However, this division confers no power on a board of county 126
commissioners or board of zoning appeals with respect to a 127
building or structure of, or the use of land by, a person engaged 128
in the transportation of farm supplies to the farm or farm 129
products from farm to market or to food fabricating plants. 130

(D) Sections 303.01 to 303.25 of the Revised Code confer no 131
power on any county rural zoning commission, board of county 132
commissioners, or board of zoning appeals to prohibit the sale or 133
use of alcoholic beverages in areas where the establishment and 134
operation of any retail business, hotel, lunchroom, or restaurant 135
is permitted. 136

~~(E) Sections 303.01 to 303.25 of the Revised Code do not 137
confer any power on any county rural zoning commission, board of 138
county commissioners, or board of zoning appeals to prohibit the 139~~

~~use of any land owned or leased by an industrial firm for the~~ 140
~~conduct of oil or natural gas well drilling or production~~ 141
~~activities or the location of associated facilities or equipment~~ 142
~~when such oil or natural gas obtained by the industrial firm is~~ 143
~~used for the operation of its own plants.~~ 144

~~(F)~~(1) Any person who plans to construct a telecommunications 145
tower within one hundred feet of a residential dwelling shall 146
provide a written notice to the owner of the residential dwelling 147
and to the person occupying the residence, if that person is not 148
the owner of the residence, stating in clear and concise language 149
the person's intent to construct the tower and a description of 150
the property sufficient to identify the proposed location. The 151
notice shall be sent by certified mail. If the notice is returned 152
unclaimed or refused, the person shall mail the notice by regular 153
mail. The failure of delivery does not invalidate the notice. 154

(2) As used in division ~~(F)~~(E) of this section: 155

(a) "Residential dwelling" means a building used or intended 156
to be used as a personal residence by the owner, part-time owner, 157
or lessee of the building, or any person authorized by such a 158
person to use the building as a personal residence~~+~~. 159

(b) "Telecommunications tower" has the same meaning as in 160
division (B)(1) of this section, except that the proposed location 161
of the free-standing or attached structure may be an area other 162
than an unincorporated area of a township, in an area zoned for 163
residential use. 164

Sec. 519.211. (A) Except as otherwise provided in division 165
(B) or (C) of this section, sections 519.02 to 519.25 of the 166
Revised Code confer no power on any board of township trustees or 167
board of zoning appeals in respect to the location, erection, 168
construction, reconstruction, change, alteration, maintenance, 169
removal, use, or enlargement of any buildings or structures of any 170

public utility or railroad, whether publicly or privately owned, 171
or the use of land by any public utility or railroad, for the 172
operation of its business. 173

(B)(1) As used in this division, "telecommunications tower" 174
means any free-standing structure, or any structure to be attached 175
to a building or other structure, that meets all of the following 176
criteria: 177

(a) The free-standing or attached structure is proposed to be 178
constructed on or after October 31, 1996. 179

(b) The free-standing or attached structure is proposed to be 180
owned or principally used by a public utility engaged in the 181
provision of telecommunications services. 182

(c) The free-standing or attached structure is proposed to be 183
located in an unincorporated area of a township, in an area zoned 184
for residential use. 185

(d)(i) The free-standing structure is proposed to top at a 186
height that is greater than either the maximum allowable height of 187
residential structures within the zoned area as set forth in the 188
applicable zoning regulations, or the maximum allowable height of 189
such a free-standing structure as set forth in any applicable 190
zoning regulations in effect immediately prior to October 31, 191
1996, or as those regulations subsequently are amended. 192

(ii) The attached structure is proposed to top at a height 193
that is greater than either the height of the building or other 194
structure to which it is to be attached, or the maximum allowable 195
height of such an attached structure as set forth in any 196
applicable zoning regulations in effect immediately prior to 197
October 31, 1996, or as those regulations subsequently are 198
amended. 199

(e) The free-standing or attached structure is proposed to 200

have attached to it radio frequency transmission or reception 201
equipment. 202

(2) Sections 519.02 to 519.25 of the Revised Code confer 203
power on a board of township trustees or board of zoning appeals 204
with respect to the location, erection, construction, 205
reconstruction, change, alteration, removal, or enlargement of a 206
telecommunications tower, but not with respect to the maintenance 207
or use of such a tower or any change or alteration that would not 208
substantially increase the tower's height. However, the power so 209
conferred shall apply to a particular telecommunications tower 210
only upon the provision of a notice, in accordance with division 211
(B)(4)(a) of this section, to the person proposing to construct 212
the tower. 213

(3) Any person who plans to construct a telecommunications 214
tower in an area subject to township zoning regulations shall 215
provide both of the following by certified mail: 216

(a) Written notice to each owner of property, as shown on the 217
county auditor's current tax list, whose land is contiguous to or 218
directly across a street or roadway from the property on which the 219
tower is proposed to be constructed, stating all of the following 220
in clear and concise language: 221

(i) The person's intent to construct the tower; 222

(ii) A description of the property sufficient to identify the 223
proposed location; 224

(iii) That, no later than fifteen days after the date of 225
mailing of the notice, any such property owner may give written 226
notice to the board of township trustees requesting that sections 227
519.02 to 519.25 of the Revised Code apply to the proposed 228
location of the tower as provided under division (B)(4)(a) of this 229
section. 230

If the notice to a property owner is returned unclaimed or 231

refused, the person shall mail the notice by regular mail. The 232
failure of delivery of the notice does not invalidate the notice. 233

(b) Written notice to the board of township trustees of the 234
information specified in divisions (B)(3)(a)(i) and (ii) of this 235
section. The notice to the board also shall include verification 236
that the person has complied with division (B)(3)(a) of this 237
section. 238

(4)(a) If the board of township trustees receives notice from 239
a property owner under division (B)(3)(a)(iii) of this section 240
within the time specified in that division or if a board member 241
makes an objection to the proposed location of the 242
telecommunications tower within fifteen days after the date of 243
mailing of the notice sent under division (B)(3)(b) of this 244
section, the board shall request that the clerk of the township 245
send the person proposing to construct the tower written notice 246
that the tower is subject to the power conferred by and in 247
accordance with division (B)(2) of this section. The notice shall 248
be sent no later than five days after the earlier of the date the 249
board first receives such a notice from a property owner or the 250
date upon which a board member makes an objection. Upon the date 251
of mailing of the notice to the person, sections 519.02 to 519.25 252
of the Revised Code shall apply to the tower. 253

(b) If the board of township trustees receives no notice 254
under division (B)(3)(a)(iii) of this section within the time 255
prescribed by that division or no board member has an objection as 256
provided under division (B)(4)(a) of this section within the time 257
prescribed by that division, division (A) of this section shall 258
apply to the tower without exception. 259

(C) Sections 519.02 to 519.25 of the Revised Code confer 260
power on a board of township trustees or board of zoning appeals 261
with respect to the location, erection, construction, 262

reconstruction, change, alteration, maintenance, removal, use, or 263
enlargement of any buildings or structures of a public utility 264
engaged in the business of transporting persons or property, or 265
both, or providing or furnishing such transportation service, over 266
any public street, road, or highway in this state, and with 267
respect to the use of land by any such public utility for the 268
operation of its business, to the extent that any exercise of such 269
power is reasonable and not inconsistent with Chapters 4901., 270
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 271
However, this division confers no power on a board of township 272
trustees or board of zoning appeals with respect to a building or 273
structure of, or the use of land by, a person engaged in the 274
transportation of farm supplies to the farm or farm products from 275
farm to market or to food fabricating plants. 276

(D) Sections 519.02 to 519.25 of the Revised Code confer no 277
power on any township zoning commission, board of township 278
trustees, or board of zoning appeals to prohibit the sale or use 279
of alcoholic beverages in areas where the establishment and 280
operation of any retail business, hotel, lunchroom, or restaurant 281
is permitted. 282

~~(E) Sections 519.02 to 519.25 of the Revised Code do not 283
confer any power on any township zoning commission, board of 284
township trustees, or board of zoning appeals to prohibit the use 285
of any land owned or leased by an industrial firm for the conduct 286
of oil or natural gas well drilling or production activities or 287
the location of associated facilities or equipment when such oil 288
or natural gas obtained by the industrial firm is used for the 289
operation of its own plants. 290~~

~~(F)~~(1) Any person who plans to construct a telecommunications 291
tower within one hundred feet of a residential dwelling shall 292
provide a written notice to the owner of the residential dwelling 293
and to the person occupying the residence, if that person is not 294

the owner of the residence stating in clear and concise language 295
the person's intent to construct the tower and a description of 296
the property sufficient to identify the proposed location. The 297
notice shall be sent by certified mail. If the notice is returned 298
unclaimed or refused, the person shall mail the notice by regular 299
mail. The failure of delivery does not invalidate the notice. 300

(2) As used in division ~~(F)~~(E) of this section: 301

(a) "Residential dwelling" means a building used or intended 302
to be used as a personal residence by the owner, part-time owner, 303
or lessee of the building, or any person authorized by such a 304
person to use the building as a personal residence. 305

(b) "Telecommunications tower" has the same meaning as in 306
division (B)(1) of this section, except that the proposed location 307
of the free-standing or attached structure may be an area other 308
than an unincorporated area of a township, in an area zoned for 309
residential use. 310

Sec. 1509.02. There is hereby created in the department of 311
natural resources the division of mineral resources management, 312
which shall be administered by the chief of the division of 313
mineral resources management. The division has sole and exclusive 314
authority to regulate the permitting, location, and spacing of oil 315
and gas wells within the state. The regulation of oil and gas 316
activities is a matter of general statewide interest that requires 317
uniform statewide regulation, and this chapter and rules adopted 318
under it constitute a comprehensive plan with respect to all 319
aspects of the locating, drilling, and operating of oil and gas 320
wells within this state, including site restoration and disposal 321
of wastes from those wells. Nothing in this section affects the 322
authority granted to the director of transportation and local 323
authorities in section 4513.34 of the Revised Code. 324

The chief shall not hold any other public office, nor shall 325

the chief be engaged in any occupation or business that might 326
interfere with or be inconsistent with the duties as chief. 327

All moneys collected by the chief pursuant to sections 328
1509.06, 1509.061, 1509.071, 1509.13, 1509.22, and 1509.222, 329
ninety per cent of moneys received by the treasurer of state from 330
the tax levied in divisions (A)(5) and (6) of section 5749.02, all 331
civil penalties paid under section 1509.33, and, notwithstanding 332
any section of the Revised Code relating to the distribution or 333
crediting of fines for violations of the Revised Code, all fines 334
imposed under divisions (A) and (B) of section 1509.99 of the 335
Revised Code and fines imposed under divisions (C) and (D) of 336
section 1509.99 of the Revised Code for all violations prosecuted 337
by the attorney general and for violations prosecuted by 338
prosecuting attorneys that do not involve the transportation of 339
brine by vehicle shall be deposited into the state treasury to the 340
credit of the oil and gas well fund, which is hereby created. 341
Fines imposed under divisions (C) and (D) of section 1509.99 of 342
the Revised Code for violations prosecuted by prosecuting 343
attorneys that involve the transportation of brine by vehicle 344
shall be paid to the county treasury of the county where the 345
violation occurred. 346

The fund shall be used for the purposes enumerated in 347
division (B) of section 1509.071 of the Revised Code, for the 348
expenses of the division associated with the administration of the 349
"Natural Gas Policy Act of 1978," 92 Stat. 3358, 15 U.S.C. 3301, 350
and for the division's other functions. The expenses of the 351
division in excess of the moneys available in the fund shall be 352
paid from general revenue fund appropriations to the department. 353

Sec. 1509.03. The chief of the division of mineral resources 354
management shall adopt, rescind, and amend, in accordance with 355
Chapter 119. of the Revised Code, rules for the administration, 356

implementation, and enforcement of this chapter. ~~No~~ The rules 357
shall include an identification of the subjects that the chief 358
shall address when attaching terms and conditions to a permit with 359
respect to a well and production facilities of a well that are 360
located within a municipal corporation or within a township that 361
has a population of more than fifteen thousand in the most recent 362
federal decennial census prior to the issuance of the permit. The 363
subjects shall include all of the following: 364

(A) Safety concerning the drilling or operation of a well; 365

(B) Protection of the public and private water supply; 366

(C) Location of surface facilities of a well; 367

(D) Fencing and screening of surface facilities of a well; 368

(E) Containment and disposal of drilling and production 369
wastes; 370

(F) Construction of access roads for purposes of the drilling 371
and operation of a well. 372

No person shall violate any rule of the chief adopted under 373
this chapter. 374

Any order issuing, denying, or modifying a permit or notices 375
required to be made by the chief pursuant to this chapter shall be 376
made in compliance with Chapter 119. of the Revised Code, except 377
that personal service may be used in lieu of service by mail. 378
Every order issuing, denying, or modifying a permit under this 379
chapter and described as such shall be considered an adjudication 380
order for purposes of Chapter 119. of the Revised Code. 381

Where notice to the owners is required by this chapter, the 382
notice shall be given as prescribed by a rule adopted by the chief 383
to govern the giving of notices. Such rule shall provide for 384
notice by publication except in those cases where other types of 385
notice are necessary in order to meet the requirements of the law. 386

The chief or the chief's authorized representative may at any 387
time enter upon lands, public or private, for the purpose of 388
administration or enforcement of this chapter, the rules adopted 389
or orders made thereunder, or terms or conditions of permits or 390
registration certificates issued thereunder and may examine and 391
copy records pertaining to the drilling, conversion, or operation 392
of a well for injection of fluids and logs required by division 393
(C) of section 1509.223 of the Revised Code. No person shall 394
prevent or hinder the chief or the chief's authorized 395
representative in the performance of official duties. If entry is 396
prevented or hindered, the chief or the chief's authorized 397
representative may apply for, and the court of common pleas may 398
issue, an appropriate inspection warrant necessary to achieve the 399
purposes of this chapter within the court's territorial 400
jurisdiction. 401

The chief may issue orders to enforce this chapter, rules 402
adopted thereunder, and terms or conditions of permits issued 403
thereunder. Any such order shall be considered an adjudication 404
order for the purposes of Chapter 119. of the Revised Code. No 405
person shall violate any order of the chief issued under this 406
chapter. No person shall violate a term or condition of a permit 407
or registration certificate issued under this chapter. 408

Orders of the chief denying, suspending, or revoking a 409
registration certificate; approving or denying approval of an 410
application for revision of a registered transporter's plan for 411
disposal; or to implement, administer, or enforce division (A) of 412
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 413
1509.225, and 1509.226 of the Revised Code pertaining to the 414
transportation of brine by vehicle and the disposal of brine so 415
transported are not adjudication orders for purposes of Chapter 416
119. of the Revised Code. The chief shall issue such orders under 417
division (A) or (B) of section 1509.224 of the Revised Code, as 418

appropriate. 419

Sec. 1509.06. An application for a permit to drill a new 420
well, drill an existing well deeper, reopen a well, convert a well 421
to any use other than its original purpose, or plug back a well to 422
a different source of supply shall be filed with the chief of the 423
division of mineral resources management upon such form as the 424
chief prescribes and shall contain each of the following that is 425
applicable: 426

(A) The name and address of the owner and, if a corporation, 427
the name and address of the statutory agent; 428

(B) The signature of the owner or the owner's authorized 429
agent. When an authorized agent signs an application, it shall be 430
accompanied by a certified copy of the appointment as such agent. 431

(C) The names and addresses of all persons holding the 432
royalty interest in the tract upon which the well is located or is 433
to be drilled or within a proposed drilling unit; 434

(D) The location of the tract or drilling unit on which the 435
well is located or is to be drilled identified by section or lot 436
number, city, village, township, and county; 437

(E) Designation of the well by name and number; 438

(F) The geological formation to be tested or used and the 439
proposed total depth of the well; 440

(G) The type of drilling equipment to be used; 441

(H) If the well is for the injection of a liquid, identity of 442
the geological formation to be used as the injection zone and the 443
composition of the liquid to be injected; 444

(I) ~~A sworn statement that all requirements of any municipal 445
corporation, county, or township having jurisdiction over any 446
activity related to the drilling or operation of an oil or gas 447~~

~~well that have been filed with the division of mineral resources 448
management and are in effect at the time the application is filed, 449
including, but not limited to, zoning ordinances and resolutions 450
and the requirements of section 4513.34 of the Revised Code, will 451
be complied with until abandonment of the well; For an application 452
for a permit to drill a new well, a sworn statement that the 453
applicant has provided notice of the application to the owner of 454
each occupied dwelling unit that is located within five hundred 455
feet of the surface location of the well if the surface location 456
will be less than five hundred feet from the boundary of the 457
drilling unit and more than fifteen occupied dwelling units are 458
located less than five hundred feet from the surface location of 459
the well, excluding any dwelling that is located on real property 460
all or any portion of which is included in the drilling unit. The 461
notice shall contain a statement that an application has been 462
filed with the division of mineral resources management, identify 463
the name of the applicant and the proposed well location, include 464
the name and address of the division, and contain a statement that 465
comments regarding the application may be sent to the division. 466
The notice may be provided by hand delivery or regular mail. The 467
identity of the owners of occupied dwelling units shall be 468
determined using the tax records of the municipal corporation or 469
county in which the dwelling unit is located as of the date of the 470
notice. 471~~

(J) A plan for restoration of the land surface disturbed by 472
drilling operations. The plan shall provide for compliance with 473
the restoration requirements of division (A) of section 1509.072 474
of the Revised Code and any rules adopted by the chief pertaining 475
to that restoration. 476

(K) A description by name or number of the county, township, 477
and municipal corporation roads, streets, and highways that the 478
applicant anticipates will be used for access to and egress from 479

the well site; 480

(L) Such other relevant information as the chief prescribes 481
by rule. 482

Each application shall be accompanied by a map, on a scale 483
not smaller than four hundred feet to the inch, prepared by an 484
Ohio registered surveyor, showing the location of the well and 485
containing such other data as may be prescribed by the chief. If 486
the well is or is to be located within the excavations and 487
workings of a mine, the map also shall include the location of the 488
mine, the name of the mine, and the name of the person operating 489
the mine. 490

The chief shall cause a copy of the weekly circular prepared 491
by the division to be provided to the county engineer of each 492
county that contains active or proposed drilling activity. The 493
weekly circular shall contain, in the manner prescribed by the 494
chief, the names of all applicants for permits, the location of 495
each well or proposed well, the information required by division 496
(K) of this section, and any additional information the chief 497
prescribes. In addition, the chief promptly shall transfer an 498
electronic copy or facsimile, or if those methods are not 499
available to a municipal corporation or township, a copy via 500
regular mail, of a drilling permit application to the clerk of the 501
legislative authority of the municipal corporation or to the clerk 502
of the township in which the well or proposed well is or is to be 503
located if the municipal corporation or township has a population 504
of more than fifteen thousand in the most recent federal decennial 505
census prior to the submission of the application, the legislative 506
authority of the municipal corporation or the board of township 507
trustees has asked to receive copies of such applications, and the 508
appropriate clerk has provided the chief an accurate, current 509
electronic mailing address or facsimile number, as applicable. 510

The chief shall not issue a permit for at least ten days 511

after the date of filing of the application for the permit unless, 512
upon reasonable cause shown, the chief waives that period or a 513
request for expedited review is filed under this section. However, 514
the chief shall issue a permit within twenty-one days of the 515
filing of the application unless the chief denies the application 516
by order. 517

An applicant may file a request with the chief for expedited 518
review of a permit application if the well is not or is not to be 519
located in a gas storage reservoir or reservoir protective area, 520
as "reservoir protective area" is defined in section 1571.01 of 521
the Revised Code. If the well is or is to be located in a coal 522
bearing township, the application shall be accompanied by the 523
affidavit of the landowner prescribed in section 1509.08 of the 524
Revised Code. 525

In addition to a complete application for a permit that meets 526
the requirements of this section and the permit fee prescribed by 527
this section, a request for expedited review shall be accompanied 528
by a separate nonrefundable filing fee of five hundred dollars. 529
Upon the filing of a request for expedited review, the chief shall 530
cause the county engineer of the county in which the well is or is 531
to be located to be notified of the filing of the permit 532
application and the request for expedited review by telephone or 533
other means that in the judgment of the chief will provide timely 534
notice of the application and request. The chief shall issue a 535
permit within seven days of the filing of the request unless the 536
chief denies the application by order. Notwithstanding the 537
provisions of this section governing expedited review of permit 538
applications, the chief may refuse to accept requests for 539
expedited review if, in the chief's judgment, the acceptance of 540
the requests would prevent the issuance, within twenty-one days of 541
their filing, of permits for which applications are pending. 542

A well shall be drilled and operated in accordance with the 543

plans, sworn statements, and other information submitted in the 544
approved application. 545

The chief shall issue an order denying a permit if the chief 546
finds that there is a substantial risk that the operation will 547
result in violations of this chapter or rules adopted under it 548
that will present an imminent danger to public health or safety or 549
damage to the environment, provided that where the chief finds 550
that terms or conditions to the permit can reasonably be expected 551
to prevent such violations, the chief shall issue the permit 552
subject to those terms or conditions, including, if applicable, 553
terms and conditions regarding subjects identified in rules 554
adopted under section 1509.03 of the Revised Code. 555

Each application for a permit required by section 1509.05 of 556
the Revised Code, except an application for a well drilled or 557
reopened for purposes of section 1509.22 of the Revised Code, also 558
shall be accompanied by a nonrefundable fee of two hundred fifty 559
dollars. 560

The chief may order the immediate suspension of drilling, 561
operating, or plugging activities after finding that any person is 562
causing, engaging in, or maintaining a condition or activity that 563
in the chief's judgment presents an imminent danger to public 564
health or safety or results in or is likely to result in immediate 565
substantial damage to natural resources or for nonpayment of the 566
fee required by this section. The chief may order the immediate 567
suspension of the drilling or reopening of a well in a coal 568
bearing township after determining that the drilling or reopening 569
activities present an imminent and substantial threat to public 570
health or safety or to miners' health or safety. Before issuing 571
any such order, the chief shall notify the owner in such manner as 572
in the chief's judgment would provide reasonable notification that 573
the chief intends to issue a suspension order. The chief may issue 574
such an order without prior notification if reasonable attempts to 575

notify the owner have failed, but in such an event notification 576
shall be given as soon thereafter as practical. Within five 577
calendar days after the issuance of the order, the chief shall 578
provide the owner an opportunity to be heard and to present 579
evidence that the condition or activity is not likely to result in 580
immediate substantial damage to natural resources or does not 581
present an imminent danger to public health or safety or to 582
miners' health or safety, if applicable. In the case of activities 583
in a coal bearing township, if the chief, after considering 584
evidence presented by the owner, determines that the activities do 585
not present such a threat, the chief shall revoke the suspension 586
order. Notwithstanding any provision of this chapter, the owner 587
may appeal a suspension order directly to the court of common 588
pleas of the county in which the activity is located or, if in a 589
coal bearing township, to the reclamation commission under section 590
1513.13 of the Revised Code. 591

Sec. 1509.23. (A) Rules of the chief of the division of 592
mineral resources management may specify practices to be followed 593
in the drilling of wells and production of oil and gas for 594
protection of public health or safety or to prevent damage to 595
natural resources, including specification of the following: 596

(1) Appropriate devices; 597

(2) Minimum distances that wells and other excavations, 598
structures, and equipment shall be located from water wells, 599
streets, roads, highways, rivers, lakes, streams, ponds, other 600
bodies of water, railroad tracks, public or private recreational 601
areas, zoning districts, and buildings or other structures; 602

(3) Other methods of operation; 603

(4) Procedures, methods, and equipment and other requirements 604
for equipment to prevent and contain discharges of oil from oil 605
production facilities and oil drilling and workover facilities 606

consistent with and equivalent in scope, content, and coverage to 607
section 311(j)(1)(c) of the "Federal Water Pollution Control Act 608
Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended, 609
and regulations adopted under it. 610

(B) The chief, in consultation with the emergency response 611
commission created in section 3750.02 of the Revised Code, shall 612
adopt rules in accordance with Chapter 119. of the Revised Code 613
that specify the information that shall be included in an 614
electronic database that the chief shall create and host. The 615
information shall be that which the chief considers to be 616
appropriate for the purpose of responding to emergency situations 617
that pose a threat to public health or safety or the environment. 618
At the minimum, the information shall include that which a person 619
who is regulated under this chapter is required to submit under 620
the "Emergency Planning and Community Right-To-Know Act of 1986," 621
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 622
it. 623

In addition, the rules shall specify whether and to what 624
extent the database and the information that it contains will be 625
made accessible to the public. The rules shall ensure that the 626
database will be made available via the internet or a system of 627
computer disks to the emergency response commission and to every 628
local emergency planning committee and fire department in this 629
state. 630

Sec. 1509.31. Whenever the entire interest of an oil and gas 631
lease is assigned or otherwise transferred, the assignor or 632
transferor shall notify the holders of the royalty interests, and, 633
if a well or wells exist on the lease, the division of mineral 634
resources management, of the name and address of the assignee or 635
transferee by certified mail, return receipt requested, not later 636
than thirty days after the date of the assignment or transfer. 637

When notice of any such assignment or transfer is required to be 638
provided to the division, it shall be provided on a form 639
prescribed and provided by the division and verified by both the 640
assignor or transferor and by the assignee or transferee. The 641
notice form applicable to assignments or transfers of a well to 642
the owner of the surface estate of the tract on which the well is 643
located shall contain a statement informing the landowner that the 644
well may require periodic servicing to maintain its productivity; 645
that, upon assignment or transfer of the well to the landowner, 646
the landowner becomes responsible for compliance with the 647
requirements of this chapter and rules adopted under it, 648
including, without limitation, the proper disposal of brine 649
obtained from the well, the plugging of the well when it becomes 650
incapable of producing oil or gas, and the restoration of the well 651
site; and that, upon assignment or transfer of the well to the 652
landowner, the landowner becomes responsible for the costs of 653
compliance with the requirements of this chapter and rules adopted 654
under it and the costs for operating and servicing the well. 655

The owner holding a permit under section 1509.05 of the 656
Revised Code is responsible for all obligations and liabilities 657
imposed by this chapter and any rules, orders, and terms and 658
conditions of a permit adopted or issued under it, and no 659
assignment or transfer by the owner relieves the owner of the 660
obligations and liabilities until and unless the assignee or 661
transferee files with the division the information described in 662
divisions (A), (B), (C), (D), (E), ~~(I)~~ (J), (K), and (L) of 663
section 1509.06 of the Revised Code; obtains liability insurance 664
coverage required by section 1509.07 of the Revised Code, except 665
when none is required by that section; and executes and files a 666
surety bond, negotiable certificates of deposit or irrevocable 667
letters of credit, or cash, as described in that section. Instead 668
of a bond, but only upon acceptance by the chief of the division 669

of mineral resources management, the assignee or transferee may 670
file proof of financial responsibility, described in section 671
1509.07 of the Revised Code. Section 1509.071 of the Revised Code 672
applies to the surety bond, cash, and negotiable certificates of 673
deposit and irrevocable letters of credit described in this 674
section. Unless the chief approves a modification, each assignee 675
or transferee shall operate in accordance with the plans and 676
information filed by the permit holder pursuant to section 1509.06 677
of the Revised Code. 678

Sec. 1510.11. (A) When independent producers favor 679
termination of a marketing program established under this chapter, 680
the operating committee of the program and the technical advisory 681
council shall terminate all operations of the program. ~~Upon~~ 682

(B)(1) Except as provided in division (B)(2) of this section, 683
upon termination of ~~the~~ a program, the council shall return any 684
remaining unobligated moneys to the independent producers who paid 685
the assessments levied under section 1510.08 of the Revised Code 686
during the immediately preceding twelve months and shall prorate 687
the moneys accordingly. 688

(2) If a program is operated by a nonprofit corporation that 689
is organized under Chapter 1702. of the Revised Code for the 690
purpose of carrying out the purposes identified in division (A) of 691
section 1510.02 of the Revised Code, and if the nonprofit 692
corporation is exempt from federal income taxation pursuant to 693
section 501(a) of the Internal Revenue Code and is described in 694
section 501(c)(3) of the Internal Revenue Code, upon termination 695
of the program, the nonprofit corporation shall distribute any 696
remaining unobligated money to be used for one or more exempt 697
purposes within the meaning of section 501(c)(3) of the Internal 698
Revenue Code or to the federal, a state, or a local government to 699
be used for a public purpose. If there remains any unobligated 700

money after the distribution by the nonprofit corporation, the 701
court of common pleas of the county in which the principal office 702
of the nonprofit corporation is located shall distribute the 703
remaining unobligated money to be used for one or more exempt 704
purposes within the meaning of section 501(c)(3) of the Internal 705
Revenue Code, to the federal, a state, or a local government to be 706
used for a public purpose, or to one or more organizations that 707
are organized and operated exclusively for one or more of the 708
purposes that are within the meaning of section 501(c)(3) of the 709
Internal Revenue Code, as the court determines is best to 710
accomplish the exempt purposes of the nonprofit corporation. 711

Section 2. That existing sections 303.211, 519.211, 1509.02, 712
1509.03, 1509.06, 1509.23, 1509.31, and 1510.11 and section 713
1509.39 of the Revised Code are hereby repealed. 714