

**As Reported by the House Energy and Environment Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. 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, Hollister**

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**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 16  
commissioners or board of zoning appeals in respect to the 17

location, erection, construction, reconstruction, change, 18  
alteration, maintenance, removal, use, or enlargement of any 19  
buildings or structures of any public utility or railroad, whether 20  
publicly or privately owned, or the use of land by any public 21  
utility or railroad for the operation of its business. 22

(B)(1) As used in this division, "telecommunications tower" 23  
means any free-standing structure, or any structure to be attached 24  
to a building or other structure, that meets all of the following 25  
criteria: 26

(a) The free-standing or attached structure is proposed to be 27  
constructed on or after October 31, 1996. 28

(b) The free-standing or attached structure is proposed to be 29  
owned or principally used by a public utility engaged in the 30  
provision of telecommunications services. 31

(c) The free-standing or attached structure is proposed to be 32  
located in an unincorporated area of a township, in an area zoned 33  
for residential use. 34

(d)(i) The free-standing structure is proposed to top at a 35  
height that is greater than either the maximum allowable height of 36  
residential structures within the zoned area as set forth in the 37  
applicable zoning regulations, or the maximum allowable height of 38  
such a free-standing structure as set forth in any applicable 39  
zoning regulations in effect immediately prior to October 31, 40  
1996, or as those regulations subsequently are amended. 41

(ii) The attached structure is proposed to top at a height 42  
that is greater than either the height of the building or other 43  
structure to which it is to be attached, or the maximum allowable 44  
height of such an attached structure as set forth in any 45  
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 77  
property owner may give written notice to the board of county 78

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 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 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 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 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 well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of mineral resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

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

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

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

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

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

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

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

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

(I) ~~A sworn statement that all requirements of any municipal corporation, county, or township having jurisdiction over any activity related to the drilling or operation of an oil or gas well that have been filed with the division of mineral resources~~

~~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  
Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended,  
and regulations adopted under it.

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

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 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