

As Introduced

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H. B. No. 583

Representative Schindel

Cosponsors: Representatives Harwood, Chandler, Patton, Stebelton

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A B I L L

To amend section 1509.06 and to enact section 1
1509.073 of the Revised Code to establish certain 2
notification and noise requirements for the 3
drilling of an oil or gas well and to authorize 4
the Chief of the Division of Mineral Resources 5
Management in the Department of Natural Resources 6
to deny a permit for the drilling of an oil or gas 7
well based on past violations of the Oil and Gas 8
Law by the permit applicant. 9

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

Section 1. That section 1509.06 be amended and section 10
1509.073 of the Revised Code be enacted to read as follows: 11

Sec. 1509.06. (A) An application for a permit to drill a new 12
well, drill an existing well deeper, reopen a well, convert a well 13
to any use other than its original purpose, or plug back a well to 14
a different source of supply shall be filed with the chief of the 15
division of mineral resources management upon such form as the 16
chief prescribes and shall contain each of the following that is 17
applicable: 18

(1) The name and address of the owner and, if a corporation, 19

the name and address of the statutory agent;	20
(2) 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.	21 22 23
(3) 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;	24 25 26
(4) 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;	27 28 29
(5) Designation of the well by name and number;	30
(6) The geological formation to be tested or used and the proposed total depth of the well;	31 32
(7) The type of drilling equipment to be used;	33
(8) 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;	34 35 36
(9) For an application for a permit to drill a new well, a sworn statement that the applicant has provided notice of the application to the owner of each occupied dwelling unit that is located within five hundred feet of the surface location of the well if the surface location will be less than five hundred feet from the boundary of the drilling unit and more than fifteen occupied dwelling units are located less than five hundred feet from the surface location of the well, excluding any dwelling that is located on real property all or any portion of which is included in the drilling unit. The notice shall contain a statement that an application has been filed with the division of mineral resources management, identify the name of the applicant and the proposed well location, include the name and address of	37 38 39 40 41 42 43 44 45 46 47 48 49

the division, and contain a statement that comments regarding the 50
application may be sent to the division. The notice may be 51
provided by hand delivery or regular mail. The identity of the 52
owners of occupied dwelling units shall be determined using the 53
tax records of the municipal corporation or county in which the 54
dwelling unit is located as of the date of the notice. 55

(10) A plan for restoration of the land surface disturbed by 56
drilling operations. The plan shall provide for compliance with 57
the restoration requirements of division (A) of section 1509.072 58
of the Revised Code and any rules adopted by the chief pertaining 59
to that restoration. 60

(11) A description by name or number of the county, township, 61
and municipal corporation roads, streets, and highways that the 62
applicant anticipates will be used for access to and egress from 63
the well site; 64

(12) Such other relevant information as the chief prescribes 65
by rule. 66

Each application shall be accompanied by a map, on a scale 67
not smaller than four hundred feet to the inch, prepared by an 68
Ohio registered surveyor, showing the location of the well and 69
containing such other data as may be prescribed by the chief. If 70
the well is or is to be located within the excavations and 71
workings of a mine, the map also shall include the location of the 72
mine, the name of the mine, and the name of the person operating 73
the mine. 74

(B) The chief shall cause a copy of the weekly circular 75
prepared by the division to be provided to the county engineer of 76
each county that contains active or proposed drilling activity. 77
The weekly circular shall contain, in the manner prescribed by the 78
chief, the names of all applicants for permits, the location of 79
each well or proposed well, the information required by division 80

(A)(11) of this section, and any additional information the chief 81
prescribes. In addition, the chief promptly shall transfer an 82
electronic copy or facsimile, or if those methods are not 83
available to a municipal corporation or township, a copy via 84
regular mail, of a drilling permit application to the clerk of the 85
legislative authority of the municipal corporation or to the clerk 86
of the township in which the well or proposed well is or is to be 87
located if the legislative authority of the municipal corporation 88
or the board of township trustees has asked to receive copies of 89
such applications and the appropriate clerk has provided the chief 90
an accurate, current electronic mailing address or facsimile 91
number, as applicable. 92

(C) The chief shall not issue a permit for at least ten days 93
after the date of filing of the application for the permit unless, 94
upon reasonable cause shown, the chief waives that period or a 95
request for expedited review is filed under this section. However, 96
the chief shall issue a permit within twenty-one days of the 97
filing of the application unless the chief denies the application 98
by order. 99

(D) An applicant may file a request with the chief for 100
expedited review of a permit application if the well is not or is 101
not to be located in a gas storage reservoir or reservoir 102
protective area, as "reservoir protective area" is defined in 103
section 1571.01 of the Revised Code. If the well is or is to be 104
located in a coal bearing township, the application shall be 105
accompanied by the affidavit of the landowner prescribed in 106
section 1509.08 of the Revised Code. 107

In addition to a complete application for a permit that meets 108
the requirements of this section and the permit fee prescribed by 109
this section, a request for expedited review shall be accompanied 110
by a separate nonrefundable filing fee of five hundred dollars. 111
Upon the filing of a request for expedited review, the chief shall 112

cause the county engineer of the county in which the well is or is 113
to be located to be notified of the filing of the permit 114
application and the request for expedited review by telephone or 115
other means that in the judgment of the chief will provide timely 116
notice of the application and request. The chief shall issue a 117
permit within seven days of the filing of the request unless the 118
chief denies the application by order. Notwithstanding the 119
provisions of this section governing expedited review of permit 120
applications, the chief may refuse to accept requests for 121
expedited review if, in the chief's judgment, the acceptance of 122
the requests would prevent the issuance, within twenty-one days of 123
their filing, of permits for which applications are pending. 124

(E) A well shall be drilled and operated in accordance with 125
the plans, sworn statements, and other information submitted in 126
the approved application. 127

(F) The chief shall issue an order denying a permit if the 128
chief finds that there is a substantial risk that the operation 129
will result in violations of this chapter or rules adopted under 130
it that will present an imminent danger to public health or safety 131
or damage to the environment, provided that where the chief finds 132
that terms or conditions to the permit can reasonably be expected 133
to prevent such violations, the chief shall issue the permit 134
subject to those terms or conditions, including, if applicable, 135
terms and conditions regarding subjects identified in rules 136
adopted under section 1509.03 of the Revised Code. The chief also 137
may issue an order denying a permit if the chief finds that the 138
applicant for the permit has a history of violations of this 139
chapter and rules adopted under it. 140

(G) Each application for a permit required by section 1509.05 141
of the Revised Code, except an application to plug back an 142
existing well that is required by that section and an application 143
for a well drilled or reopened for purposes of section 1509.22 of 144

the Revised Code, also shall be accompanied by a nonrefundable fee 145
as follows: 146

(1) Two hundred fifty dollars for a permit to conduct 147
activities in a township with a population of fewer than five 148
thousand; 149

(2) Five hundred dollars for a permit to conduct activities 150
in a township with a population of five thousand or more, but 151
fewer than ten thousand; 152

(3) Seven hundred fifty dollars for a permit to conduct 153
activities in a township with a population of ten thousand or 154
more, but fewer than fifteen thousand; 155

(4) One thousand dollars for a permit to conduct activities 156
in either of the following: 157

(a) A township with a population of fifteen thousand or more; 158

(b) A municipal corporation regardless of population. 159

For purposes of calculating fee amounts, populations shall be 160
determined using the most recent federal decennial census. 161

Each application for the revision or reissuance of a permit 162
shall be accompanied by a nonrefundable fee of two hundred fifty 163
dollars. 164

(H) The chief may order the immediate suspension of drilling, 165
operating, or plugging activities after finding that any person is 166
causing, engaging in, or maintaining a condition or activity that 167
in the chief's judgment presents an imminent danger to public 168
health or safety or results in or is likely to result in immediate 169
substantial damage to natural resources or for nonpayment of a fee 170
required by this section. The chief may order the immediate 171
suspension of the drilling or reopening of a well in a coal 172
bearing township after determining that the drilling or reopening 173
activities present an imminent and substantial threat to public 174

health or safety or to miners' health or safety. Before issuing 175
any such order, the chief shall notify the owner in such manner as 176
in the chief's judgment would provide reasonable notification that 177
the chief intends to issue a suspension order. The chief may issue 178
such an order without prior notification if reasonable attempts to 179
notify the owner have failed, but in such an event notification 180
shall be given as soon thereafter as practical. Within five 181
calendar days after the issuance of the order, the chief shall 182
provide the owner an opportunity to be heard and to present 183
evidence that the condition or activity is not likely to result in 184
immediate substantial damage to natural resources or does not 185
present an imminent danger to public health or safety or to 186
miners' health or safety, if applicable. In the case of activities 187
in a coal bearing township, if the chief, after considering 188
evidence presented by the owner, determines that the activities do 189
not present such a threat, the chief shall revoke the suspension 190
order. Notwithstanding any provision of this chapter, the owner 191
may appeal a suspension order directly to the court of common 192
pleas of the county in which the activity is located or, if in a 193
coal bearing township, to the reclamation commission under section 194
1513.13 of the Revised Code. 195

Sec. 1509.073. (A) An owner that is issued a permit to drill 196
a well under this chapter shall provide written notice of the date 197
and time of the proposed drilling to a resident of each dwelling 198
that is located within five hundred feet of the well and to the 199
fire department with territorial jurisdiction over the well's 200
location. 201

(B) An owner that is issued a permit to drill a well under 202
this chapter shall not allow the noise from the drilling operation 203
to exceed one hundred twenty decibels if the well is located 204
within two hundred feet of a multiple unit dwelling with at least 205
three units, a hospital as defined in section 3727.01 of the 206

Revised Code, or a nursing home as defined in that section. 207

Section 2. That existing section 1509.06 of the Revised Code 208

is hereby repealed. 209