

As Introduced

**127th General Assembly
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H. B. No. 584

Representative Schindel

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A B I L L

To amend section 1509.06 and to enact sections 1
1509.062, 1509.063, and 1509.073 of the Revised 2
Code to allow the applicable board of township 3
trustees or legislative authority of a municipal 4
corporation where an existing or proposed oil or 5
gas well is or is to be located to submit written 6
comments specifically describing safety issues 7
regarding the well to the Chief of the Division of 8
Mineral Resources Management in the Department of 9
Natural Resources, to require the Chief to review 10
any such comments before determining whether to 11
issue a permit for the well, to establish certain 12
notification and noise requirements for the 13
drilling of an oil or gas well, and to establish 14
other permit requirements. 15

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

Section 1. That sections 1509.06 be amended and sections 16
1509.062, 1509.063, and 1509.073 of the Revised Code be enacted to 17
read as follows: 18

Sec. 1509.06. (A) An application for a permit to drill a new 19
well, drill an existing well deeper, reopen a well, convert a well 20

to any use other than its original purpose, or plug back a well to 21
a different source of supply shall be filed with the chief of the 22
division of mineral resources management upon such form as the 23
chief prescribes and shall contain each of the following that is 24
applicable: 25

(1) The name and address of the owner and, if a corporation, 26
the name and address of the statutory agent; 27

(2) The signature of the owner or the owner's authorized 28
agent. When an authorized agent signs an application, it shall be 29
accompanied by a certified copy of the appointment as such agent. 30

(3) The names and addresses of all persons holding the 31
royalty interest in the tract upon which the well is located or is 32
to be drilled or within a proposed drilling unit; 33

(4) The location of the tract or drilling unit on which the 34
well is located or is to be drilled identified by section or lot 35
number, city, village, township, and county; 36

(5) Designation of the well by name and number; 37

(6) The geological formation to be tested or used and the 38
proposed total depth of the well; 39

(7) The type of drilling equipment to be used; 40

(8) If the well is for the injection of a liquid, identity of 41
the geological formation to be used as the injection zone and the 42
composition of the liquid to be injected; 43

(9) For an application for a permit to drill a new well, a 44
sworn statement that the applicant has provided notice of the 45
application to the owner of each occupied dwelling unit that is 46
located within five hundred feet of the surface location of the 47
well if the surface location will be less than five hundred feet 48
from the boundary of the drilling unit and more than fifteen 49
occupied dwelling units are located less than five hundred feet 50

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

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

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

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

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

(B) The chief shall cause a copy of the weekly circular 82
prepared by the division to be provided to the county engineer of 83
each county that contains active or proposed drilling activity. 84
The weekly circular shall contain, in the manner prescribed by the 85
chief, the names of all applicants for permits, the location of 86
each well or proposed well, the information required by division 87
(A)(11) of this section, and any additional information the chief 88
prescribes. In addition, the chief promptly shall transfer an 89
electronic copy or facsimile, or if those methods are not 90
available to a municipal corporation or township, a copy via 91
regular mail, of a drilling permit application to the clerk of the 92
legislative authority of the municipal corporation or to the clerk 93
of the township in which the well or proposed well is or is to be 94
located ~~if the legislative authority of the municipal corporation~~ 95
~~or the board of township trustees has asked to receive copies of~~ 96
~~such applications and the appropriate clerk has provided the chief~~ 97
~~an accurate, current electronic mailing address or facsimile~~ 98
~~number, as applicable.~~ 99

(C) The chief shall not issue a permit for at least ten days 100
after the date of filing of the application for the permit unless 101
the chief does not receive notification from a board of township 102
trustees or the legislative authority of a municipal corporation 103
of the board's or the legislative authority's determination to 104
submit written comments concerning safety issues in accordance 105
with section 1509.062 of the Revised Code and, upon reasonable 106
cause shown, the chief waives that period or a request for 107
expedited review is filed under this section. However, the chief 108
shall issue a permit within twenty-one days of the filing of the 109
application unless the chief denies the application by order or 110
the chief receives notification from a board of township trustees 111
or the legislative authority of a municipal corporation of the 112
board's or the legislative authority's determination to submit 113
written comments concerning safety issues in accordance with 114

section 1509.062 of the Revised Code. If the chief receives such 115
written comments, the chief shall issue the permit within 116
twenty-one days of the chief's determination that the applicant 117
resolved the safety issues described in the submitted written 118
comments or that the applicant does not need to resolve any such 119
safety issues. 120

(D) An applicant may file a request with the chief for 121
expedited review of a permit application if the well is not or is 122
not to be located in a gas storage reservoir or reservoir 123
protective area, as "reservoir protective area" is defined in 124
section 1571.01 of the Revised Code. If the well is or is to be 125
located in a coal bearing township, the application shall be 126
accompanied by the affidavit of the landowner prescribed in 127
section 1509.08 of the Revised Code. 128

In addition to a complete application for a permit that meets 129
the requirements of this section and the permit fee prescribed by 130
this section, a request for expedited review shall be accompanied 131
by a separate nonrefundable filing fee of five hundred dollars. 132
Upon the filing of a request for expedited review and if the chief 133
does not receive notification from a board of township trustees or 134
the legislative authority of a municipal corporation of the 135
board's or legislative authority's determination to submit written 136
comments concerning safety issues in accordance with section 137
1509.062 of the Revised Code, the chief shall cause the county 138
engineer of the county in which the well is or is to be located to 139
be notified of the filing of the permit application and the 140
request for expedited review by telephone or other means that in 141
the judgment of the chief will provide timely notice of the 142
application and request. The chief shall issue a permit within 143
seven days of the filing of the request unless the chief denies 144
the application by order or the chief receives notification from a 145
board of township trustees or the legislative authority of a 146

municipal corporation of the board's or the legislative 147
authority's determination to submit written comments concerning 148
safety issues in accordance with section 1509.062 of the Revised 149
Code. If the chief receives such written comments, the chief shall 150
issue the permit within seven days of the chief's determination 151
that the applicant resolved the safety issues described in the 152
submitted written comments or that the applicant does not need to 153
resolve any such safety issues. Notwithstanding the provisions of 154
this section governing expedited review of permit applications, 155
the chief may refuse to accept requests for expedited review if, 156
in the chief's judgment, the acceptance of the requests would 157
prevent the issuance, within twenty-one days of their filing, of 158
permits for which applications are pending. 159

(E) A well shall be drilled and operated in accordance with 160
the plans, sworn statements, and other information submitted in 161
the approved application. 162

(F) The chief shall issue an order denying a permit if the 163
chief finds that there is a substantial risk that the operation 164
will result in violations of this chapter or rules adopted under 165
it that will present an imminent danger to public health or safety 166
or damage to the environment, provided that where the chief finds 167
that terms or conditions to the permit can reasonably be expected 168
to prevent such violations, the chief shall issue the permit 169
subject to those terms or conditions, including, if applicable, 170
terms and conditions regarding subjects identified in rules 171
adopted under section 1509.03 of the Revised Code. 172

(G) Each application for a permit required by section 1509.05 173
of the Revised Code, except an application to plug back an 174
existing well that is required by that section and an application 175
for a well drilled or reopened for purposes of section 1509.22 of 176
the Revised Code, also shall be accompanied by a nonrefundable fee 177
as follows: 178

(1) Two hundred fifty dollars for a permit to conduct activities in a township with a population of fewer than five thousand;	179 180 181
(2) Five hundred dollars for a permit to conduct activities in a township with a population of five thousand or more, but fewer than ten thousand;	182 183 184
(3) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;	185 186 187
(4) One thousand dollars for a permit to conduct activities in either of the following:	188 189
(a) A township with a population of fifteen thousand or more;	190
(b) A municipal corporation regardless of population.	191
For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.	192 193
Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.	194 195 196
(H) The chief may order the immediate suspension of drilling, operating, or plugging activities after finding that any person is causing, engaging in, or maintaining a condition or activity that in the chief's judgment presents an imminent danger to public health or safety or results in or is likely to result in immediate substantial damage to natural resources or for nonpayment of a fee required by this section. The chief may order the immediate suspension of the drilling or reopening of a well in a coal bearing township after determining that the drilling or reopening activities present an imminent and substantial threat to public health or safety or to miners' health or safety. Before issuing any such order, the chief shall notify the owner in such manner as	197 198 199 200 201 202 203 204 205 206 207 208

in the chief's judgment would provide reasonable notification that 209
the chief intends to issue a suspension order. The chief may issue 210
such an order without prior notification if reasonable attempts to 211
notify the owner have failed, but in such an event notification 212
shall be given as soon thereafter as practical. Within five 213
calendar days after the issuance of the order, the chief shall 214
provide the owner an opportunity to be heard and to present 215
evidence that the condition or activity is not likely to result in 216
immediate substantial damage to natural resources or does not 217
present an imminent danger to public health or safety or to 218
miners' health or safety, if applicable. In the case of activities 219
in a coal bearing township, if the chief, after considering 220
evidence presented by the owner, determines that the activities do 221
not present such a threat, the chief shall revoke the suspension 222
order. Notwithstanding any provision of this chapter, the owner 223
may appeal a suspension order directly to the court of common 224
pleas of the county in which the activity is located or, if in a 225
coal bearing township, to the reclamation commission under section 226
1513.13 of the Revised Code. 227

Sec. 1509.062. Upon receipt of a copy of an application for a 228
permit under section 1509.06 of the Revised Code, a board of 229
township trustees or the legislative authority of a municipal 230
corporation, as applicable, may review the application for safety 231
issues concerning the existing or proposed well that is the 232
subject of the application. If the board or legislative authority 233
determines to review the application, not later than five days 234
after receipt of the copy of the application, the board or 235
legislative authority, as applicable, shall notify the chief of 236
the division of mineral resources management of the board's or 237
legislative authority's determination to review the application. 238
Not later than thirty days after receipt of the copy of the 239
application, the board or legislative authority either shall 240

submit to the chief written comments specifically describing any 241
safety issues that the board or legislative authority has 242
identified that the chief should consider before issuing the 243
permit under section 1509.06 of the Revised Code or shall notify 244
the chief that it will not be submitting any such comments. 245

After receipt of any written comments from a board of 246
township trustees or the legislative authority of a municipal 247
corporation, as applicable, the chief shall review the comments 248
and determine if the applicant needs to resolve any of the safety 249
issues that the board or legislative authority identified that the 250
chief should consider. If the chief determines that the applicant 251
needs to resolve any such safety issues, the chief shall return 252
the application to the applicant and notify the applicant of the 253
safety issues that the applicant must resolve in order for the 254
chief to issue the permit. The applicant may resubmit the 255
application. If the chief determines that the applicant does not 256
need to resolve any such safety issues or if the applicant 257
resolves such safety issues in an application that is resubmitted, 258
the chief may proceed to issue the permit in accordance with the 259
procedures established in this chapter. 260

Sec. 1509.063. The chief of the division of mineral resources 261
management shall establish as a condition of a permit issued under 262
this chapter a requirement that only the flag of the United States 263
of America may be flown from the equipment that is used to drill a 264
well while the equipment is located at the surface location of the 265
well. 266

Sec. 1509.073. (A) An owner that is issued a permit to drill 267
a well under this chapter shall provide written notice of the date 268
and time of the proposed drilling to a resident of each dwelling 269
that is located within five hundred feet of the well and to the 270

fire department with territorial jurisdiction over the well's 271
location. 272

(B) An owner that is issued a permit to drill a well under 273
this chapter shall not allow the noise from the drilling operation 274
to exceed one hundred twenty decibels if the well is located 275
within two hundred feet of a multiple unit dwelling with at least 276
three units, a hospital as defined in section 3727.01 of the 277
Revised Code, or a nursing home as defined in that section. 278

Section 2. That existing section 1509.06 of the Revised Code 279
is hereby repealed. 280