

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 196

Senator Grendell

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A B I L L

To amend sections 1509.01 to 1509.05, 1509.06, 1
1509.061, 1509.07, 1509.071, 1509.072, 1509.08, 2
1509.09 to 1509.15, 1509.17, 1509.18, 1509.20 to 3
1509.22, 1509.221, 1509.222, 1509.223, 1509.224, 4
1509.225, 1509.23, 1509.24, 1509.26, 1509.30, 5
1509.31 to 1509.33, 1509.35, 1509.36, 1509.38, 6
1509.99, 1565.07, 1565.13, 1571.05, and 5749.06, 7
to enact sections 1509.051, 1509.062, 1509.073, 8
1509.074, 1509.075, 1509.076, 1509.081, 1509.19, 9
1509.191, 1509.34, and 1509.50, and to repeal 10
sections 1509.226, 1509.25, 1509.27, 1509.29, 11
1509.40, and 1509.41 of the Revised Code to revise 12
the Oil and Gas Law. 13

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

Section 1. That sections 1509.01, 1509.02, 1509.03, 1509.04, 14
1509.05, 1509.06, 1509.061, 1509.07, 1509.071, 1509.072, 1509.08, 15
1509.09, 1509.10, 1509.11, 1509.12, 1509.13, 1509.14, 1509.15, 16
1509.17, 1509.18, 1509.20, 1509.21, 1509.22, 1509.221, 1509.222, 17
1509.223, 1509.224, 1509.225, 1509.23, 1509.24, 1509.26, 1509.30, 18
1509.31, 1509.32, 1509.33, 1509.35, 1509.36, 1509.38, 1509.99, 19
1565.07, 1565.13, 1571.05, and 5749.06 be amended and sections 20
1509.051, 1509.062, 1509.073, 1509.074, 1509.075, 1509.076, 21

1509.081, 1509.19, 1509.191, 1509.34, and 1509.50 of the Revised 22
Code be enacted to read as follows: 23

Sec. 1509.01. As used in this chapter: 24

(A) "Well" means any borehole, whether drilled or bored, 25
within the state for production, extraction, or injection of any 26
gas or liquid mineral, excluding potable water to be used as such, 27
but including natural or artificial brines and oil field waters. 28

(B) "Oil" means crude petroleum oil and all other 29
hydrocarbons, regardless of gravity, that are produced in liquid 30
form by ordinary production methods, but does not include 31
hydrocarbons that were originally in a gaseous phase in the 32
reservoir. 33

(C) "Gas" means all natural gas and all other fluid 34
hydrocarbons that are not oil, including condensate. 35

(D) "Condensate" means liquid hydrocarbons that were 36
originally in the gaseous phase in the reservoir. 37

(E) "Pool" means an underground reservoir containing a common 38
accumulation of oil or gas, or both, but does not include a gas 39
storage reservoir. Each zone of a geological structure that is 40
completely separated from any other zone in the same structure may 41
contain a separate pool. 42

(F) "Field" means the general area underlaid by one or more 43
pools. 44

(G) "Drilling unit" means the minimum acreage on which one 45
well may be drilled, but does not apply to a well for injecting 46
gas into or removing gas from a gas storage reservoir. 47

(H) "Waste" includes all of the following: 48

(1) Physical waste, as that term generally is understood in 49
the oil and gas industry; 50

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.

(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.

(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.

(K) "Owner," unless referring to a mine, means the person who ~~has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter, according to the records of the county in which a parcel of land is located, either holds fee title to the surface estate of the parcel of land on which oil or gas drilling operations may occur or holds fee title to the subsurface mineral rights of the parcel of land.~~

(L) "Royalty interest" means the fee holder's share in the production from a well.

(M) "Discovery well" means the first well capable of producing oil or gas in commercial quantities from a pool.	82 83
(N) "Prepared clay" means a clay that is plastic and is thoroughly saturated with fresh water to a weight and consistency great enough to settle through saltwater in the well in which it is to be used, except as otherwise approved by the chief of the division of mineral resources management.	84 85 86 87 88
(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.	89 90
(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.	91 92
(Q) "Coal bearing township" means a township designated as such by the chief under section 1561.06 of the Revised Code.	93 94
(R) "Gas storage reservoir" means a continuous area of a subterranean porous sand or rock stratum or strata into which gas is or may be injected for the purpose of storing it therein and removing it therefrom and includes a gas storage reservoir as defined in section 1571.01 of the Revised Code.	95 96 97 98 99
(S) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and regulations adopted under those acts.	100 101 102 103 104 105 106
(T) "Person" includes any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.	107 108 109 110
(U) "Brine" means all saline geological formation water	111

resulting from, obtained from, or produced in connection with the 112
exploration, drilling, or production of oil or gas. 113

(V) "Waters of the state" means all streams, lakes, ponds, 114
marshes, watercourses, waterways, springs, irrigation systems, 115
drainage systems, and other bodies of water, surface or 116
underground, natural or artificial, that are situated wholly or 117
partially within this state or within its jurisdiction, except 118
those private waters that do not combine or effect a junction with 119
natural surface or underground waters. 120

(W) "Exempt Mississippian well" means a well that meets all 121
of the following criteria: 122

(1) Was drilled and completed before January 1, 1980; 123

(2) Is located in an unglaciated part of the state; 124

(3) Was completed in a reservoir no deeper than the 125
Mississippian Big Injun sandstone in areas underlain by 126
Pennsylvanian or Permian stratigraphy, or the Mississippian berea 127
sandstone in areas directly underlain by Permian stratigraphy; 128

(4) Is used primarily to provide oil or gas for domestic use. 129

(X) "Exempt domestic well" means a well that meets all of the 130
following criteria: 131

(1) Is owned by the ~~owner of~~ person that owns the surface 132
estate of the tract on which the well is located; 133

(2) Is used primarily to provide gas for the owner's domestic 134
use; 135

(3) Is located more than ~~two~~ four hundred feet horizontal 136
distance from any inhabited private dwelling house other than an 137
inhabited private dwelling house located on the tract on which the 138
well is located; 139

(4) Is located more than two hundred feet horizontal distance 140
from any public building that may be used as a place of resort, 141

assembly, education, entertainment, lodging, trade, manufacture, 142
repair, storage, traffic, or occupancy by the public; 143

(5) Is in compliance with the environmental and safety 144
standards established in this chapter and rules adopted under it. 145

(Y) "Urbanized area" means an area where a well or production 146
facilities of a well are located within a municipal corporation or 147
within a township that is contiguous to or includes any street or 148
highway along which are located at intervals of two hundred feet 149
or less structures that are used for business purposes or 150
residential dwellings. 151

(Z) "Well stimulation" or "stimulation of a well" means the 152
process of enhancing well productivity, including hydraulic 153
fracturing operations. 154

(AA) "Production operation" means site preparation, access 155
roads, drilling, well completion, well stimulation, well 156
operation, site reclamation, and well plugging. "Production 157
operation" also includes all of the following: 158

(1) The piping and equipment used for the production and 159
preparation of hydrocarbon gas or liquids for transportation or 160
delivery; 161

(2) The processes of extraction and recovery, lifting, 162
stabilization, treatment, separation, production processing, 163
storage, and measurement of hydrocarbon gas and liquids; 164

(3) The processes associated with production compression, gas 165
lift, gas injection, and fuel gas supply. 166

(BB) "Gathering" means the use of any pipeline or series of 167
pipelines to collect and transport natural gas from the 168
furthermost downstream point in a production operation to the 169
furthermost downstream point of the series of endpoints identified 170
as the end of a gathering line under the "Natural Gas Pipeline 171

Safety Act of 1968," 82 Stat. 720 (1968), 49. U.S.C. App. 1671 et 172
seq., as amended, and the regulations adopted under it, including, 173
without limitation, 49 C.F.R. part 192. 174

(CC) "Annular overpressurization" means the accumulation of 175
fluids within an annulus with sufficient pressure to allow 176
migration of annular fluids into underground sources of drinking 177
water. 178

(DD) "Idle and orphaned well" means a well for which a bond 179
has been forfeited or an abandoned well for which no money is 180
available to plug the well in accordance with this chapter and 181
rules adopted under it. 182

(EE) "Temporarily inactive well" means a well that has been 183
granted temporary inactive status under section 1509.062 of the 184
Revised Code. 185

(FF) "Material and substantial violation" means all of the 186
following: 187

(1) Failure to obtain a permit to drill, reopen, convert, 188
plugback, or plug a well under this chapter; 189

(2) Failure to obtain or maintain insurance coverage that is 190
required under this chapter; 191

(3) Failure to obtain or maintain a surety bond that is 192
required under this chapter; 193

(4) Failure to plug an abandoned well or idle and orphaned 194
well unless the well has been granted temporary inactive status 195
under section 1509.062 of the Revised Code or the chief has 196
approved another option concerning the abandoned well or idle and 197
orphaned well; 198

(5) Failure to restore a disturbed land surface as required 199
by section 1509.072 of the Revised Code; 200

(6) Failure to reimburse the oil and gas well fund pursuant 201

<u>to a final order issued under section 1509.071 of the Revised</u>	202
<u>Code;</u>	203
<u>(7) Failure to comply with an order of the chief issued under</u>	204
<u>section 1509.04 of the Revised Code.</u>	205
<u>(GG) "Permittee" means a person who has been issued a permit</u>	206
<u>by the division of mineral resources management under this chapter</u>	207
<u>and who by contract has the right to exploit oil or gas within a</u>	208
<u>drilling unit.</u>	209
<u>(HH) "Local zoning authority" means the authority of a</u>	210
<u>municipal corporation that is charged with enacting zoning</u>	211
<u>requirements within the municipal corporation or the board of</u>	212
<u>township trustees, township zoning commission, or board of zoning</u>	213
<u>appeals of a township, as applicable.</u>	214
<u>(II) "Local inspector" means an individual who has the</u>	215
<u>authority in a municipal corporation or a township, as applicable,</u>	216
<u>to enforce any of the following:</u>	217
<u>(1) Local zoning codes;</u>	218
<u>(2) State and local building codes;</u>	219
<u>(3) Safety regulations;</u>	220
<u>(4) Health regulations.</u>	221
Sec. 1509.02. (A)(1) There is hereby created in the	222
department of natural resources the division of mineral resources	223
management, which shall be administered by the chief of the	224
division of mineral resources management. The <u>Except as provided</u>	225
<u>in divisions (A)(2) and (3) of this section, the division has sole</u>	226
<u>and exclusive authority to regulate the permitting, location, and</u>	227
<u>spacing of, installation, operation, maintenance, abandonment,</u>	228
<u>plugging, and site restoration of, disposal of waste from, and all</u>	229
<u>other matters related to oil and gas wells within the state that</u>	230
<u>are necessary to protect the health and safety of the public,</u>	231

~~property, and environment. The regulation of oil and gas 232
activities is a matter of general statewide interest that requires 233
uniform statewide regulation, and this chapter and rules adopted 234
under it constitute a comprehensive plan with respect to all 235
aspects of the locating, drilling, and operating of oil and gas 236
wells within this state, including site restoration and disposal 237
of wastes from those wells. Nothing 238~~

(2) On and after the effective date of this amendment, no 239
well shall be drilled in an area that is zoned residential or 240
within one thousand feet of a residential dwelling unless 241
otherwise authorized by the local zoning authority. 242

(3) Nothing in this section affects the authority granted to 243
the director of transportation and local authorities in section 244
4513.34 of the Revised Code. 245

(B) The chief shall not hold any other public office, nor 246
shall the chief be engaged in any occupation or business that 247
might interfere with or be inconsistent with the duties as chief. 248

(C) All moneys collected by the chief pursuant to sections 249
1509.06, 1509.061, 1509.071, 1509.13, 1509.22, and 1509.222, 250
ninety per cent of moneys received by the treasurer of state from 251
the tax levied in divisions (A)(5) and (6) of section 5749.02, all 252
civil penalties paid under section 1509.33, and, notwithstanding 253
any section of the Revised Code relating to the distribution or 254
crediting of fines for violations of the Revised Code, all fines 255
imposed under divisions (A) and (B) of section 1509.99 of the 256
Revised Code and fines imposed under divisions (C) and (D) of 257
section 1509.99 of the Revised Code for all violations prosecuted 258
by the attorney general and for violations prosecuted by 259
prosecuting attorneys that do not involve the transportation of 260
brine by vehicle shall be deposited into the state treasury to the 261
credit of the oil and gas well fund, which is hereby created. 262
Fines imposed under divisions (C) and (D) of section 1509.99 of 263

the Revised Code for violations prosecuted by prosecuting attorneys that involve the transportation of brine by vehicle shall be paid to the county treasury of the county where the violation occurred.

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

Sec. 1509.03. The chief of the division of mineral resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall establish standards governing the drilling of a new well, the reopening of an existing well, the drilling of an existing well deeper regardless of its depth or the geological zone from which production occurs, and the plugging of an existing well. The rules shall protect and preserve the health and safety of the public, property, and the environment. In addition, the rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a permit with respect to a well and production facilities of a well that are located within an urbanized area. The subjects shall include all of the following:

(A) Safety concerning the drilling or operation of a well+ that includes, but is not limited to, all of the following:

(1) Implementation of a fail-safe warning system at a new or existing oil or gas well for the detection of a leak of natural gas, hydrogen sulfide, or radon, a spill of a toxic chemical, or

an explosion. In addition, the rules shall require the fail-safe 295
warning system to provide an audible alarm to warn the workers at 296
the surface location of the well and the public of such a leak, 297
spill, or explosion. The rules also shall require the fail-safe 298
warning system to notify the fire department within whose 299
jurisdiction the well is located of such a leak, spill, or 300
explosion. 301

(2) Designation of safe operating distances for a new well 302
that is located in an urbanized area; 303

(3) Emergency response and evacuation planning. 304

(B) Protection of the public and private water supply; 305

(C) Location of surface facilities of a well; 306

(D) Fencing and screening of surface facilities of a well; 307

(E) Containment and disposal of drilling and production 308
wastes; 309

(F) Construction of access roads for purposes of the drilling 310
and operation of a well; 311

(G) Noise mitigation; 312

(H) Nighttime lighting mitigation; 313

(I) Protection and preservation of the environment and 314
nonmineral natural resources. 315

The rules adopted by the chief under this section also shall 316
provide for the application of Chapter 3737. of the Revised Code 317
and rules adopted under it to the drilling and operation of a well 318
and to production facilities of a well that are located within an 319
urbanized area. 320

Prior to the issuance of a permit to drill a proposed well 321
that will be located within an urbanized area, the division of 322
mineral resources management shall conduct a site review to 323

identify and evaluate any site-specific terms and conditions that 324
may be attached to the permit. 325

No person shall violate any rule of the chief adopted under 326
this chapter. 327

Any order issuing, denying, or modifying a permit or notices 328
required to be made by the chief pursuant to this chapter shall be 329
made in compliance with Chapter 119. of the Revised Code, except 330
that personal service may be used in lieu of service by mail. 331
Every order issuing, denying, or modifying a permit under this 332
chapter and described as such shall be considered an adjudication 333
order for purposes of Chapter 119. of the Revised Code. 334

Where notice ~~to the owners~~ is required by this chapter, the 335
notice shall be ~~given as prescribed by a rule adopted by~~ deemed 336
adequate if it provides reasonable or actual notice to the person, 337
owner, resident, applicant, or permittee whose interest will be 338
affected by an action of the chief to govern the giving of 339
notices. Such rule shall provide for notice by publication except 340
in those cases where other types of notice are necessary in order 341
to meet the requirements of the law. 342

The chief or the chief's authorized representative may ~~at any~~ 343
~~time~~ enter upon lands, public or private, for the purpose of 344
administration or enforcement of this chapter, the rules adopted 345
or orders made thereunder, or terms or conditions of permits or 346
registration certificates issued thereunder and may examine and 347
copy records pertaining to the drilling, conversion, or operation 348
of a well for injection of fluids and logs required by division 349
(C) of section 1509.223 of the Revised Code. No person shall 350
prevent or hinder the chief or the chief's authorized 351
representative in the performance of official duties. If entry is 352
prevented or hindered, the chief or the chief's authorized 353
representative may apply for, and the court of common pleas may 354
issue, an appropriate inspection warrant necessary to achieve the 355

purposes of this chapter within the court's territorial jurisdiction. 356
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The chief may issue orders to enforce this chapter, rules adopted thereunder, and terms or conditions of permits issued thereunder. Any such order shall be considered an adjudication order for the purposes of Chapter 119. of the Revised Code. No person shall violate any order of the chief issued under this chapter. No person shall violate a term or condition of a permit or registration certificate issued under this chapter. 358
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Orders of the chief denying, suspending, or revoking a registration certificate; approving or denying approval of an application for revision of a registered transporter's plan for disposal; or to implement, administer, or enforce division (A) of section 1509.224 and sections 1509.22, 1509.222, 1509.223, and 1509.225, ~~and 1509.226~~ of the Revised Code pertaining to the transportation of brine by vehicle and the disposal of brine so transported are not adjudication orders for purposes of Chapter 119. of the Revised Code. The chief shall issue such orders under division (A) or (B) of section 1509.224 of the Revised Code, as appropriate. 365
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~~As used in this section, "urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.~~ 376
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Sec. 1509.04. (A) The chief of the division of mineral resources management, or the chief's authorized representatives, shall enforce this chapter and the rules, terms and conditions of permits and registration certificates, and orders adopted or issued pursuant thereto, except that any "peace officer," as 382
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defined in section 2935.01 of the Revised Code, may arrest for 387
violations of this chapter involving transportation of brine by 388
vehicle. ~~The~~ 389

(B) The chief or the chief's authorized representative shall 390
issue a citation to a permittee for a violation of this chapter or 391
rules adopted under it, terms and conditions of a permit issued 392
under it, a registration certificate that is required under this 393
chapter, or orders issued under this chapter. A citation may be in 394
the form of a compliance notice, administrative order, or letter. 395

(C) The chief may issue an order to initiate an enforcement 397
action for a material and substantial violation. In addition, the 398
chief may issue a suspension order for failure to comply with an 399
enforcement action for a material and substantial violation or 400
other violation. 401

(D)(1) The chief may order the immediate suspension of 402
drilling, operating, or plugging activities that are related to a 403
material and substantial violation and suspend and revoke an 404
unused permit after finding that a permittee is causing, engaging 405
in, or maintaining a condition or activity that the chief 406
determines presents an immediate danger to the health or safety of 407
the public or that results in or is likely to result in 408
substantial damage to the natural resources of this state. The 409
chief may issue such an order without prior notification if 410
reasonable attempts to notify the permittee have failed or if the 411
permittee has failed to comply with prior enforcement actions, but 412
in such an event notification shall be given as soon thereafter as 413
practical. 414

(2) Not later than five days after the issuance of a 415
suspension order, the chief shall provide the permittee an 416
opportunity to be heard and to present evidence that the condition 417
or activity does not present an immediate danger to the public 418

health or safety or is not likely to result in substantial damage 419
to natural resources. If the chief, after considering evidence 420
presented by the permittee, determines that the activities do not 421
present such a threat, the chief shall revoke the suspension 422
order. 423

Notwithstanding any other provision of this chapter, the 424
permittee may appeal a suspension order to the court of common 425
pleas of the county in which the activity that is the subject of 426
the order is located. In such an appeal, any person may file a 427
motion to intervene to uphold a suspension order if the person 428
demonstrates that the person has an interest that is or may be 429
adversely affected by the activity for which the chief has issued 430
a suspension order under this section. If the court upholds the 431
suspension order, the court may require the appellant permittee to 432
pay the court costs and reasonable attorney fees of the person 433
intervening. 434

The chief also may issue a bond forfeiture order pursuant to 435
section 1509.071 of the Revised Code. 436

The chief may notify drilling contractors, transporters, 437
service companies, or other similar entities of the compliance 438
status of an operator. 439

(3) If the permittee fails to comply with a prior enforcement 440
action, the chief may issue a suspension order without prior 441
notification, but in such an event the chief shall give notice as 442
soon thereafter as practical. Not later than five calendar days 443
after the issuance of an order, the chief shall provide the 444
permittee an opportunity to be heard and to present evidence that 445
required records, reports, or logs have been submitted. If the 446
chief, after considering the evidence presented by the permittee, 447
determines that the reporting requirements have been satisfied, 448
the chief shall revoke the suspension order. 449

Notwithstanding any other provision of this chapter, the 451
permittee may appeal a suspension order to the court of common 452
pleas of the county in which the activity that is the subject of 453
the suspension order is located. In such an appeal, any person may 454
file a motion to intervene to uphold a suspension order if the 455
person demonstrates that the person has an interest that is or may 456
be adversely affected by the activity for which the chief has 457
issued a suspension order under this section. If the court upholds 458
the suspension order, the court may require the appellant 459
permittee to pay the court costs and reasonable attorney's fees of 460
the person intervening. 461

The chief also may issue a bond forfeiture order pursuant to 462
section 1509.071 of the Revised Code. 463

(E) The prosecuting attorney of the county or the attorney 464
general, upon the request of the chief, may apply to the court of 465
common pleas in the county in which any of the provisions of this 466
chapter or any rules, terms or conditions of a permit or 467
registration certificate, or orders adopted or issued pursuant to 468
this chapter are being violated for a temporary restraining order, 469
preliminary injunction, or permanent injunction restraining any 470
person from such violation. In such an action, any person may file 471
a motion to intervene for the issuance of a temporary restraining 472
order, preliminary injunction, or permanent injunction if the 473
person demonstrates that the person has an interest that is or may 474
be adversely affected by the violation for which the prosecuting 475
attorney or attorney general has commenced the action. 476

(F) The chief may enter into a compliance agreement by 477
consent decree if such an agreement will end a violation. 478

(G) The chief may request a peace officer or a fire 479
department to respond to the surface location of a well and 480
temporarily assist the division of mineral resources management in 481
the enforcement or administration of this chapter until a mineral 482

resources inspector arrives at the well. 483

Sec. 1509.05. No person shall drill a new well, drill an 484
existing well any deeper, reopen a well, convert a well to any use 485
other than its original purpose, or plug back a well to a source 486
of supply different from the existing pool, without having a 487
permit to do so issued by the chief of the division of mineral 488
resources management, ~~and until.~~ However, the chief shall not 489
issue such a permit to a person unless the terms and conditions of 490
the permit will not conflict with any zoning, health, and safety 491
ordinances and resolutions that are in effect in the municipal 492
corporation or the township where the drilling tract and the well 493
are to be located. 494

A permittee shall post or display the original permit or a 495
photostatic copy thereof ~~is posted or displayed~~ in a conspicuous 496
and easily accessible place at the well site, with the name, 497
current address, and telephone number of the ~~permit holder~~ 498
permittee and the telephone numbers for fire and emergency medical 499
services maintained on the posted permit or copy. The permit or a 500
copy shall be continuously displayed in ~~such~~ that manner at all 501
times during the work authorized by the permit. 502

~~Such~~ A permit shall be issued by the chief in accordance with 503
this chapter ~~and for a well that is or is to be located in an~~ 504
urbanized area shall be valid for twelve months, and a permit for 505
a well that is or is to be located in any other area shall be 506
valid for twenty-four months. 507

Sec. 1509.051. A permit or order issued by the chief of the 508
division of mineral resources management under this chapter shall 509
not authorize or allow a permittee or any other person to do any 510
of the following: 511

(A) Drill an oil or gas well within the boundaries of a 512

state, municipal, or township park or within a recreational area 513
or nature preserve; 514

(B) Drill an oil or gas well within two thousand feet of a 515
lake, stream, or other body of water that is used as a source of 516
drinking water; 517

(C) Drill an oil or gas well without the use of a blow-out 518
preventer; 519

(D) Bury hazardous waste, radioactive material, or chemicals 520
used in fracturing subsurface strata or otherwise dispose of any 521
toxic substance at the location of a well. As used in this 522
division: 523

(1) "Hazardous waste" has the same meaning as in section 524
3734.01 of the Revised Code. 525

(2) "Radioactive material" has the same meaning as in section 526
3748.01 of the Revised Code. 527

(3) "Toxic substance" has the same meaning as in section 528
3716.01 of the Revised Code. 529

(E) Drill a new well or drill an existing well deeper without 530
implementing best operating standards and practices that are 531
recognized by the oil and gas industry. 532

Sec. 1509.06. (A) An application for a permit to drill a new 533
well, drill an existing well deeper, reopen a well, convert a well 534
to any use other than its original purpose, or plug back a well to 535
a different source of supply, including associated production 536
operations, shall be filed with the chief of the division of 537
mineral resources management upon such form as the chief 538
prescribes and shall contain each of the following that is 539
applicable: 540

(1) The name and address of the ~~owner~~ applicant and, if a 541
corporation, the name and address of the statutory agent~~+~~. In 542

addition, the application shall include the name and telephone 543
number of a person that may be contacted in an emergency and who 544
is located within a twenty-minute travel time from the location of 545
the proposed well or well. 546

(2) The signature of the ~~owner~~ applicant or the ~~owner's~~ 547
applicant's authorized agent. When an authorized agent signs an 548
application, it shall be accompanied by a certified copy of the 549
appointment as such agent. 550

(3) The names and addresses of all persons holding the 551
royalty interest in the tract upon which the well is located or is 552
to be drilled or within a proposed drilling unit; 553

(4) The location of the tract or drilling unit on which the 554
well is located or is to be drilled identified by section or lot 555
number, city, village, township, and county; 556

(5) Designation of the well by name and number; 557

(6) The geological formation to be tested or used and the 558
proposed total depth of the well; 559

(7) The type of drilling equipment to be used; 560

(8) If the well is for the injection of a liquid, identity of 561
the geological formation to be used as the injection zone and the 562
composition of the liquid to be injected; 563

(9) ~~For an application for a permit to drill a new well, a~~ A 564
sworn statement that the applicant has provided notice of the 565
application to ~~the owner of each occupied~~ each person residing in 566
a dwelling unit that is located within ~~five hundred~~ three thousand 567
feet of the surface location of the proposed well ~~if the surface~~ 568
~~location will be less than five hundred feet from the boundary of~~ 569
~~the drilling unit and more than fifteen occupied dwelling units~~ 570
~~are located less than five hundred feet from the surface location~~ 571
~~of the well, excluding any dwelling that is located on real~~ 572

~~property all or any portion of which is included in the drilling
unit or well. The notice shall contain a the following 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:~~ 573 574 575 576 577 578 579

"PLEASE BE ADVISED. AN APPLICATION HAS BEEN FILED WITH THE
DIVISION OF MINERAL RESOURCES MANAGEMENT IN THE DEPARTMENT OF
NATURAL RESOURCES FOR A PERMIT TO DRILL AN OIL OR GAS WELL ON
PROPERTY LOCATED AT [address of the location of the proposed
surface location or surface location of the well]. A PUBLIC
MEETING WILL BE HELD [location, date, and time of the meeting] AT
WHICH YOU MAY APPEAR AND COMMENT ON WHETHER THE APPLICATION FOR
THE PERMIT SHOULD BE APPROVED. If YOU CANNOT ATTEND THE MEETING,
YOU MAY CONTACT THE DIVISION AT [telephone number of the division
of mineral resources management] TO PROVIDE YOUR COMMENTS. THE
COMMENT PERIOD CONCERNING THE APPLICATION CLOSES [date that is
seven business days after the date of the scheduled public
meeting]. PLEASE REFER TO APPLICATION NUMBER [number of the
application] WHEN YOU PROVIDE YOUR COMMENTS. THE APPLICATION WAS
FILED BY [name and phone number of the person that filed the
application and the name of the person's statutory agent, if
applicable]. The" 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596

The notice shall be issued not later than fifteen days prior
to the date of the public meeting that is required under this
section and may be provided by hand delivery or regular mail. In
addition, not later than fifteen days prior to the public meeting,
the notice shall be published in a newspaper of general
circulation in the county in which the well is to be or is
located. The identity of the ~~owners of occupied~~ persons residing
in dwelling units shall be determined using the tax records and 597 598 599 600 601 602 603 604

property records of the municipal corporation or county in which 605
the dwelling unit is located as of the date of the notice. 606

(10) A description of the qualifications of the person who 607
will drill, reopen, convert, or plug back the well, including a 608
description of the drilling procedures and safety procedures that 609
will be used and if those procedures are consistent with the best 610
standards and practices that are recognized by the oil and gas 611
industry. The description also shall include an explanation of the 612
person's experience concerning oil and gas well operations, the 613
person's safety record for such operations, and information 614
concerning the condition and maintenance of the person's equipment 615
that will be used. 616

(11) A plan for restoration of the land surface disturbed by 617
drilling operations. The plan shall provide for compliance with 618
the restoration requirements of division (A) of section 1509.072 619
of the Revised Code and any rules adopted by the chief pertaining 620
to that restoration. 621

~~(11)~~(12) A description by name or number of the county, 622
township, and municipal corporation roads, streets, and highways 623
that the applicant anticipates will be used for access to and 624
egress from the well site; 625

~~(12)~~(13) Such other relevant information as the chief 626
prescribes by rule. 627

Each application shall be accompanied by a map, on a scale 628
not smaller than four hundred feet to the inch, prepared by an 629
Ohio registered surveyor, showing the location of the well and 630
containing such other data as may be prescribed by the chief. If 631
the well is or is to be located within the excavations and 632
workings of a mine, the map also shall include the location of the 633
mine, the name of the mine, and the name, address, and telephone 634
number of the person operating the mine. 635

(B) ~~The chief shall cause a copy of the weekly circular prepared by the division to be provided to the county engineer of each county that contains active or proposed drilling activity. The weekly circular shall contain, in the manner prescribed by the chief, the names of all applicants for permits, the location of each well or proposed well, the information required by division (A)(11) of this section, and any additional information the chief prescribes. In addition, the chief promptly shall transfer an electronic copy or facsimile, or if those methods are not available to a municipal corporation or township, a copy via regular mail, of a drilling permit application to the clerk of the legislative authority of the municipal corporation or to the clerk of the township in which the well or proposed well is or is to be located if the legislative authority of the municipal corporation or the board of township trustees has asked to receive copies of such applications and the appropriate clerk has provided the chief an accurate, current electronic mailing address or facsimile number, as applicable(1) Not later than five days after receipt of an application and the applicable fee, the chief shall provide written notification that the application has been filed to the director of environmental protection, the fire chief of the fire department within whose jurisdiction the well that is the subject of the application will be or is located, and the local inspector within whose jurisdiction the well that is the subject of the application will be or is located. The notice shall be sent electronically or by regular mail and shall be posted on the division of mineral resources management's web site. In addition, the chief shall schedule a date and a time that is mutually acceptable to all of the persons that the chief has so notified for an inspection of the site that is the subject of the application for purposes of division (C)(2) of this section.~~

(2) The chief shall maintain a database on the division of mineral resources management's web site that is accessible to and

searchable by the public. The database shall contain all of the 669
following: 670

(a) A listing of all wells that are being drilled and of all 671
wells that are proposed to be drilled in this state; 672

(b) The names and contact information of all permit holders 673
and applicants for permits under this chapter; 674

(c) The location of each well or proposed well in this state; 675

(d) The information that is required by divisions (A)(1), 676
(4), (5), (8), and (12) of this section for each permit 677
application; 678

(e) The map that is required by division (A) of this section 679
for each permit application; 680

(f) Any other information that the chief requires. 681

~~(C) The chief shall not issue a permit for at least ten days~~ 682
~~after the date of filing of the application for the permit unless,~~ 683
~~upon reasonable cause shown, the chief waives that period or a~~ 684
~~request for expedited review is filed under this section. However,~~ 685
~~the chief shall issue a permit within twenty one days of the~~ 686
~~filing of the application unless the chief denies the application~~ 687
~~by order~~ Upon receipt of an application and all accompanying 688
information that is required by this section, but before 689
determining whether to approve an application, approve an 690
application with modifications, or deny an application, the chief 691
shall do all of the following: 692

(1) Review the application for compliance with division (A) 693
of this section and rules adopted pursuant to it. If the chief 694
finds any errors or omissions in an application, the chief 695
immediately shall notify the applicant of the errors and 696
omissions. Not later than thirty days after receipt of such a 697
notice, an applicant shall correct the errors and omissions. If 698

the applicant does not correct all of the errors and omissions 699
within thirty days after receipt of the notice, the chief shall 700
deny the application. 701

(2) Conduct an inspection of the surface location of the 702
proposed well or well together with an inspector from the 703
environmental protection agency, the fire chief of the fire 704
department within whose jurisdiction the well that is the subject 705
of the application will be or is located, and the local inspector 706
within whose jurisdiction the well that is the subject of the 707
application will be or is located to determine if the location and 708
operation will comply with state and federal environmental laws, 709
applicable fire codes, and local zoning, health, and safety 710
requirements. Any person participating in such an inspection may 711
submit a written objection to the chief opposing the issuance of a 712
permit to the applicant. If the chief receives a written objection 713
prior to approving the application or approving the application 714
with modifications, the chief shall deny the application. 715

(3) Review the qualifications of the applicant to determine 716
if the applicant is qualified to perform the proposed operation in 717
compliance with the requirements established in this chapter and 718
rules adopted under it. In reviewing the applicant's 719
qualifications, the chief may consider the applicant's current 720
violations or unresolved violations of prior orders as grounds for 721
denying the application. In addition, the chief shall deny an 722
application if the applicant has been issued a notice of material 723
and substantial violation or a suspension order and the applicant 724
continues to be in substantial noncompliance. 725

(4) Conduct at a minimum one public meeting concerning the 726
proposed well or well and provide the applicant and any interested 727
person an opportunity to be heard and to submit comments. The 728
public meeting shall be conducted in the municipal corporation or 729
township in which the well or proposed well is or is to be 730

located. 731

Upon satisfaction of the requirements established in 732
divisions (C)(1) to (4) of this section, the chief shall issue an 733
order approving the permit, approving the permit with 734
modifications, or denying the permit in accordance with the time 735
frames established in divisions (D) and (E) of this section. The 736
chief shall issue an order denying a permit if the chief 737
determines that the applicant is not qualified to perform the 738
proposed drilling, reopening, converting, or plugging in 739
compliance with the requirements established in this chapter and 740
rules adopted under it. An applicant who is denied a permit by the 741
chief may appeal the chief's order denying the permit in 742
accordance with section 1509.36 of the Revised Code. 743

(D)(1) The chief shall not issue a permit for a well that is 744
or is to be located in an urbanized area until all of the 745
requirements established in division (C) of this section are 746
satisfied or until thirty days after the receipt of the 747
application for the permit, whichever time period is longer. 748
However, the chief shall issue a permit after all of the 749
requirements established in division (C) of this section are 750
satisfied or within thirty-five days after receipt of the 751
application for the permit, whichever time period is longer, 752
unless the chief denies the application by order. 753

(2) The chief shall not issue a permit for a well that is or 754
is to be located in an area that is not an urbanized area until 755
all of the requirements established in division (C) of this 756
section are satisfied or until thirty-five days after the receipt 757
of the application for the permit, whichever time period is 758
longer, unless a request for an expedited review is filed under 759
this section or the chief denies the application by order. 760

(E) An applicant may file a request with the chief for 761
expedited review of a permit application if the well is not or is 762

not to be located in an urbanized area, in a gas storage reservoir 763
~~or, in a reservoir protective area,~~ as "~~reservoir protective area~~" 764
~~is~~ defined in section 1571.01 of the Revised Code or, in a natural 765
area or nature preserve as defined in section 1517.01 of the 766
Revised Code. If the well is or is to be located in a coal bearing 767
township, the application shall be accompanied by the affidavit of 768
the landowner prescribed in section 1509.08 of the Revised Code. 769

In addition to a complete application for a permit that meets 770
the requirements of this section and the permit fee prescribed by 771
this section, a request for expedited review shall be accompanied 772
by a separate nonrefundable filing fee of five hundred dollars. 773
~~Upon the filing of a request for expedited review, the chief shall~~ 774
~~cause the county engineer of the county in which the well is or is~~ 775
~~to be located to be notified of the filing of the permit~~ 776
~~application and the request for expedited review by telephone or~~ 777
~~other means that in the judgment of the chief will provide timely~~ 778
~~notice of the application and request. The If all of the~~ 779
~~requirements established in division (C) of this section are~~ 780
~~satisfied, the chief shall issue a permit within seven twenty-five~~ 781
~~days of the filing of the ~~request~~ application unless the chief~~ 782
denies the application by order. ~~Notwithstanding the provisions of~~ 783
~~this section governing expedited review of permit applications,~~ 784
~~the chief may refuse to accept requests for expedited review if,~~ 785
~~in the chief's judgment, the acceptance of the requests would~~ 786
~~prevent the issuance, within twenty one days of their filing, of~~ 787
~~permits for which applications are pending.~~ 788

~~(E)~~(F) A well shall be drilled and operated in exact 789
accordance with the plans, sworn statements, and other information 790
submitted in the approved application and with all terms and 791
conditions of the permit. A permittee shall notify the chief or a 792
mineral resources inspector within twenty-four hours of a 793
violation of any term or condition of the permit that occurs 794

during drilling operations. 795

~~(F) The chief shall issue an order denying a permit if the 796
chief finds that there is a substantial risk that the operation 797
will result in violations of this chapter or rules adopted under 798
it that will present an imminent danger to public health or safety 799
or damage to the environment, provided that where the chief finds 800
that terms or conditions to the permit can reasonably be expected 801
to prevent such violations, the chief shall issue the permit 802
subject to those terms or conditions, including, if applicable, 803
terms and conditions regarding subjects identified in rules 804
adopted under section 1509.03 of the Revised Code. 805~~

(G) Each application for a permit required by section 1509.05 806
of the Revised Code, except an application to plug back an 807
existing well that is required by that section and an application 808
for a well drilled or reopened for purposes of section 1509.22 of 809
the Revised Code, also shall be accompanied by a nonrefundable fee 810
as follows: 811

(1) ~~Two~~ Five hundred ~~fifty~~ dollars for a permit to conduct 812
activities in a township with a population of fewer than five 813
thousand; 814

(2) ~~Five~~ One thousand five hundred dollars for a permit to 815
conduct activities in a township with a population of five 816
thousand or more, but fewer than ten thousand; 817

(3) ~~Seven hundred fifty~~ Two thousand five hundred dollars for 818
a permit to conduct activities in a township with a population of 819
ten thousand or more, but fewer than fifteen thousand; 820

(4) ~~One~~ Three thousand five hundred dollars for a permit to 821
conduct activities in either of the following: 822

(a) A township with a population of fifteen thousand or more; 823

(b) A municipal corporation regardless of population. 824

For purposes of calculating fee amounts, populations shall be 825
determined using the most recent federal decennial census. 826

Each application for the revision ~~or reissuance~~ of a permit 827
shall be accompanied by a nonrefundable fee of two hundred fifty 828
dollars. Each application for the reissuance of a permit shall be 829
accompanied by a nonrefundable fee of five hundred dollars. 830

~~(H) The chief may order the immediate suspension of drilling,~~ 831
~~operating, or plugging activities after finding that any person is~~ 832
~~causing, engaging in, or maintaining a condition or activity that~~ 833
~~in the chief's judgment presents an imminent danger to public~~ 834
~~health or safety or results in or is likely to result in immediate~~ 835
~~substantial damage to natural resources or for nonpayment of a fee~~ 836
~~required by this section. The chief may order the immediate~~ 837
~~suspension of the drilling or reopening of a well in a coal~~ 838
~~bearing township after determining that the drilling or reopening~~ 839
~~activities present an imminent and substantial threat to public~~ 840
~~health or safety or to miners' health or safety. Before issuing~~ 841
~~any such order, the chief shall notify the owner in such manner as~~ 842
~~in the chief's judgment would provide reasonable notification that~~ 843
~~the chief intends to issue a suspension order. The chief may issue~~ 844
~~such an order without prior notification if reasonable attempts to~~ 845
~~notify the owner have failed, but in such an event notification~~ 846
~~shall be given as soon thereafter as practical. Within five~~ 847
~~calendar days after the issuance of the order, the chief shall~~ 848
~~provide the owner an opportunity to be heard and to present~~ 849
~~evidence that the condition or activity is not likely to result in~~ 850
~~immediate substantial damage to natural resources or does not~~ 851
~~present an imminent danger to public health or safety or to~~ 852
~~miners' health or safety, if applicable. In the case of activities~~ 853
~~in a coal bearing township, if the chief, after considering~~ 854
~~evidence presented by the owner, determines that the activities do~~ 855
~~not present such a threat, the chief shall revoke the suspension~~ 856

~~order. Notwithstanding any provision of this chapter, the owner~~ 857
~~may appeal a suspension order directly to the court of common~~ 858
~~pleas of the county in which the activity is located or, if in a~~ 859
~~coal bearing township, to the reclamation commission under section~~ 860
~~1513.13 of the Revised Code If the chief finds that a permittee is~~ 861
~~drilling or conducting other operations in violation of a permit,~~ 862
~~the requirements established in this chapter, or rules adopted~~ 863
~~under it and there is substantial risk that the drilling or~~ 864
~~operations likely will result in danger to the health or safety of~~ 865
~~the public or damage to the environment, the chief shall issue an~~ 866
~~order to the permittee to cease or correct the violation~~ 867
~~immediately. If the permittee does not cease or correct the~~ 868
~~violation and appears to continue the violation, the chief shall~~ 869
~~issue an order that revokes the permittee's permit and that~~ 870
~~requires the permittee to cease drilling or other operations~~ 871
~~immediately.~~ 872

Sec. 1509.061. ~~An owner of a well who has been issued a~~ 873
~~permit under section 1509.06 of the Revised Code A permittee may~~ 874
~~submit to the chief of the division of mineral resources~~ 875
~~management, on a form prescribed by the chief, a request to revise~~ 876
~~an existing tract upon which exists a producing or idle the terms~~ 877
~~and conditions of a permit for the drilling of a well. The chief~~ 878
~~shall adopt, and may amend and rescind, rules under section~~ 879
~~1509.03 of the Revised Code that are necessary for the~~ 880
~~administration of this section. The rules at least shall stipulate~~ 881
~~the information to be included on the request form and shall~~ 882
~~establish a fee to be paid by the person submitting the request,~~ 883
~~which fee shall not exceed ~~two hundred fifty dollars~~ the amount of~~ 884
~~the applicable fee established in division (G) of section 1509.06~~ 885
~~of the Revised Code.~~ 886

The chief shall not approve a request submitted under this 887
section ~~unless it~~ if approving the request would result in a 888

violation of this chapter or rules adopted under it, including 889
provisions establishing spacing or minimum acreage requirements. 890

Sec. 1509.062. (A)(1) The permittee of a well that has not 891
been completed, a well that has not produced within one year after 892
completion, or an existing well that has no reported production 893
for two consecutive reporting periods as reported in accordance 894
with section 1509.11 of the Revised Code shall plug the well in 895
accordance with section 1509.12 of the Revised Code, obtain 896
temporary inactive well status for the well in accordance with 897
this section, or perform another activity regarding the well that 898
is approved by the chief of the division of mineral resources 899
management. 900

(2) If a well has a reported annual production that is less 901
than one hundred thousand cubic feet of natural gas or fifteen 902
barrels of crude oil, or a combination of natural gas or crude oil 903
in an amount that is determined by the chief, the chief may 904
require the permittee of the well to submit an application for 905
temporary inactive well status under this section for the well. 906

(B) In order for the permittee of a well to submit an 907
application for temporary inactive well status for the well under 908
this division, the permittee and the well shall be in compliance 909
with this chapter and rules adopted under it, any terms and 910
conditions of the permit for the well, and applicable orders 911
issued by the chief. An application for temporary inactive status 912
for a well shall be submitted to the chief on a form prescribed 913
and provided by the chief and shall contain all of the following: 914

(1) The permittee's name and address and, if the permittee is 915
a corporation, the name and address of the corporation's statutory 916
agent; 917

(2) The signature of the permittee or of the permittee's 918
authorized agent. When an authorized agent signs an application, 919

the application shall be accompanied by a certified copy of the 920
appointment as such agent. 921

(3) The permit number assigned to the well. If the well has 922
not been assigned a permit number, the chief shall assign a permit 923
number to the well. 924

(4) A map, on a scale not smaller than four hundred feet to 925
the inch, that shows the location of the well and the tank 926
battery, that includes the latitude and longitude of the well, and 927
that contains all other data that are required by the chief; 928

(5) A demonstration that the well is of future utility and 929
that the applicant has a viable plan to utilize the well within a 930
reasonable period of time; 931

(6) A demonstration that the well poses no threat to the 932
health or safety of persons, property, or the environment; 933

(7) Any other relevant information that the chief prescribes 934
by rule. 935

The chief may waive any of the requirements established in 936
divisions (B)(1) to (6) of this section if the division of mineral 937
resources management possesses a current copy of the information 938
or document that is required in the applicable division. 939

(C) Upon receipt of an application for temporary inactive 940
well status, the chief shall review the application and shall 941
either deny the application by issuing an order or approve the 942
application. The chief shall approve the application only if the 943
chief determines that the well that is the subject of the 944
application poses no threat to the health or safety of persons, 945
property, or the environment. If the chief approves the 946
application, the chief shall notify the applicant of the chief's 947
approval. Upon receipt of the chief's approval, the permittee 948
shall shut in the well and empty all liquids and gases from all 949
storage tanks, pipelines, and other equipment associated with the 950

well. In addition, the permittee shall maintain the well, other 951
equipment associated with the well, and the surface location of 952
the well in a manner that prevents hazards to the health and 953
safety of people and the environment. The permittee shall inspect 954
the well at least every six months and submit to the chief within 955
fourteen days after the inspection a record of inspection on a 956
form prescribed and provided by the chief. 957

(D) Not later than thirty days prior to the expiration of 958
temporary inactive well status or a renewal of temporary inactive 959
well status approved by the chief for a well, the permittee of the 960
well may submit to the chief an application for renewal of the 961
temporary inactive well status on a form prescribed and provided 962
by the chief. The application shall include a detailed plan that 963
describes the ultimate disposition of the well, the time frames 964
for that disposition, and any other information that the chief 965
determines is necessary. The chief shall either deny an 966
application by order or approve the application. If the chief 967
approves the application, the chief shall notify the permittee of 968
the well of the chief's approval. 969

(E) The chief may require a permittee to provide a surety 970
bond in an amount not to exceed ten thousand dollars for each of 971
the permittee's wells that has been approved by the chief for 972
temporary inactive well status. 973

(F) An application for temporary inactive well status shall 974
be accompanied by a nonrefundable fee of one hundred dollars. An 975
application for a renewal of temporary inactive well status shall 976
be accompanied by a nonrefundable fee of two hundred fifty dollars 977
for the first renewal and five hundred dollars for each subsequent 978
renewal. 979

(G) Temporary inactive well status approved by the chief 980
expires one year after the date of approval of the application for 981
temporary inactive well status or production from the well 982

commences, whichever occurs sooner. In addition, a renewal of a 983
temporary inactive well status expires one year after the 984
expiration date of the initial temporary inactive well status or 985
one year after the expiration date of the previous renewal of the 986
temporary inactive well status, as applicable, or production from 987
the well commences, whichever occurs sooner. 988

(H) The permittee of a well that has been approved by the 989
chief for temporary inactive well status may commence production 990
from the well at any time. Not later than sixty days after the 991
commencement of production from such a well, the permittee shall 992
notify the chief of the commencement of production. 993

(I) This chapter and rules adopted under it, any terms and 994
conditions of the permit for a well, and applicable orders issued 995
by the chief apply to a well that has been approved by the chief 996
for temporary inactive well status or renewal of that status. 997

Sec. 1509.07. ~~An owner~~ (A) A permittee of any well, except an 998
exempt Mississippian well or an exempt domestic well, shall obtain 999
liability insurance coverage from a company authorized to do 1000
business in this state in an amount of not less than ~~three hundred~~ 1001
~~thousand~~ five million dollars bodily injury coverage and ~~three~~ 1002
~~hundred thousand~~ ten million dollars property damage coverage to 1003
pay damages for injury to persons or damage to property caused by 1004
the drilling, operation, or plugging of all the ~~owner's~~ 1005
permittee's wells in this state. The ~~owner~~ permittee shall 1006
maintain that coverage until all the ~~owner's~~ permittee's wells are 1007
plugged and ~~abandoned as required by law~~ and maintained as 1008
required by this chapter and rules adopted under it or are 1009
transferred to a permittee who has obtained insurance as required 1010
by this section and who is not under a notice of material and 1011
substantial violation or under a suspension order. The ~~owner~~ 1012
permittee shall provide proof of liability insurance coverage to 1013

the chief of the division of mineral resources management upon 1014
request. Upon failure of the ~~owner~~ permittee to provide that proof 1015
when requested, the chief may order the suspension of any 1016
outstanding permits and operations of the ~~owner~~ permittee until 1017
the ~~owner~~ permittee provides proof of the required insurance 1018
coverage. 1019

(B) Except as otherwise provided in this section, ~~an owner a~~ 1020
permittee of any well that is not an exempt Mississippian well or 1021
an exempt domestic well, before being issued a permit under 1022
section 1509.06 of the Revised Code, shall execute and file with 1023
the division of mineral resources management a surety bond in an 1024
amount equal to the estimated cost to plug the well and restore 1025
the surface location of the well and conditioned on compliance 1026
with the restoration requirements of section 1509.072, the 1027
plugging requirements of section 1509.12, the permit provisions of 1028
section 1509.13 of the Revised Code, and all rules and orders of 1029
the chief relating thereto, ~~in an amount set by rule of the chief.~~ 1030

The ~~owner~~ permittee of a well that is not an exempt 1031
Mississippian well or an exempt domestic well may deposit with the 1032
chief, instead of a surety bond, cash in an amount equal to the 1033
surety bond as prescribed pursuant to this section or negotiable 1034
certificates of deposit or irrevocable letters of credit, issued 1035
by any bank organized or transacting business in this state or by 1036
any savings and loan association as defined in section 1151.01 of 1037
the Revised Code, having a cash value equal to or greater than the 1038
amount of the surety bond as prescribed pursuant to this section. 1039
Cash or certificates of deposit shall be deposited upon the same 1040
terms as those upon which surety bonds may be deposited. If 1041
certificates of deposit are deposited with the chief instead of a 1042
surety bond, the chief shall require the bank or savings and loan 1043
association that issued any such certificate to pledge securities 1044
of a cash value equal to the amount of the certificate that is in 1045

excess of the amount insured by any of the agencies and 1046
instrumentalities created under the "Federal Deposit Insurance 1047
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 1048
regulations adopted under it, including at least the federal 1049
deposit insurance corporation, bank insurance fund, and savings 1050
association insurance fund. The securities shall be security for 1051
the repayment of the certificate of deposit. 1052

Immediately upon a deposit of cash, certificates of deposit, 1053
or letters of credit with the chief, the chief shall deliver them 1054
to the treasurer of state who shall hold them in trust for the 1055
purposes for which they have been deposited. 1056

~~Instead of a surety bond, the chief may accept proof of 1057
financial responsibility consisting of a sworn financial statement 1058
showing a net financial worth within this state equal to twice the 1059
amount of the bond for which it substitutes and, as may be 1060
required by the chief, a list of producing properties of the owner 1061
within this state or other evidence showing ability and intent to 1062
comply with the law and rules concerning restoration and plugging 1063
that may be required by rule of the chief. The owner of an exempt 1064
domestic or exempt Mississippian well is not required to file 1065
scheduled updates of the financial documents, but shall file 1066
updates of those documents if requested to do so by the chief. The 1067
owner of a nonexempt domestic or nonexempt Mississippian well 1068
shall file updates of the financial documents in accordance with a 1069
schedule established by rule of the chief. The chief, upon 1070
determining that an owner for whom the chief has accepted proof of 1071
financial responsibility instead of bond (C) A permittee of an 1072
exempt Mississippian well or an exempt domestic well shall 1073
demonstrate financial responsibility to the chief by providing one 1074
of the following: 1075~~

(1) Proof of deposits in a bank organized or transacting 1076
business in this state or in a savings and loan association as 1077

defined in section 1151.01 of the Revised Code in an amount that 1078
is equal to or greater than the amount of the surety bond that is 1079
otherwise required to be executed and filed with the chief by this 1080
section; 1081

(2) Negotiable certificates of deposit or irrevocable letters 1082
of credit issued by such a bank or savings and loan association 1083
having a cash value that is equal to or greater than the amount of 1084
the surety bond that is otherwise required to be executed and 1085
filed with the chief by this section. 1086

If the permittee of an exempt Mississippian well or an exempt 1087
domestic well cannot demonstrate financial responsibility to the 1088
satisfaction of the chief, the chief shall order that the owner 1089
permittee to execute and file a surety bond or deposit cash, 1090
certificates of deposit, or irrevocable letters of credit as 1091
required by this section for the wells specified in the order 1092
within ten days of receipt of the order. If the order is not 1093
complied with, all wells of the ~~owner~~ permittee that are specified 1094
in the order and for which no surety bond is filed or cash, 1095
certificates of deposit, or letters of credit are deposited shall 1096
be plugged. No ~~owner~~ permittee shall fail or refuse to plug such a 1097
well. Each day on which such a well remains unplugged thereafter 1098
constitutes a separate offense, and the chief shall assess a fine 1099
against the permittee in an amount that is not less than one 1100
thousand dollars per offense as determined by the chief. 1101

(D) A permittee shall file updates of any financial documents 1102
that are required by this section in accordance with a schedule 1103
established by rule of the chief. 1104

(E) The surety bond provided for in this section shall be 1105
executed by a surety company authorized to do business in this 1106
state that is in good standing. 1107

(F) The chief shall not approve any bond until it is 1108

personally signed and acknowledged by both principal and surety, 1109
or as to either by the principal's or surety's attorney in fact, 1110
with a certified copy of the power of attorney attached thereto. 1111
The chief shall not approve a bond unless there is attached a 1112
certificate of the superintendent of insurance that the company is 1113
authorized to transact a fidelity and surety business in this 1114
state. 1115

(G) All bonds shall be given in a form to be prescribed by 1116
the chief and shall run to the state as obligee. 1117

~~An owner of an exempt Mississippian well or an exempt 1118
domestic well, in lieu of filing a surety bond, cash in an amount 1119
equal to the surety bond, certificates of deposit, irrevocable 1120
letters of credit, or a sworn financial statement, may file a 1121
one-time fee of fifty dollars, which shall be deposited in the oil 1122
and gas well plugging fund created in section 1509.071 of the 1123
Revised Code. 1124~~

Sec. 1509.071. (A) When the chief of the division of mineral 1125
resources management finds that ~~an owner~~ a permittee has failed to 1126
comply with the restoration requirements of section 1509.072, 1127
plugging requirements of section 1509.12, or permit provisions of 1128
section 1509.13 of the Revised Code, or rules and orders relating 1129
thereto, the chief shall make a finding of that fact and declare 1130
any surety bond filed to ensure compliance with those sections and 1131
rules forfeited in the amount set by rule of the chief. The chief 1132
thereupon shall certify the total forfeiture to the attorney 1133
general, who shall proceed to collect the amount of the 1134
forfeiture. In addition, the chief may require a permittee, 1135
operator, producer, or other person who forfeited a surety bond to 1136
post a new surety bond in the amount of fifteen thousand dollars 1137
for a single well, thirty thousand dollars for two wells, or fifty 1138
thousand dollars for three or more wells. 1139

In lieu of total forfeiture, the surety, at its option, may 1140
cause the well to be properly plugged and abandoned and the area 1141
properly restored or pay to the treasurer of state the cost of 1142
plugging and abandonment. The cost of plugging and abandonment of 1143
the well includes the estimated cost of maintaining the well in a 1144
safe condition that complies with rules governing plugging. 1145

(B) All moneys collected because of forfeitures of bonds as 1146
provided in this section shall be deposited in the state treasury 1147
to the credit of the oil and gas well fund created in section 1148
1509.02 of the Revised Code. The fund shall be expended by the 1149
chief for the following purposes in addition to the other purposes 1150
specified in that section: 1151

(1) In accordance with division (D) of this section, to plug 1152
idle and orphaned wells or to restore the land surface properly as 1153
required in section 1509.072 of the Revised Code ~~for which the~~ 1154
~~bonds have been forfeited, for abandoned wells or for plugging and~~ 1155
maintaining abandoned wells for which no funds are available to 1156
plug the wells in accordance with this chapter, ~~or to use~~ 1157
~~abandoned wells for the injection of oil or gas production wastes;~~ 1158

(2) In accordance with division (E) of this section, to 1159
correct conditions that the chief reasonably has determined are 1160
causing ~~imminent~~ immediate health or safety risks at an idle and 1161
orphaned well or a well for which the person responsible for the 1162
well cannot be contacted in order to initiate a corrective action 1163
within a reasonable period of time as determined by the chief. 1164

Expenditures from the fund shall be made only for lawful 1165
purposes. 1166
1167

(C)(1) Upon determining that the ~~owner~~ permittee of a well 1168
has failed to properly plug and abandon it or to properly restore 1169
the land surface at the well site in compliance with the 1170

applicable requirements of this chapter and applicable rules 1171
adopted and orders issued under it or that a well is an abandoned 1172
well for which no funds are available to plug the well in 1173
accordance with this chapter, the chief shall do ~~all~~ both of the 1174
following: 1175

(a) Determine from the records in the office of the county 1176
recorder of the county in which the well is located the identity 1177
of the owner of the land on which the well is located, the 1178
identity of the ~~owner~~ permittee of the oil or gas lease under 1179
which the well was drilled ~~or the identity of each person owning~~ 1180
~~an interest in~~ and, if different from the permittee, the present 1181
holder of the lease, and the identities of the persons having 1182
legal title to, or a lien upon, any of the equipment appurtenant 1183
to the well; 1184

~~(b) Mail notice to the owner of the land on which the well is~~ 1185
~~located informing the landowner that the well is to be plugged. If~~ 1186
~~the owner of the oil or gas lease under which the well was drilled~~ 1187
~~is different from the owner of the well or if any persons other~~ 1188
~~than the owner of the well own interests in the lease, the chief~~ 1189
~~also shall mail notice that the well is to be plugged to the owner~~ 1190
~~of the lease or to each person owning an interest in the lease, as~~ 1191
~~appropriate.~~ 1192

~~(c) Mail notice to each person having legal title to, or a~~ 1193
~~lien upon, any equipment appurtenant to the well, identified under~~ 1194
~~division (C)(1)(a) of this section informing the person that the~~ 1195
well is to be plugged and offering the person the opportunity to 1196
plug the well and restore the land surface at the well site at the 1197
person's own expense in order to avoid finances, penalties, or 1198
forfeiture of the equipment to this state. 1199

(2) If none of the persons described in division (C)(1)~~(c)~~(a) 1200
of this section plugs the well within sixty days after the mailing 1201
of the notice required by ~~that~~ division (C)(1)(b) of this section, 1202

all equipment appurtenant to the well is hereby declared to be 1203
forfeited to this state without compensation and without the 1204
necessity for any action by the state for use to defray the cost 1205
of plugging and abandoning the well and restoring the land surface 1206
at the well site. 1207

(D) Expenditures from the fund for the purpose of division 1208
(B)(1) of this section shall be made in accordance with either of 1209
the following: 1210

(1) The expenditures may be made pursuant to contracts 1211
entered into by the chief with persons who agree to furnish all of 1212
the materials, equipment, work, and labor as specified and 1213
provided in such a contract for activities associated with the 1214
restoration or plugging of a well as determined by the chief. The 1215
activities may include excavation to uncover a well, geophysical 1216
methods to locate a buried well when clear evidence of leakage 1217
from the well exists, cleanout of wellbores to remove material 1218
from a failed plugging of a well, plugging operations, 1219
installation of vault and vent systems, including associated 1220
engineering certifications and permits, restoration of property, 1221
and repair of damage to property that is caused by such 1222
activities. However, expenditures shall not be made to purchase 1223
property or to remove a dwelling in order to access a well. Agents 1224
or employees of persons contracting with the chief for ~~the a~~ 1225
restoration, or plugging, ~~and injection projects~~ project may enter 1226
upon any land, public or private, on which the well is located for 1227
the purpose of performing the work. Prior to such entry, the chief 1228
shall give to the following persons written notice of the 1229
existence of a contract for a project to restore, or plug, ~~or~~ 1230
~~inject oil or gas production wastes into~~ a well, the names of the 1231
persons with whom the contract is made, and the date that the 1232
project will commence: ~~the owner of the well, the owner of the~~ 1233
~~land upon which the well is located,~~ each person identified under 1234

division (C)(1)(a) of this section; if different from the persons 1235
identified under that division, the owner or agents of adjoining 1236
land; and, if the well is located in the same township as or in a 1237
township adjacent to the excavations and workings of a mine and 1238
the owner or lessee of that mine has provided written notice 1239
identifying those townships to the chief at any time during the 1240
immediately preceding three years, the owner or lessee of the 1241
mine. In addition, the chief shall notify the director of 1242
environmental protection of those activities in order to obtain 1243
the director's evaluation of any impact to the environment from 1244
the activities and the director's determination of compliance with 1245
state environmental laws. 1246

(2)(a) The owner of the land on which a well is located who 1247
has received notice under division (C)(1)(b) of this section may 1248
plug the well and be reimbursed by the division for the reasonable 1249
cost of plugging the well. In order to plug the well, the 1250
landowner shall submit an application to the chief on a form 1251
prescribed by the chief and approved by the technical advisory 1252
council on oil and gas created in section 1509.38 of the Revised 1253
Code. The application, at a minimum, shall require the landowner 1254
to provide the same information as is required to be included in 1255
the application for a permit to plug and abandon under section 1256
1509.13 of the Revised Code. The application shall be accompanied 1257
by a copy of a proposed contract to plug the well prepared by a 1258
contractor regularly engaged in the business of plugging oil and 1259
gas wells. The proposed contract shall require the contractor to 1260
furnish all of the materials, equipment, work, and labor necessary 1261
to plug the well properly and shall specify the price for doing 1262
the work, including a credit for the equipment appurtenant to the 1263
well that was forfeited to the state through the operation of 1264
division (C)(2) of this section. Expenditures under division 1265
(D)(2)(a) of this section shall be consistent with the 1266
expenditures for activities described in division (D)(1) of this 1267

section. The application also shall be accompanied by the permit 1268
fee required by section 1509.13 of the Revised Code unless the 1269
chief, in the chief's discretion, waives payment of the permit 1270
fee. The application constitutes an application for a permit to 1271
plug and abandon the well for the purposes of section 1509.13 of 1272
the Revised Code. 1273

(b) Within thirty days after receiving an application and 1274
accompanying proposed contract under division (D)(2)(a) of this 1275
section, the chief shall determine whether the plugging would 1276
comply with the applicable requirements of this chapter and 1277
applicable rules adopted and orders issued under it and whether 1278
the cost of the plugging under the proposed contract is 1279
reasonable. If the chief determines that the proposed plugging 1280
would comply with those requirements and that the proposed cost of 1281
the plugging is reasonable, the chief shall notify the landowner 1282
of that determination and issue to the landowner a permit to plug 1283
and abandon the well under section 1509.13 of the Revised Code. 1284
Upon approval of the application and proposed contract, the chief 1285
shall transfer ownership of the equipment appurtenant to the well 1286
to the landowner. The chief may disapprove an application 1287
submitted under division (D)(2)(a) of this section if the chief 1288
determines that the proposed plugging would not comply with the 1289
applicable requirements of this chapter and applicable rules 1290
adopted and orders issued under it, that the cost of the plugging 1291
under the proposed contract is unreasonable, or that the proposed 1292
contract is not a bona fide, arms length contract. 1293

(c) After receiving the chief's notice of the approval of the 1294
application and permit to plug and abandon a well under division 1295
(D)(2)(b) of this section, the landowner shall enter into the 1296
proposed contract to plug the well. The plugging shall be 1297
completed within ~~one hundred eight~~ sixty days after the landowner 1298
receives the notice of approval and permit. 1299

(d) Upon determining that the plugging has been completed 1300
within the time required by division (D)(2)(c) of this section and 1301
has been completed in compliance with the applicable requirements 1302
of this chapter and applicable rules adopted and orders issued 1303
under it, the chief shall reimburse the landowner for the cost of 1304
the plugging as set forth in the proposed contract approved by the 1305
chief. The reimbursement shall be paid from the oil and gas well 1306
fund. If the chief determines that the plugging was not completed 1307
within the required time or was not completed in accordance with 1308
the applicable requirements, the chief shall not reimburse the 1309
landowner for the cost of the plugging, and the landowner or the 1310
contractor, as applicable, promptly shall transfer back to this 1311
state title to and possession of the equipment appurtenant to the 1312
well that previously was transferred to the landowner under 1313
division (D)(2)(b) of this section. If any such equipment was 1314
removed from the well during the plugging and sold, the landowner 1315
shall pay to the chief the proceeds from the sale of the 1316
equipment, and the chief promptly shall pay the moneys so received 1317
to the treasurer of state for deposit into the oil and gas well 1318
fund. 1319

The chief may establish an annual limit ~~on the number of~~ 1320
~~wells that may be plugged under division (D)(2) of this section or~~ 1321
~~an annual limit~~ on the expenditures to be made under ~~that~~ division 1322
(D)(2) of this section. 1323

As used in division (D)(2) of this section, "plug" and 1324
"plugging" include the plugging of the well and the restoration of 1325
the land surface disturbed by the plugging. 1326

(E) Expenditures from the oil and gas well fund for the 1327
purpose of division (B)(2) of this section may be made pursuant to 1328
contracts entered into by the chief with persons who agree to 1329
furnish all of the materials, equipment, work, and labor as 1330
specified and provided in such a contract. However, expenditures 1331

shall not be authorized to purchase real property or to remove a dwelling. 1332
The competitive bidding requirements of Chapter 153. of 1333
the Revised Code do not apply if the chief reasonably determines 1334
that correction of the applicable health or safety risk requires 1335
immediate action. The chief, designated representatives of the 1336
chief, and agents or employees of persons contracting with the 1337
chief under this division may enter upon any land, public or 1338
private, for the purpose of performing the work. 1339

(F) Contracts entered into by the chief under this section 1340
are not subject to either of the following: 1341

(1) Chapter 4115. of the Revised Code; 1342

(2) Section 153.54 of the Revised Code, except that the 1343
contractor shall obtain and provide to the chief as a bid guaranty 1344
a surety bond or letter of credit in an amount equal to ten per 1345
cent of the amount of the contract. 1346

(G) The owner of land on which a well is located who has 1347
received notice under division (C)(1)(b) of this section, in lieu 1348
of plugging the well in accordance with division (D)(2) of this 1349
section, may cause ownership of the well to be transferred to ~~an~~ 1350
~~owner~~ a permittee who is lawfully doing business in this state and 1351
who has met the financial responsibility requirements established 1352
under section 1509.07 of the Revised Code, subject to the approval 1353
of the chief. The transfer of ownership also shall be subject to 1354
the landowner's filing the appropriate forms required under this 1355
chapter and providing to the chief sufficient information to 1356
demonstrate the landowner's or ~~owner's~~ permittee's right to 1357
produce a formation or formations. That information may include a 1358
deed, a lease, or other documentation of ownership or property 1359
rights. 1360

The chief shall approve or disapprove the transfer of 1361
ownership of the well. If the chief approves the transfer, the 1362

~~owner~~ permittee is responsible for operating the well in 1363
accordance with this chapter and rules adopted under it, 1364
including, without limitation, all of the following: 1365

(1) Filing an application with the chief under section 1366
1509.06 of the Revised Code if the ~~owner~~ permittee intends to 1367
drill deeper or produce a formation that is not listed in the 1368
records of the division for that well; 1369

(2) Taking title to and possession of the equipment 1370
appurtenant to the well that has been identified by the chief as 1371
having been abandoned by the former owner or permittee; 1372

(3) Complying with all applicable requirements that are 1373
necessary to drill deeper, plug the well, or plug back the well. 1374

(H) The chief shall issue an order that requires the 1375
responsible person of a well to pay the actual documented costs of 1376
a corrective action that is described in division (B)(2) of this 1377
section concerning the well. The chief shall transmit the money so 1378
recovered to the treasurer of state who shall deposit the money in 1379
the state treasury to the credit of the oil and gas fund. 1380

Sec. 1509.072. No oil or gas well ~~owner~~ permittee or agent of 1382
an oil or gas well ~~owner~~ permittee shall fail to restore the land 1383
surface within the area disturbed in siting, drilling, completing, 1384
~~and producing, plugging, and abandoning~~ the well as required in 1385
this section. 1386

(A) Within ~~five months~~ fourteen days after the date upon 1387
which the ~~surface~~ drilling of a well is ~~commenced~~ completed to 1388
total depth in an urbanized area and within one month after the 1389
date upon which the drilling of a well is completed in all other 1390
areas, the ~~owner~~ permittee or the ~~owner's~~ permittee's agent, in 1391
accordance with the restoration plan filed under division 1392

(A)~~(10)~~(11) of section 1509.06 of the Revised Code, shall fill 1393
with clean fill all the pits for containing brine, and other waste 1394
substances resulting, obtained, or produced in connection with 1395
exploration or drilling for, ~~or production of,~~ oil or gas, ~~or oil~~ 1396
that are not required by other state or federal law or regulation, 1397
and remove all concrete bases, drilling supplies, and drilling 1398
equipment. ~~Within nine months~~ In addition, the permittee or the 1399
permittee's agent shall remove all cuttings containing brine and 1400
all other waste substances and dispose of the cuttings and other 1401
waste substances in an appropriate facility licensed under Chapter 1402
3734. of the Revised Code or dispose of such cuttings and waste 1403
substances in accordance with all applicable statutes and rules 1404
governing environmental protection. Unless the chief of the 1405
division of mineral resources management approves a longer time 1406
period, within one month after the date upon which the surface 1407
drilling of a well is commenced in an urbanized area and within 1408
two months after the date upon which the surface drilling of a 1409
well is commenced in all other areas, the ~~owner~~ permittee or the 1410
~~owner's~~ permittee's agent shall begin to grade or terrace and 1411
plant, seed, or sod the area disturbed that is not required in 1412
production of the well where necessary to bind the soil and 1413
prevent substantial erosion and sedimentation. If the chief ~~of the~~ 1414
~~division of mineral resources management~~ finds that a pit used for 1415
containing brine, other waste substances, or oil is in violation 1416
of section 1509.22 of the Revised Code or rules adopted or orders 1417
issued under it, the chief may require the pit to be emptied and 1418
closed before expiration of the ~~five-month~~ applicable restoration 1419
period. 1420

(B) Within ~~six months~~ thirty days after a well that has 1421
produced oil or gas is plugged, or after the plugging of a dry 1422
hole, unless the chief approves a longer time period not to exceed 1423
six months, the ~~owner~~ permittee or the ~~owner's~~ permittee's agent 1424
shall remove all production and storage structures, supplies, and 1425

equipment, and any oil, salt water, and debris, and fill any 1426
remaining excavations. Within ~~that period~~ fourteen days after 1427
removal of such structures, supplies, equipment, oil, salt water, 1428
and debris and filling of such excavations, the ~~owner~~ permittee or 1429
the ~~owner's~~ permittee's agent shall grade or terrace and plant, 1430
seed, or sod the area disturbed where necessary to bind the soil 1431
and prevent ~~substantial~~ erosion and sedimentation. 1432

The ~~owner~~ permittee shall not be released from responsibility 1433
to perform any or all restoration requirements of this section on 1434
any part or all of the area disturbed upon the filing of a request 1435
for a waiver with and obtaining the written approval of the chief, 1436
~~which unless the~~ request ~~shall be~~ is signed by the surface owner 1437
to certify that the ~~approval of the surface owner of the release~~ 1438
~~sought will undertake all of the responsibilities of the permittee~~ 1439
to perform any or all of the restoration requirements established 1440
in this section. The chief shall approve the request ~~unless the~~ 1441
~~chief finds upon inspection that the waiver would be likely to~~ 1442
~~result in substantial damage to adjoining property, substantial~~ 1443
~~contamination of surface or underground water, or substantial~~ 1444
~~erosion or sedimentation~~ only if the surface owner executes and 1445
files a surety bond with the division of mineral resources 1446
management in an amount equal to the estimated cost to plug the 1447
well and restore the site in accordance with the requirements 1448
established in this chapter and rules adopted under it. 1449

1450
The chief, by order, may shorten the time periods provided 1451
for under division (A) or (B) of this section if failure to 1452
shorten the periods would be likely to result in damage to public 1453
health or the waters or natural resources of the state. 1454

The chief, upon written application by ~~an owner~~ a permittee 1455
or ~~an owner's~~ a permittee's agent showing reasonable cause, may 1456
extend the period within which restoration shall be completed 1457

under divisions (A) and (B) of this section, but not to exceed a 1458
further six-month period, except under extraordinarily adverse 1459
weather conditions or when essential equipment, fuel, or labor is 1460
unavailable to the ~~owner~~ permittee or the ~~owner's~~ permittee's 1461
agent. 1462

If the chief refuses to approve a request for waiver or 1463
extension, the chief shall do so by order. 1464

Sec. 1509.073. (A) In addition to the requirements 1465
established in section 1509.04 of the Revised Code, the chief of 1466
the division of mineral resources management shall coordinate with 1467
local inspectors in the enforcement of this chapter and rules 1468
adopted under it. A local inspector may inspect an oil or gas well 1469
and the storage facilities of a well at any time in order to 1470
ensure compliance with local zoning or building codes. In 1471
addition, the chief of the fire department within whose 1472
jurisdiction an oil or gas well is located may inspect the well to 1473
ensure compliance with the fire code of the municipal corporation 1474
or township, as applicable. 1475

(B) If a local inspector or chief of an applicable fire 1476
department discovers a violation of a permit issued under this 1477
chapter, the inspector or chief shall notify the chief of the 1478
division of mineral resources management or a mineral resources 1479
inspector within twenty-four hours of the discovery. 1480

(C) A permittee annually shall pay to a municipal corporation 1481
or township, as applicable, a fee of five hundred dollars for each 1482
of the permittee's wells that is located within the territorial 1483
boundaries of the municipal corporation or township. The fee shall 1484
be deposited in a special fund that is established by the 1485
municipal corporation or township. The money in the fund shall be 1486
used by the municipal corporation or township to pay the costs of 1487
training police, fire, and medical personnel to respond to 1488

well-related emergencies in the municipal corporation or township, 1489
to pay the costs of periodic inspections by a local inspector to 1490
ensure proper maintenance of all well-related facilities, and to 1491
pay the costs of inspections by local inspectors of the site where 1492
the surface facilities of a well are located to ensure compliance 1493
with local zoning or building codes. 1494

Sec. 1509.074. A person that is issued a permit to drill a 1495
well under this chapter shall do all of the following: 1496

(A) Prior to commencing drilling, meet with the chief of the 1497
fire department within whose jurisdiction the well is located to 1498
explain the drilling operation, including any potential problems 1499
or concerns and solutions to those problems or concerns, and to 1500
provide a schedule of the drilling; 1501

(B) Grant a right of entry to an authorized representative of 1502
the fire department within whose jurisdiction the well is located 1503
for the purpose of formulating emergency operating procedures; 1504
1505

(C) Ensure the availability of a gas well technician who has 1506
knowledge of the mitigation of hazardous or emergency conditions 1507
at a well location. The permittee shall ensure that a gas well 1508
technician responds to a hazardous or emergency condition at the 1509
well within thirty minutes of the permittee's receipt of 1510
notification that a hazardous or emergency condition exists at the 1511
well location. In addition, the permittee shall provide to each 1512
technician the necessary tools and testing equipment that normally 1513
are required to determine the location and nature of a hazardous 1514
or emergency condition, to complete repairs, or to shut off a well 1515
if necessary. 1516

(D) Develop a monthly and an annual safety inspection 1517
checklist that shall be used for each monthly and annual 1518
inspection of each well head and tank battery; 1519

(E) Inspect monthly and annually each well head and tank battery using the applicable checklist that is developed under division (D) of this section and submit a copy of the checklist monthly or annually, as applicable, to the chief of the fire department within whose jurisdiction the well is located; 1520
1521
1522
1523
1524

(F) Provide to the chief of the fire department within whose jurisdiction the well is located all information concerning inspections, investigations, and repairs that are performed at the well location after the occurrence of a hazardous or emergency condition at the well. 1525
1526
1527
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Sec. 1509.075. (A) A person that is issued a permit to drill a well under this chapter, prior to commencing drilling operations, shall execute and file with the legislative authority of a municipal corporation or the board of township trustees of a township, as applicable, a surety bond for each of the permittee's wells that is located within the territorial boundaries of the municipal corporation or township. The surety bond shall be conditioned on compliance with the terms and conditions of the permit and with all of the applicable laws and rules enacted or adopted by the municipal corporation or township and shall provide coverage for damage to municipal corporation or township roads caused by vehicles associated with the drilling of the well, the cleanup of mud and drilling refuse from public property, and the cost of water testing conducted within six months of the drilling of the well. The amount of the surety bond shall be established by the legislative authority of the municipal corporation or the board of township trustees of the township, as applicable, but shall not be less than one hundred per cent of the estimated cost of the screening and landscaping requirements established in this chapter and rules adopted under it. 1530
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In lieu of a surety bond, the permittee may deposit with the 1550

legislative authority of the municipal corporation or the board of township trustees of the township cash in an amount equal to the surety bond established under this section or certificates of deposit having a cash value equal to or greater than that amount.

(B) Upon completion of the installation of the well, the permittee shall notify the applicable local inspector. Not later than five days after receipt of the notification, the local inspector shall inspect the surface location of the well and determine if the installation of the well complies with the terms and conditions of the permit and with laws and rules of the applicable municipal corporation or township. If the inspector determines that the well complies with those terms and conditions and laws and rules, the inspector shall notify the permittee and the legislative authority of the municipal corporation or the board of township trustees of the township, as applicable, and the legislative authority or board shall release the surety bond or other financial security to the permittee.

If the inspector determines that the well does not comply with the terms and conditions of the permit or with laws or rules of the applicable municipal corporation or township, the inspector shall notify the permittee and the applicable legislative authority or board and specifically describe the reasons for noncompliance. The permittee may take actions that are necessary to bring the installation of the well into compliance. Following the completion of those actions, the permittee shall notify the applicable local inspector who shall conduct a second inspection of the surface location of the well. If the inspector determines that the well complies with the terms and conditions of the permit and with laws and rules of the applicable municipal corporation or township, the inspector shall notify the permittee and the legislative authority of the municipal corporation or the board of township trustees of the township, as applicable, and the

legislative authority or board shall release the surety bond or 1583
other financial security to the permittee. 1584

If the inspector again determines that the well does not 1585
comply with the terms and conditions of the permit or with laws or 1586
rules of the applicable municipal corporation or township, the 1587
inspector shall notify the permittee and the applicable 1588
legislative authority or board. The legislative authority or board 1589
shall not release the surety bond or other financial security to 1590
the permittee. 1591

Sec. 1509.076. On and after the effective date of this 1592
section, a person that is issued a permit to drill a well under 1593
this chapter shall do all of the following: 1594

(A) Post a sign prior to the commencement of the drilling of 1595
a well. The sign shall be permanent and weatherproof and 1596
maintained at all times. In addition, the sign shall consist of 1597
letters and numerals that are at least five inches in height and 1598
shall contain all of the following: 1599

(1) The number and name of the road that will be used to 1600
access the well site; 1601

(2) The number of the well and of the permit for the well; 1602

(3) The name, address, and telephone number of the permittee 1603
or a representative of the permittee who may be contacted and 1604
available in the event of an emergency. 1605

(B) Implement a monitoring system at a new or existing oil or 1606
gas well for the detection of a leak of natural gas, hydrogen 1607
sulfide, or radon, a spill of a toxic chemical, or an explosion. 1608
The monitoring system shall have an audible alarm to warn the 1609
workers at the surface location of the well and the public of such 1610
a leak, spill, or explosion. The monitoring system also shall 1611
notify the fire department within whose jurisdiction the well will 1612

be or is located of such a leak, spill, or explosion. In addition, 1613
the monitoring system and alarm shall be operable during power 1614
failures and during the drilling of and production from a well 1615
until the well is abandoned and plugged. 1616

(C) Conduct all operations in a manner that eliminates, as 1617
far as practical, dust, noise, vibrations, and noxious odors. In 1618
addition, a permittee shall not allow the noise from the drilling 1619
operation to exceed eighty decibels if the well is located within 1620
five hundred feet of an occupied dwelling, a multiple unit 1621
dwelling with at least three units, a hospital as defined in 1622
section 3727.01 of the Revised Code, or a home as defined in 1623
section 3721.01 of the Revised Code. 1624

(D) Use only fluid during the drilling of a well that is 1625
located in an area that is zoned residential or is otherwise a 1626
residential area in order to minimize flaring. In addition, if a 1627
permittee drills the well at night in an area that is zoned 1628
residential or is otherwise a residential area, the permittee 1629
shall use only the amount of light that is necessary for 1630
conducting a safe operation. 1631

(E) Operate a drilling rig between the hours of seven-thirty 1632
a.m. and seven p.m. unless all owners of property that is located 1633
within one thousand feet of the location of the well consent in 1634
writing to the drilling of the well during other hours; 1635

(F) Detonate explosives between the hours of seven-thirty 1636
a.m. and seven p.m. unless the chief of the fire department within 1637
whose jurisdiction the well is located authorizes the detonation 1638
of explosives during other hours; 1639

(G) Store all flammable and combustible liquids from a 1640
producing well in underground tanks; 1641

(H) Remove all liquids from a well tank using a tank truck; 1642

(I) Keep the areas within fifteen feet of all permanent 1643

production facilities mowed and cleared of combustibile materials. 1644
In addition, those areas shall be enclosed with fencing that is 1645
not less than six feet in height. 1646

(J) Paint shut-off valves in a conspicuous color for ease of 1647
identification in emergencies; 1648

(K) Install latches on well head and tank battery enclosures 1649
to hold the enclosures open; 1650

(L) Lock all gates, storage tank manholes, discharge valves, 1651
fill valves, shut-off valves, and fence gates. All locks at a well 1652
shall use a master key that is marked with the well number. In 1653
addition, a permittee shall provide a copy of the master key for 1654
each well to a local inspector, the chief of the fire department 1655
within whose jurisdiction the well is located, and the applicable 1656
chief of police or sheriff. 1657

(M) Bury all new oil and gas lines a minimum depth of thirty 1658
inches. In addition, a permittee shall indicate the location of 1659
those oil and gas lines on a map and provide a copy of the map to 1660
the local inspector and to the chief of the fire department within 1661
whose jurisdiction the lines are located. 1662

(N) Equip each permanent production structure, including, but 1663
not limited to, a separator unit and a storage tank, with properly 1664
grounded lightning rods; 1665

(O) Provide for a drilling-in control gate in the drilling of 1666
a well or in the cleaning of an abandoned well in preparation for 1667
the plugging of the abandoned well. The drilling-in control gate 1668
shall be constructed in a manner that will cut off the flow of gas 1669
to the top of the well and that will allow the gate to be operated 1670
at a remote location from the well. 1671

(P) Vent a plugged well with a vent pipe that is not less 1672
than two inches in diameter and of a height that is determined by 1673
the chief of the division of mineral resources management in 1674

<u>consultation with the applicable fire chief and local inspector.</u>	1675
<u>In addition, the vent pipe shall have a drilled and tapped</u>	1676
<u>inspection hold with a hole plug that is not less than one-half</u>	1677
<u>inch in diameter and that is not more than four feet above grade.</u>	1678
<u>(O) Locate a new well head, tank battery, and storage tank in</u>	1679
<u>accordance with all of the following:</u>	1680
<u>(1) At least one thousand feet from a single or multiple</u>	1681
<u>family dwelling, hospital as defined in section 3727.01 of the</u>	1682
<u>Revised Code, clinic, home as defined in section 3721.01 of the</u>	1683
<u>Revised Code, school, day-care, playground, auditorium, theater,</u>	1684
<u>library, shopping center, place of worship, or any other building</u>	1685
<u>used as a place for public assembly;</u>	1686
<u>(2) At least two thousand feet from a lake, stream, river, or</u>	1687
<u>other large body of water;</u>	1688
<u>(3) At least one thousand feet from a public right-of-way.</u>	1689
<u>(R) Paint a storage tank and other equipment that is located</u>	1690
<u>above ground shades of dark green in order to minimize the visual</u>	1691
<u>obtrusiveness of the equipment. In addition, a permittee shall</u>	1692
<u>identify the contents of a storage tank using eight-inch letters</u>	1693
<u>on the outside of the tank in a color that is distinct from the</u>	1694
<u>tank color.</u>	1695
<u>(S) Use a storage tank if a well is located on a steep slope</u>	1696
<u>or within a floodplain;</u>	1697
<u>(T) Anchor a storage tank in a permanent manner in order to</u>	1698
<u>prevent movement of the tank;</u>	1699
<u>(U) Use only a water-tight storage tank;</u>	1700
<u>(V) Use only an electrically powered pump jack;</u>	1701
<u>(W) Permanently mark all sales lines from a tank battery at</u>	1702
<u>intervals of not more than two hundred feet;</u>	1703
<u>(X) Install a brine tank not higher than eight feet above</u>	1704

grade. A permittee may recess a brine tank below grade in order to 1705
comply with this division. 1706

(Y) Maintain all equipment that is or is to be used at a well 1707
and all equipment at the surface location of a well in good 1708
operating condition according to best management practices that 1709
are recognized by the oil and gas industry; 1710

(Z) Provide access roads to the surface location of a well in 1711
order for emergency responders to be able to access the location 1712
in an emergency. The roads used for ingress and egress to the 1713
surface location of a well shall be made of concrete or asphalt 1714
and shall be of sufficient width to enable emergency vehicles to 1715
turn around. In addition, a permittee shall maintain the roads at 1716
all times, including keeping the roads free of snow. If an access 1717
road crosses a drainage channel, a permittee shall install 1718
culverts, which shall be of a size that is appropriate for the 1719
drainage area and shall be approved by the municipal engineer or 1720
county engineer, as applicable, prior to the installation of the 1721
culverts. 1722

(AA) Locate a truck loading area or parking area in a 1723
location that is not on an access road to the surface location of 1724
a well and that is not on a public right-of-way; 1725

(BB) Remove immediately from a municipal or township road all 1726
debris resulting from the drilling of or production from a well. 1727

Sec. 1509.08. Upon receipt of an application for a permit 1728
required by section 1509.05 of the Revised Code, or upon receipt 1729
of an application for a permit to plug and abandon under section 1730
1509.13 of the Revised Code, the chief of the division of mineral 1731
resources management shall determine whether the well is or is to 1732
be located in a coal bearing township. 1733

Whether or not the well is or is to be located in a coal 1734

bearing township, the chief, by order, may refuse to issue a 1735
permit required by section 1509.05 of the Revised Code to any 1736
applicant who at the time of applying for the permit is in 1737
material ~~or~~ and substantial violation of this chapter or rules 1738
adopted or orders issued under it. The chief shall refuse to issue 1739
a permit to any applicant who at the time of applying for the 1740
permit has been found liable by a final nonappealable order of a 1741
court of competent jurisdiction for damage to streets, roads, 1742
highways, bridges, culverts, or drainways pursuant to section 1743
4513.34 or 5577.12 of the Revised Code until the applicant 1744
provides the chief with evidence of compliance with the order. No 1745
applicant shall attempt to circumvent this provision by applying 1746
for a permit under a different name or business organization name, 1747
by transferring responsibility to another person or entity, by 1748
abandoning the well or lease, or by any other similar act. 1749

If the well is not or is not to be located in a coal bearing 1750
township, ~~or if it is to be located in a coal bearing township,~~ 1751
~~but the landowner submits an affidavit attesting to ownership of~~ 1752
~~the property in fee simple, including the coal, and has no~~ 1753
~~objection to the well,~~ the chief shall may issue the permit in 1754
accordance with this chapter and rules adopted under it. 1755

If the application to drill, reopen, or convert concerns a 1756
well that is or is to be located in a coal bearing township, the 1757
chief immediately shall notify the owner or lessee of any affected 1758
mine that the application has been filed and send to the owner or 1759
lessee two copies of the map accompanying the application setting 1760
forth the location of the well. The chief also immediately shall 1761
send notice and a copy of the application to all of the following: 1762
the clerk of the legislative authority of the municipal 1763
corporation or the clerk of the board of the township trustees of 1764
the township, as applicable, in which the well is or is to be 1765
located; the fire chief of the fire department within whose 1766

jurisdiction the well is or is to be located; and the director of 1767
environmental protection. The notice sent to the applicable fire 1768
chief shall request that the fire chief determine if there would 1769
be adverse effects from the well or proposed well to the health 1770
and safety of persons residing in the municipal corporation or 1771
township, as applicable. The notice sent to the director shall 1772
request that the director determine if the well or proposed well 1773
would violate applicable air, soil, or water pollution control 1774
standards. 1775

If the owner or lessee of the mine, the applicable fire 1776
chief, or the director objects to the location of the well ~~or~~ 1777
~~objects to any location within fifty feet of the original location~~ 1778
~~as a possible site for relocation of the well, the owner or~~ 1779
lessee, the applicable fire chief, or the director, not later than 1780
twenty-two days after receipt of the notice of the filing of the 1781
application, shall notify the chief of the objection, giving the 1782
reasons for the objection and, if applicable, indicating on a copy 1783
of the map the particular location or locations within fifty feet 1784
of the original location to which the owner or lessee objects as a 1785
site for possible relocation of the well, within six days after 1786
the receipt of the notice. If 1787

If either the applicable fire chief or the director objects 1788
to the application, the chief shall not approve the application 1789
until the fire chief sends a letter to the chief that withdraws 1790
the fire chief's objections or the director issues an opinion that 1791
recommends that the application be approved. The objection to the 1792
application by the applicable fire chief or the director shall 1793
stay the application pending the withdrawal of the objection. 1794

If the chief receives no objections from the owner or lessee 1795
~~of the mine within ten days after the receipt of the notice by the~~ 1796
~~owner or lessee, or if in the opinion of the chief the objections~~ 1797
~~offered by the owner or lessee are not sufficiently well founded,~~ 1798

~~the applicable fire chief, or the director, the chief immediately shall notify the owner or lessee of those findings may approve the application and issue the permit in accordance with this chapter and rules adopted under it. The~~ If the chief denies the application, the owner or lessee of the mine may appeal the decision of the chief to the reclamation commission under section 1513.13 of the Revised Code. The appeal shall be filed within fifteen days, notwithstanding provisions in divisions (A)(1) of section 1513.13 of the Revised Code, to the contrary, from the date on which the owner or lessee receives the notice. ~~If the appeal is not filed within that time, the chief immediately shall approve the application and issue the permit if the provisions of this chapter pertaining to the issuance of such a permit have been complied with.~~

If the chief receives an objection from the owner or lessee of the mine as to the location of the well ~~within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is well founded,~~ the chief shall disapprove the application and request the owner or lessee to suggest a new proposed location for the well, ~~provided that the suggested new location shall not be a location within fifty feet of the original location to which the owner or lessee has objected as a site for possible relocation of the well if the chief has determined that the objection is well founded.~~ The chief immediately shall notify the applicant for the permit of the disapproval and any suggestion as to a new proposed location for the well. The applicant may withdraw the application or amend the application to drill the well at the location suggested by the chief, or the applicant may appeal the disapproval of the application by the chief to the reclamation commission.

If the chief receives no objection from the ~~owner or lessee of a mine as to the location of the well~~ applicable fire chief or

~~the director or an objection from the applicable fire chief or the~~ 1831
~~director is withdrawn, but does receive the chief receives an~~ 1832
~~objection from the owner or lessee of an affected mine as to one~~ 1833
~~or more locations within fifty feet of the original location as~~ 1834
~~possible sites for relocation of the well within ten days after~~ 1835
~~receipt of the notice by the owner or lessee, and if in the~~ 1836
~~opinion of the chief the objection is well founded the location of~~ 1837
~~the well, the chief nevertheless shall not approve the application~~ 1838
~~and issue a permit if the provisions of this chapter pertaining to~~ 1839
~~the issuance of such a permit have been complied with,~~ 1840
~~incorporating as a term or condition of the permit that the~~ 1841
~~applicant is prohibited from commencing drilling at any location~~ 1842
~~within fifty feet of the original location that has been~~ 1843
~~disapproved by the chief. The applicant may appeal to the~~ 1844
~~reclamation commission the terms and conditions of the permit~~ 1845
~~prohibiting the commencement of drilling at any such location~~ 1846
~~disapproved by the chief unless the owner or lessee of the~~ 1847
~~affected mine withdraws the objection. The chief immediately shall~~ 1848
~~notify the applicant of the objection. Not later than sixty days~~ 1849
~~after receipt of the notification, the applicant shall amend or~~ 1850
~~withdraw the application. The chief shall not approve an~~ 1851
~~application or amended application unless the objection is~~ 1852
~~withdrawn.~~ 1853

~~Any such appeal shall be filed within fifteen days,~~ 1854
~~notwithstanding provisions in division (A)(1) of section 1513.13~~ 1855
~~of the Revised Code to the contrary, from the date the applicant~~ 1856
~~receives notice of the disapproval of the application, any other~~ 1857
~~location within fifty feet of the original location, or terms or~~ 1858
~~conditions of the permit, or the owner or lessee receives notice~~ 1859
~~of the chief's decision. No approval or disapproval of an~~ 1860
~~application shall be delayed by the chief for more than fifteen~~ 1861
~~days from the date of sending the notice of the application to the~~ 1862
~~mine owner or lessee as required by this section.~~ 1863

~~All appeals provided for in this section shall be treated as expedited appeals. The reclamation commission shall hear any such appeal in accordance with section 1513.13 of the Revised Code and issue a decision within thirty days of the filing of the notice of appeal.~~

The chief shall not issue a permit to drill a new well or reopen a well that is or is to be located within ~~three hundred~~ one thousand feet of any opening of any mine used as a means of ingress, egress, or ventilation for persons employed in the mine, nor within one ~~hundred~~ thousand feet of any building or inflammable structure connected with the mine and actually used as a part of the operating equipment of the mine, ~~unless the chief determines that life or property will not be endangered by drilling and operating the well in that location.~~

Sec. 1509.081. (A) If a proposed well will be drilled within a one-mile radius of an existing well that was drilled into or through the same geologic formation in which the proposed well will be drilled and if hydrogen sulfide was found in the drilling of the existing well, the permittee shall install monitoring equipment in accordance with the American petroleum institute publication API RP49, "Recommended Practices for Safe Drilling of Wells Containing Hydrogen Sulfide," to detect the presence of hydrogen sulfide during the drilling of the proposed well.

(B) If during the drilling of a well a permittee discovers, detects, or encounters hydrogen sulfide with a concentration of twenty parts per million or greater, the permittee shall do all of the following:

(1) Drill the well in accordance with the American petroleum institute publication API RP49, "Recommended Practices for Safe Drilling of Wells Containing Hydrogen Sulfide";

(2) Notify the division of mineral resources management of

the location of the well and the concentration of hydrogen sulfide; 1895
1896

(3) Operate the well in a manner that presents no danger to the health and safety of the public and the environment. 1897
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(C) The division shall maintain a database that contains the information required in division (B)(2) of this section. The division shall make the database available to all permittees. 1899
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Sec. 1509.09. A well may be drilled under a permit only at the location designated on the map required in section 1509.06 of the Revised Code. ~~The~~ Except as provided in this section, the location of a well ~~may~~ shall not be changed after the issuance of a permit only with ~~the approval of the chief of the division of mineral resources management unless the permit holder requests the issuance of an emergency drilling permit under this section due to a lost hole under such circumstances that completion of the well is not feasible at the original location.~~ If a permit holder permittee requests a change of location, the ~~permit holder~~ permittee shall return the original permit and file an amended application with a new map indicating the proposed new location. 1902
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~~Drilling shall not be commenced at a new location until the original permit bearing a notation of approval by the chief is posted at the well site. However, a permit holder may commence drilling at a new location without first receiving the prior approval required by this section, if all of the following conditions are met:~~ 1914
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~~(A) Within one working day after spudding the new well, the permit holder files a request for an emergency drilling permit and submits to the chief an application for a permit that meets the requirements of section 1509.06 of the Revised Code, including the permit fee required by that section, with an amended map showing the new location;~~ 1920
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~~(B) A mineral resources inspector is present before spudding operations are commenced at the location;~~ 1926
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~~(C) The original well is plugged prior to the skidding of the drilling rig to the new location, and the plugging is witnessed or verified by a mineral resources inspector or, if the well is located in a coal bearing township, both a deputy mine inspector and a mineral resources inspector unless the chief or the chief's authorized representative temporarily waives the requirement, but in any event the original well shall be plugged before the drilling rig is moved from the location;~~ 1928
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~~(D) The new location is within fifty feet of the original location unless, upon request of the permit holder, the chief agrees to a new location farther than fifty feet from the original location;~~ 1936
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~~(E) The new location meets all the distance and spacing requirements prescribed by rules adopted under sections 1509.23 and 1509.24 of the Revised Code;~~ 1940
1941
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~~(F) If the well is located in a coal bearing township, use of the new well location has not been disapproved by the chief and has not been prohibited as a term or condition of the permit under section 1509.08 of the Revised Code.~~ 1943
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~~If the chief approves the change of location, the chief shall issue an emergency permit within two working days after the filing of the request for the emergency permit. If the chief disapproves the change of location, the chief shall, by order, deny the request and may issue an appropriate enforcement order under section 1509.03 of the Revised Code.~~ 1947
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Sec. 1509.10. (A) ~~Any person permittee~~ drilling within the state shall, within ~~thirty~~ sixty days after the completion of the well drilling operations to the proposed total depth or after a 1953
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determination that a well is a dry or lost hole, file with the 1956
division of mineral resources management ~~all wireline electric~~ 1957
logs and an accurate ~~log designating well completion record on a~~ 1958
form that is approved by the chief of the division of mineral 1959
resources management that designates: 1960

~~(A)~~(1) The purpose for which the well was drilled; 1961

~~(B)~~(2) The character, depth, and thickness of geological 1962
~~formations~~ units encountered, including ~~fresh water,~~ coal seams, 1963
mineral beds, associated fluids such as fresh water, brine, and 1964
crude oil and, natural gas bearing formations, and sour gas, if 1965
such seams, beds, or fluids are known; 1966

~~(C)~~(3) The dates on which drilling operations were commenced 1967
and completed; 1968

(4) The types of drilling tools used and the name of the 1969
person that drilled the well; 1970

(5) The length in feet of the various sizes of casing and 1971
tubing used in drilling the well, the amount removed after 1972
completion, the type and setting depth of each packer, ~~and~~ all 1973
other data relating to ~~mudding~~ cementing in the annular space 1974
behind such casing or tubing, and data indicating completion as a 1975
dry, gas, oil, combination oil and gas, brine injection, or 1976
artificial brine well or a stratigraphic test; 1977

~~(D)~~(6) The number of perforations in the casing and the 1978
intervals of the perforations; 1979

(7) The elevation above mean sea level of the point from 1980
which the depth measurements were made, stating also the height of 1981
the point above ground level at the well, the total depth of the 1982
well, and the deepest geological unit that was penetrated in the 1983
drilling of the well; 1984

(8) If applicable, the type, volume, and concentration of 1985

acid, and the date on which acid was used in acidizing the well; 1986

(9) If applicable, the type and volume of fluid used to 1987
stimulate the reservoir of the well, the reservoir breakdown 1988
pressure, the method used for the containment of fluids recovered 1989
from the fracturing of the well, the methods used for the 1990
containment of fluids when pulled from the wellbore from swabbing 1991
the well, the average pumping rate of the well, and the name of 1992
the person that performed the well stimulation. In addition, the 1993
permittee shall include a copy of the log from the stimulation of 1994
the well, a copy of the invoice for each of the procedures and 1995
methods described in division (A)(9) of this section that were 1996
used on a well, and a copy of the pumping pressure and rate 1997
graphs. However, the permittee may redact from the copy of each 1998
invoice that is required to be included by division (A)(9) of this 1999
section the costs of and charges for the procedures and methods 2000
described in division (A)(9) of this section that were used on a 2001
well. 2002

(10) The name of the company that performed the logging of 2003
the well and the types of wireline electric logs performed on the 2004
well. 2005

The ~~log~~ well completion record shall be submitted in 2006
duplicate. The first copy shall be retained as a permanent record 2007
in the files of the division, and the second copy shall be 2008
transmitted by the chief ~~of the division of mineral resources~~ 2009
~~management~~ to the division of geological survey. 2010

~~Any~~ (B)(1) Not later than sixty days after the completion of 2011
the drilling operations to the proposed total depth, the permittee 2012
shall file all wireline electric log, or radioactivity log, or 2013
other geophysical log, if made in connection with the well shall 2014
be filed logs with the division of mineral resources management 2015
and the chief shall transmit such logs electronically, if 2016
available, to the division of geological survey. Such logs may be 2017

retained by the ~~owner~~ permittee for a period of not more than six 2018
months, or such additional time as may be granted by the chief in 2019
writing, after the completion of the well substantially to the 2020
depth shown in the application required by section 1509.06 of the 2021
Revised Code. 2022

(2) If a well is not completed within sixty days after the 2023
completion of drilling operations, the permittee shall file with 2024
the division a supplemental well completion record that includes 2025
all of the information required by this section within sixty days 2026
after the completion of the well. 2027

(C) Upon request in writing by the chief of the division of 2028
geological survey prior to the beginning of drilling of the well, 2029
the person drilling the well shall make available a complete set 2030
of cuttings accurately identified as to depth. 2031

(D) The form of the ~~log~~ well completion record required by 2032
this section shall be one that has been approved by the chief of 2033
the division of mineral resources management and the chief of the 2034
division of geological survey. The filing of a log as required by 2035
this section fulfills the requirement of filing a log with the 2036
chief of the division of geological survey in section 1505.04 of 2037
the Revised Code. 2038

Sec. 1509.11. The ~~owner~~ permittee of any well producing or 2039
capable of producing oil or gas shall file with the chief of the 2040
division of mineral resources management, on or before the first 2041
day of March, a statement of production of oil, gas, and brine for 2042
the last preceding calendar year in such form as the chief may 2043
prescribe. A permittee that has more than one hundred wells in 2044
this state shall submit electronically the statement of production 2045
in a format that is approved by the chief. The chief shall include 2046
on the form, at the minimum, a request for the submittal of the 2047
information that a person who is regulated under this chapter is 2048

required to submit under the "Emergency Planning and Community 2049
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 2050
regulations adopted under it, and that the division does not 2051
obtain through other reporting mechanisms. 2052

Sec. 1509.12. No ~~owner~~ permittee of any well knowingly shall 2053
construct a well, or permit defective casing or tubing in ~~such a~~ 2054
well to leak fluids or ~~gas~~ gases, that may cause damage to other 2055
permeable strata, underground sources of drinking water, or the 2056
surface of the land or that threatens the public health and 2057
safety. Upon ~~notice from the discovery that the casing or tubing~~ 2058
in a well is defective or that a well was not adequately 2059
constructed, the permittee shall notify the chief of the division 2060
of mineral resources management within twenty-four hours of the 2061
discovery, such owner and the permittee shall immediately repair 2062
~~such the~~ tubing or casing, correct the construction inadequacies, 2063
or plug and abandon ~~such the~~ well. 2064

Unless ~~written permission~~ temporary inactive well status is 2065
obtained under section 1509.062 of the Revised Code or another 2066
option is granted by the chief, any well that is or becomes 2067
incapable of producing oil or gas ~~in commercial quantities~~ shall 2068
be plugged, but no well shall be required to be plugged under this 2069
section that is being used to produce oil or gas for domestic 2070
purposes, or that is being lawfully used for a purpose other than 2071
production of oil or gas. When the chief finds that a well should 2072
be plugged, the chief shall notify the owner to that effect by 2073
order in writing and shall specify in ~~such the~~ order a reasonable 2074
time within which to comply. No owner shall fail or refuse to plug 2075
a well within the time specified in the order. Each day on which 2076
such a well remains unplugged thereafter constitutes a separate 2077
offense. 2078

Where the plugging method prescribed by rules adopted 2079

pursuant to section 1509.15 of the Revised Code cannot be applied 2080
or if applied would be ineffective in carrying out the protection 2081
that the law is meant to give, the chief, by order, may designate 2082
a different method of plugging. The abandonment report shall show 2083
the manner in which the well was plugged. 2084

In case of oil or gas wells abandoned prior to September 1, 2085
1951, the board of county commissioners of the county in which 2086
~~such the~~ wells are located may submit to the electors of the 2087
county the question of establishing a special fund, by ~~special~~ 2088
general levy, by general bond issue, or out of current funds, 2089
which shall be approved by a majority of the electors voting upon 2090
~~such that~~ question for the purpose of plugging ~~such the~~ wells. The 2091
fund shall be administered by the board and the plugging of oil 2092
and gas wells shall be under the supervision of the chief, and the 2093
board shall let contracts for ~~such that~~ purpose, provided that 2094
~~such the~~ fund shall not be used for the purpose of plugging oil 2095
and gas wells that were abandoned subsequent to September 1, 1951. 2096
2097

Sec. 1509.13. (A) No person shall plug and abandon a well 2098
without having a permit to do so issued by the chief of the 2099
division of mineral resources management. The permit shall be 2100
issued by the chief in accordance with this chapter, ~~and the chief~~ 2101
~~may establish by rule shall be valid for a period of time~~ 2102
~~twenty-four months~~ from the date of issue ~~during which permits~~ 2103
~~will be valid~~. Application by the ~~owner~~ permittee for a permit to 2104
plug and abandon shall be filed as many days in advance as will be 2105
necessary for a mineral resources inspector or, if the well is 2106
located in a coal bearing township, both a deputy mine inspector 2107
and a mineral resources inspector to be present at the plugging. 2108
The application shall be filed with the chief upon a form that the 2109
chief prescribes and shall contain the following information: 2110

~~(A)~~(1) The name and address of the ~~owner~~ permittee; 2111

~~(B)~~(2) The signature of the ~~owner~~ permittee or the ~~owner's~~ permittee's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent. 2112
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~~(C)~~(3) The location of the well identified by section or lot number, city, village, township, and county; 2116
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~~(D)~~(4) Designation of well by name and number; 2118

~~(E)~~(5) The total depth of the well to be plugged; 2119

~~(F)~~(6) The date and amount of last production from the well; 2120

~~(G)~~(7) A plan for plugging the well that complies with the rules adopted under section 1509.15 of the Revised Code; 2121
2122

(8) Other data that the chief may require. 2123

If oil or gas has been produced from the well, the application shall be accompanied by a fee of two hundred fifty dollars. If a ~~new-dry~~ well has been drilled in accordance with law and the permit is still valid, the ~~permit holder~~ permittee may receive approval to plug the well from a mineral resources inspector ~~or, if the well is located in a coal bearing township, both a deputy mine inspector and a mineral resources inspector~~ so that the well can be plugged and abandoned without undue delay. Unless waived by a mineral resources inspector, the permittee or the permittee's authorized representative shall notify a mineral resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without a mineral resources inspector present unless permission has been granted by the chief. The ~~owner~~ permittee of ~~the~~ a well shall give written notice at the same time to the owner of the land upon which the well is located, the owners or agents of adjoining land, adjoining ~~well-owners~~ permittees or agents, 2124
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~~and, if all lessors that receive gas from the well pursuant to a~~ 2141
~~lease agreement. If the well penetrates or passes within one~~ 2142
hundred feet of the excavations and workings of a mine, the ~~owner~~ 2143
~~permittee of the well shall give written notice to the owner or~~ 2144
lessee of that mine, of the ~~well owner's~~ permittee's intention to 2145
abandon the well and of the time when the ~~well owner~~ permittee 2146
will be prepared to commence plugging it. 2147
2148

(B) An applicant may file a request with the chief for 2149
expedited review of an application for a permit to plug and 2150
abandon a well. ~~The chief may refuse to accept a request for~~ 2151
~~expedited review if, in the chief's judgment, acceptance of the~~ 2152
~~request will prevent the issuance, within twenty one days of~~ 2153
~~filing, of permits for which applications filed under section~~ 2154
~~1509.06 of the Revised Code are pending.~~ In addition to a complete 2155
application for a permit that meets the requirements of this 2156
section and the permit fee prescribed by this section, if 2157
applicable, a request shall be accompanied by a nonrefundable 2158
filing fee of two hundred fifty dollars unless the chief has 2159
ordered the applicant to plug and abandon the well. When a request 2160
for expedited review is filed, the chief shall immediately begin 2161
to process the application and shall issue a permit within seven 2162
days of the filing of the request unless the chief, by order, 2163
denies the application. 2164

(C) Upon the completion of the proper plugging of a well, the 2165
mineral resources inspector that was present for the plugging 2166
shall notify the chief that the well was plugged in accordance 2167
with the requirements established in this chapter and rules 2168
adopted under it. Upon receipt of the notification, the chief 2169
shall issue an order that releases the permittee or surety from 2170
the obligations under the bond that is required by section 1509.07 2171
of the Revised Code. 2172

(D) This section does not apply to a well plugged or 2173
abandoned in compliance with section 1571.05 of the Revised Code. 2174

Sec. 1509.14. ~~Any~~ (A) ~~No person who abandons shall abandon a~~ 2175
~~well, when~~ without plugging it in accordance with this chapter and 2176
rules adopted under it. Each day that a well is abandoned and not 2177
plugged is a separate offense. 2178

(B) When written permission has been granted by the chief of 2179
the division of mineral resources management to abandon and plug 2180
the a well ~~without an inspector being present to supervise the~~ 2181
~~plugging, the permittee or the permittee's agent~~ shall make a 2182
written report of the abandonment to the chief. The report shall 2183
be submitted not later than thirty days after the date of 2184
abandonment and shall include all of the following: 2185

~~(A)~~(1) The date of abandonment; 2186

~~(B)~~(2) The name of the ~~owner or operator~~ permittee of the 2187
well at the time of abandonment and the post-office address of the 2188
~~owner or operator~~ permittee; 2189

~~(C)~~(3) The location of the well as to township and county and 2190
the name of the owner of the surface upon which the well is 2191
drilled, with the address thereof; 2192

~~(D)~~(4) The date of the permit to drill; 2193

~~(E)~~(5) The date when drilled; 2194

~~(F)~~(6) The depth of the well; 2195

~~(G)~~(7) The depth of the top of the formation to which the 2196
well was drilled; 2197

~~(H)~~(8) The depth of each seam of coal drilled through, if 2198
known; 2199

~~(I)~~(9) A detailed report as to how the well was plugged, 2200
giving in particular the manner in which the coal and various 2201

formations were plugged, and the date of the plugging of the well, 2202
including the names of those who witnessed the plugging of the 2203
well. 2204

The report shall be signed by the ~~owner or operator~~ 2205
~~permittee~~, or the agent of the ~~owner or operator~~ ~~permittee~~, who 2206
abandons and plugs the well and verified by the oath of the party 2207
so signing. For the purposes of this section, ~~the~~ mineral 2208
resources inspectors may take acknowledgments and administer oaths 2209
to the parties signing the report. 2210

Sec. 1509.15. When any well is to be abandoned, it shall 2211
first be plugged in accordance with a method of plugging adopted 2212
by rule by the chief of the division of mineral resources 2213
management. The rule shall require the use of best management 2214
practices and standards that are recognized by the oil and gas 2215
industry to attain a durable seal on a plugged well that will 2216
protect the health and safety of the public and that will prevent 2217
damage to the environment. The abandonment report shall show the 2218
manner in which the well was plugged. 2219

Sec. 1509.17. ~~Any person who drills a well shall, before~~ 2220
~~drilling into the principal or major producing formation therein,~~ 2221
~~encase such well with good and sufficient wrought iron or steel~~ 2222
~~casing so as to exclude all surface, fresh, or salt water from any~~ 2223
~~part of such well penetrating the oil or gas bearing sand or rock~~ 2224
~~or fresh water strata. The method of placing such casing shall be~~ 2225
~~approved by the chief of the division of mineral resources~~ 2226
~~management and shall be in accord with the most approved method~~ 2227
~~used in the operation of such type of well. The chief may, in lieu~~ 2228
~~of the casing method outlined in this section, accept adequate~~ 2229
~~mudding methods with prepared clay in the annular space behind~~ 2230
~~such casing in sufficient quantities to shut off all gas or oil~~ 2231
~~and that will exclude all surface, fresh, or salt water from any~~ 2232

~~part of such well penetrating the oil, gas, or mineral bearing formation, or fresh water strata.~~ 2233
2234

~~Written approval from the chief is required in each case. In the operation of a gas well, it is permissible, with the written consent of the chief, to withdraw all casing in such well, leaving only the tubing and the packer therein, provided that such well is filled with prepared clay from the top of such packer to the surface, as each succeeding string of casing in such well is withdrawn.~~ 2235
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(A) A well shall be constructed in a manner that is approved by the chief of the division of mineral resources management using materials that comply with standards that are recognized by the oil and gas industry for the type and depth of the well and the anticipated fluid pressures that are associated with the well. In addition, a well shall be constructed using sufficient steel or conductor casing in a manner that supports unconsolidated sediments, that protects and isolates all underground sources of drinking water as defined by the Safe Drinking Water Act, and that provides a base for a blowout preventer or other well control equipment that is necessary to control formation pressures and fluids during the drilling of the well and other operations to complete the well. Using steel production casing with sufficient cement, an oil and gas reservoir shall be isolated during well stimulation and during the productive life of the well. In addition, sour gas zones and gas bearing zones that have sufficient pressure and volume to over-pressurize the surface production casing annulus shall be isolated using approved cementing, casing, and well construction practices. However, isolating an oil and gas reservoir shall not exclude open-hole completion. A well shall not be perforated for purposes of well stimulation in any zone that is located around casing that protects underground sources of drinking water without written 2242
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authorization from the chief. When the well penetrates the 2265
excavations of a mine, the casing shall remain intact as provided 2266
in section 1509.18 of the Revised Code and be plugged and 2267
abandoned in accordance with section 1509.15 of the Revised Code. 2268
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(B) The chief may adopt rules in accordance with Chapter 119. 2270
of the Revised Code that are consistent with division (A) of this 2271
section and that establish standards for constructing a well, for 2272
evaluating the quality of well construction materials, and for 2273
completing remedial cementing. In addition, the standards 2274
established in the rules shall consider local geology and various 2275
drilling conditions and shall require the use of reasonable 2276
methods that are based on sound engineering principles. 2277

(C) A permittee or a permittee's authorized representative 2278
shall notify a mineral resources inspector each time that the 2279
permittee or the authorized representative notifies a person to 2280
perform the cementing of the conductor casing, the surface casing, 2281
or the production casing. In addition, not later than sixty days 2282
after the completion of the cementing of the production casing, a 2283
permittee shall submit to the chief a copy of the cement tickets 2284
for each cemented string of casing and a copy of all logs that 2285
were used to evaluate the quality of the cementing. 2286

2287
(D) The chief shall grant an exemption from this section and 2288
rules adopted under it for a well that was constructed prior to 2289
the effective date of this amendment if the chief determines that 2290
a cement bond log confirms zonal isolation and there is a minimum 2291
of five hundred feet between the uppermost perforation of the 2292
casing and the lowest depth of an underground source of drinking 2293
water. 2294

Sec. 1509.18. ~~Any person~~ A permittee who drills a well within 2295

the limits of a mining operation shall give consideration for the 2296
safety of the personnel working in ~~such~~ the mine, and, if 2297
possible, shall locate ~~such~~ the well so as to penetrate a pillar. 2298

2299
If a well is to be drilled within the limits of a mining 2300
operation that may penetrate the excavation of a mine, the hole 2301
shall be reduced approximately fifteen feet above the roof of the 2302
mine. If roof conditions at the mine warrant, the hole shall be 2303
reduced in the rock formation immediately above ~~such~~ the mine, and 2304
a string of casing placed upon the shoulder so as to shut off all 2305
water, then drilling shall be continued to a point approximately 2306
thirty feet below the floor of the mine and another string of 2307
casing set. Both strings of casing shall be approximately the same 2308
diameter as the diameter of the hole. 2309

If no water is encountered between the bottom of the drive 2310
pipe and the approximate casing shoulder above the roof of ~~such~~ 2311
the mine, in lieu of the casing method outlined above, it is 2312
permissible to use the following casing method: the hole shall be 2313
drilled thirty feet below the floor of the mine and a string of 2314
casing shall be extended from the surface to a point thirty feet 2315
below the floor of the mine with a packer of sufficient size 2316
attached to ~~such~~ the string of casing. ~~Such~~ The packer shall be 2317
placed so that it will be below all water and will be located in 2318
the rock formation immediately above ~~such~~ the mine and shall 2319
prevent water or destructive matter from entering therein. Then 2320
the annular space above ~~such~~ the packer between the casing and 2321
well wall shall be filled with prepared clay a minimum distance of 2322
fifty feet. 2323

If a well is drilled within the limits of a mining operation 2324
and does not penetrate the excavations of a mine, the hole shall 2325
be reduced thirty feet below the coal or mineral that is being 2326
mined and a string of casing placed at this point. The annular 2327

space behind ~~such~~ the casing shall be filled with neat cement from 2328
the casing seat to a point not less than fifty feet above ~~such~~ the 2329
seam of coal or mineral that is being mined. The packer method, 2330
outlined in this section, is also permissible in this type of 2331
well. 2332

It is permissible to attach a release coupling or a right and 2333
left nipple to the string of casing that extends through the mine, 2334
but ~~such~~ the release coupling or right and left nipple shall be 2335
placed in such a manner that it is above the packer or at least 2336
twenty feet above the coal or mineral that is being mined. 2337

In wells penetrating the excavation of a mine, the casing 2338
shall be enclosed, if possible, with a column extending from the 2339
floor to the roof of ~~such~~ the mine, built of brick or other 2340
suitable material, subject to the approval of the chief of the 2341
division of mineral resources management. If the chief finds the 2342
method prescribed in this section unsafe, inadequate, or not 2343
suitable, the chief shall require ~~such~~ the method to be altered in 2344
such a manner that it will be safe. 2345

The chief may order the immediate suspension of the drilling 2346
or reopening of a well in a coal bearing township after 2347
determining that the drilling or reopening activities present an 2348
imminent and substantial threat to public health or safety or to a 2349
miner's health or safety. Before issuing such an order, the chief 2350
shall notify the permittee in any manner that the chief determines 2351
would provide reasonable notification of the chief's intent to 2352
issue a suspension order. However, the chief may order the 2353
immediate suspension of the drilling or reopening of a well in a 2354
coal bearing township without prior notification if the chief has 2355
made reasonable attempts to notify the permittee and the attempts 2356
have failed. If the chief orders the immediate suspension of such 2357
drilling or reopening, the chief shall provide the permittee 2358
notice of the order as soon as practical. 2359

Not later than five days after the issuance of an order to 2360
immediately suspend the drilling or reopening of a well in a coal 2361
bearing township, the chief shall provide the permittee an 2362
opportunity to be heard and to present evidence that the drilling 2363
or reopening activities will not likely result in an imminent and 2364
substantial threat to public health or safety or to a miner's 2365
health or safety, as applicable. If the chief, after considering 2366
all evidence presented by the permittee, determines that the 2367
activities do not present such a threat, the chief shall revoke 2368
the suspension order. 2369

Notwithstanding any other provision of this chapter, a 2370
permittee may appeal a suspension order issued under this section 2371
to the reclamation commission in accordance with section 1513.13 2372
of the Revised Code. 2373

Sec. 1509.19. (A) A permittee who elects to stimulate a well 2374
shall stimulate the well in a manner that will not endanger 2375
underground sources of drinking water. Not later than five days 2376
before commencing the stimulation of the well, the permittee shall 2377
submit to the chief of the division of mineral resources 2378
management a comprehensive list of each substance and the 2379
concentration of the substance that will be used in the 2380
stimulation of the well. A permittee who elects to stimulate a 2381
well shall comply with the rules adopted under division (C) of 2382
section 1509.22 of the Revised Code. In addition, such a permittee 2383
shall not use hydraulic fracturing fluid that is known to pose a 2384
significant risk to human health. 2385

(B) Not later than twenty-four hours before commencing the 2386
stimulation of a well, the permittee or the permittee's authorized 2387
representative shall notify a mineral resources inspector. If 2388
during the stimulation of a well damage to the production casing 2389
or cement occurs and results in the circulation of fluids from the 2390

annulus of the surface production casing, the permittee shall 2391
immediately terminate the stimulation of the well and notify the 2392
chief. If the chief determines that the casing and the cement may 2393
be remediated in a manner that isolates the oil and gas bearing 2394
zones of the well, the chief may authorize the completion of the 2395
stimulation of the well. If the chief determines that the 2396
stimulation of a well resulted in irreparable damage to the well, 2397
the chief shall order that the well be plugged and abandoned 2398
within thirty days of the issuance of the order. 2399

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For purposes of determining the integrity of the remediation 2401
of the casing or cement of a well that was damaged during the 2402
stimulation of the well, the chief may require the permittee of 2403
the well to submit cement evaluation logs, temperature surveys, 2404
pressure tests, or a combination of such logs, surveys, and tests. 2405

(C) A permittee shall notify the chief or a mineral resources 2406
inspector within twenty-four hours of a violation of any term or 2407
condition of the permit that occurs during hydraulic fracturing. 2408

Sec. 1509.191. (A) If a person who has experienced a 2409
diminution of the person's water supply or whose water supply is 2410
contaminated believes that the diminution or contamination is the 2411
result of the drilling of a well, conversion of a well to a 2412
different purpose, or operation of a well, the person may send 2413
written notification regarding the person's water supply to the 2414
division of mineral resources management and request the division 2415
to conduct an investigation of the person's water supply. Not 2416
later than ten days after the division's receipt of a written 2417
notification, the chief of the division of mineral resources 2418
management or the chief's authorized representative shall 2419
investigate the water supply that is the subject of the 2420
notification. Not later than forty-five days after receipt of the 2421

notification, the chief shall determine whether a diminution of 2422
the water supply or contamination of the water supply, as 2423
applicable, was caused by the drilling, conversion, or operation 2424
of a well. If the chief determines that a diminution or 2425
contamination of the water supply was caused by the drilling, 2426
conversion, or operation of a well, the chief shall order the 2427
permittee who is responsible for the well to provide a temporary 2428
replacement of the water supply for all of the person's intended 2429
uses. The permittee shall provide the temporary replacement of the 2430
water supply until a permanent replacement of the water supply is 2431
fully implemented. If the chief determines that the diminution or 2432
contamination of the water supply was not caused by the drilling, 2433
conversion, or operation of a well, the chief shall issue an order 2434
stating that the diminution or contamination was not caused by a 2435
well and shall send a copy of the order to the person who 2436
submitted the notification under this section. 2437

If the chief cannot conclusively determine that the 2438
diminution or contamination of the water supply was or was not 2439
caused by the drilling, conversion, or operation of a well, the 2440
chief shall issue an order indicating the chief's inability to 2441
make such a determination. The chief also shall send a notice to 2442
the permittee of each well that may have caused the diminution or 2443
contamination stating that division (B) of this section may apply. 2444

(B)(1) If a water supply that is the subject of a 2445
notification submitted under division (A) of this section is 2446
located within one thousand feet from the surface location of a 2447
well and diminution of the water supply or contamination of the 2448
water supply occurred within six months after completion of 2449
drilling or converting the well or after commencement of operation 2450
of the well, as applicable, there is a rebuttable presumption that 2451
the permittee of the well caused the diminution or contamination 2452
of the well. A permittee may rebut the presumption by proving at 2453

least one of the following: 2454

(a) The diminution or contamination of the water supply 2455
existed prior to the drilling, conversion, or operation of the 2456
well. 2457

(b) The person who has experienced the diminution or 2458
contamination of the water supply refused to allow the permittee 2459
of the well access to the water supply to conduct a survey of the 2460
water supply prior to the drilling, conversion, or operation of 2461
the well. 2462

(c) The diminution or contamination of the water supply was 2463
caused by something other than the drilling, conversion, or 2464
operation of the well. 2465

(2) Not later than ten days after receipt of an order or 2466
notice from the chief under division (A) of this section, a 2467
permittee of a well to which division (B)(1) of this section 2468
applies shall submit all information that the permittee wishes to 2469
submit in order to rebut the presumption. Not later than thirty 2470
days after receipt of all of the information submitted by a 2471
permittee of a well under division (B)(1) of this section or not 2472
later than thirty days after a permittee of a well received such 2473
an order or notice under division (A) of this section, whichever 2474
is earlier, the chief shall determine if the permittee rebutted 2475
the presumption. If the chief determines that the permittee 2476
rebutted the presumption, the chief shall send notice to the 2477
permittee and to the person that submitted the notification under 2478
division (A) of this section indicating the chief's determination 2479
that the presumption was rebutted. If the chief determines that 2480
the permittee failed to rebut the presumption, the chief shall 2481
order the permittee to provide a temporary replacement of water 2482
supply for all of the person's intended uses. The permittee shall 2483
provide the temporary replacement of water supply until a 2484
permanent replacement of the water supply is fully implemented. 2485

(C) The chief shall adopt rules in accordance with Chapter 2486
119. of the Revised Code that are necessary for the administration 2487
of this section. The rules shall establish all of the following: 2488

(1) Requirements governing and procedures for the 2489
certification of laboratories to conduct water surveys for the 2490
purposes of this section; 2491

(2) Requirements governing and procedures for the collection 2492
of water samples for purposes of such a water survey; 2493

(3) Requirements governing and procedures to be used by a 2494
permittee to demonstrate pursuant to division (B)(1)(b) of this 2495
section that the person who claims to have a diminution or 2496
contamination of a water supply refused to allow the permittee of 2497
the well access to the water supply to conduct a survey prior to 2498
the drilling, conversion, or operation of the well. 2499

(D) For purposes of rebutting the presumption established in 2500
division (B)(1) of this section, a permittee shall use an 2501
independent laboratory that is certified by the chief to conduct a 2502
survey of a water supply that may be required for purposes of that 2503
division. A certified independent laboratory that conducts a 2504
survey of a water supply shall prepare a report in accordance with 2505
this division and send a copy of the report to the division of 2506
mineral resources management, the permittee, and the person that 2507
submitted the notification under division (A) of this section. A 2508
report of a water survey prepared for purposes of this section 2509
shall contain all of the following: 2510

(1) The location of the water supply and the name of the 2511
surface landowner; 2512

(2) The name of the certified laboratory, the person who 2513
conducted the survey, and the date on which the survey was 2514
conducted; 2515

(3) A description of where and how samples for the survey 2516

<u>were collected;</u>	2517
<u>(4) A description of the type and age, if known, of the water supply;</u>	2518
<u>(5) A description of any treatment of the water supply;</u>	2519
<u>(6) The name of each applicable permittee;</u>	2520
<u>(7) The results of all laboratory analysis conducted on samples from the water supply.</u>	2522
<u>(E) Any person may contract with a certified independent laboratory to survey a water supply in order to support a future claim that diminution or contamination of the water supply, as applicable, was or was not caused by the drilling, conversion, or operation of a well.</u>	2524
<u>Sec. 1509.20. All owners, lessees, permittees or their agents, drilling for or producing crude oil or natural gas, shall use every reasonable precaution in accordance with the most approved methods of operation to stop and prevent waste of oil or gas, or both. Any well productive of natural gas in quantity sufficient to justify utilization shall be utilized or shut shutdown in within ten days after completion accordance with the requirements established in this chapter and rules adopted under it.</u>	2528
<u>The owner permittee of any well producing both oil and gas may burn such gas in flares when the gas is lawfully produced and there is no economic market at the well for the escaping gas, after inspection of the well, the chief of the division of mineral resources management or a mineral resources inspector, in consultation with the permittee, determines that it is necessary to prevent the dangerous accumulation of gas and to protect the health and safety of the public or the workers at the well.</u>	2529
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Sec. 1509.21. No person shall, without first having obtained 2546
a permit from the chief of the division of mineral resources 2547
management, conduct secondary or additional recovery operations, 2548
including any underground injection of fluids or carbon dioxide 2549
for the secondary or tertiary recovery of oil or natural gas or 2550
for the storage of hydrocarbons that are liquid at standard 2551
temperature or pressure, ~~unless a rule of the chief expressly~~ 2552
~~authorizes such operations without a permit. Such~~ The permit shall 2553
be in addition to any permit required by section 1509.05 of the 2554
Revised Code. Secondary or additional recovery operations shall be 2555
conducted in accordance with rules and orders of the chief and any 2556
terms or conditions of the permit authorizing such operations. In 2557
addition, the chief may authorize tests to evaluate whether fluids 2558
or carbon dioxide may be injected in a reservoir and to determine 2559
the maximum allowable injection pressure. Rules adopted under this 2560
section shall include provisions regarding applications for and 2561
the issuance of permits; the terms and conditions of permits; 2562
entry to conduct inspections and to examine records to ascertain 2563
compliance with this section and rules, orders, and terms and 2564
conditions of permits adopted or issued thereunder; the provision 2565
and maintenance of information through monitoring, recordkeeping, 2566
and reporting; and other provisions in furtherance of the goals of 2567
this section and the Safe Drinking Water Act. To implement the 2568
goals of the Safe Drinking Water Act, the chief shall not issue a 2569
permit for the underground injection of fluids for the secondary 2570
or tertiary recovery of oil or natural gas or for the storage of 2571
hydrocarbons that are liquid at standard temperature and pressure, 2572
unless the chief concludes that the applicant has demonstrated 2573
that the injection will not result in the presence of any 2574
contaminant in underground water that supplies or can be 2575
reasonably expected to supply any public water system, such that 2576
the presence of any such contaminant may result in the system's 2577

not complying with any national primary drinking water regulation 2578
or may otherwise adversely affect the health of persons. Rules, 2579
orders, and terms or conditions of permits adopted or issued under 2580
this section shall be construed to be no more stringent than 2581
required for compliance with the Safe Drinking Water Act, unless 2582
essential to ensure that underground sources of drinking water 2583
will not be endangered. 2584

Sec. 1509.22. (A) ~~Except when acting in accordance with~~ 2585
~~section 1509.226 of the Revised Code, no~~ No person shall place or, 2586
cause to be placed, store, or dispose of brine, crude oil, natural 2587
gas, or other fluids associated with the exploration or 2588
development of oil and gas resources in surface or ground water or 2589
in or on the land in such quantities or in such manner as actually 2590
causes or could reasonably be anticipated to cause either of the 2591
following: 2592

(1) Water used for consumption by humans or domestic animals 2593
to exceed the standards of the Safe Drinking Water Act; 2594

(2) Damage or injury to public health or safety or the 2595
environment. 2596

(B) ~~No person shall store or dispose of brine in violation of~~ 2597
~~a plan approved under division (A) of section 1509.222 or section~~ 2598
~~1509.226 of the Revised Code, in violation of a resolution~~ 2599
~~submitted under section 1509.226 of the Revised Code, or in~~ 2600
~~violation of rules or orders applicable to those plans or~~ 2601
~~resolutions~~ A permittee, a person registered to transport brine 2602
under section 1509.222 of the Revised Code, and a person to whom a 2603
permit has been issued under division (D) of this section jointly 2604
and severally shall ensure that brine and other waste substances 2605
associated with the exploration or development of oil and gas 2606
resources from the permittee's well are stored and disposed of in 2607
accordance with this chapter and rules adopted under it and with 2608

orders issued by the chief of the division of mineral resources 2609
management. 2610

(C) ~~The chief of the division of mineral resources management~~ 2611
shall adopt rules and issue orders regarding storage and disposal 2612
of brine and other waste substances; however, the storage and 2613
disposal of brine and the chief's rules relating to storage and 2614
disposal are subject to all of the following standards: 2615

(1) Brine and other waste substances from any well except an 2616
exempt Mississippian well shall be disposed of only by injection 2617
into an underground formation, including annular disposal if 2618
approved by rule of the chief, which injection shall be subject to 2619
division (D) of this section; ~~by surface application in accordance~~ 2620
~~with section 1509.226 of the Revised Code;~~ in association with a 2621
method of enhanced recovery as provided in section 1509.21 of the 2622
Revised Code; or by other methods approved by the chief for 2623
testing or implementing a new technology or method of disposal. 2624
Brine from exempt Mississippian wells shall not be discharged 2625
directly into the waters of the state. 2626

(2) Muds, cuttings, and other waste substances shall ~~not~~ be 2627
disposed of in ~~violation of any rule;~~ accordance with the 2628
restoration plan that is included with the applicable permit 2629
application as required by division (A)(11) of section 1509.06 of 2630
the Revised Code. 2631

(3) ~~Pits may~~ Steel tanks shall be used for containing brine 2632
and other waste substances resulting from, obtained from, or 2633
produced in connection with drilling, ~~fracturing~~ well stimulation, 2634
reworking, reconditioning, plugging back, or plugging operations, 2635
~~but the pits that are located within two thousand five hundred~~ 2636
feet of a lake, stream, or other body of water that is used as a 2637
source of drinking water. The steel tanks shall be constructed and 2638
maintained to prevent the escape of brine and other waste 2639
substances. A steel tank or pit may be used at a well that is 2640

located more than two thousand five hundred feet from a lake, 2641
stream, or other body of water that is used as a source of 2642
drinking water if the use is authorized by the chief. A steel tank 2643
or pit so used shall be constructed and maintained to prevent the 2644
escape of brine and other waste substances. 2645

(4) A dike or pit may be used for spill prevention and 2646
control. A dike or pit so used shall be constructed and maintained 2647
to prevent the escape of brine, and the reservoir within such a 2648
dike or pit shall be kept reasonably free of brine and other waste 2649
substances. 2650

~~(4) Earthen impoundments constructed pursuant to the~~ 2651
~~division's specifications may be used for the temporary storage of~~ 2652
~~brine and other waste substances in association with a saltwater~~ 2653
~~injection well, an enhanced recovery project, or a solution mining~~ 2654
~~project;~~ 2655

(5) No pit, earthen impoundment, or dike shall be used for 2656
the temporary storage of brine except in accordance with ~~divisions~~ 2657
~~(C)(3) and (4)~~ division (C) of this section. 2658

(6) No pit or dike shall be used for the ultimate disposal of 2659
brine or other waste substances. 2660

(D) No person, without first having obtained a permit from 2661
the chief, shall inject brine or other waste substances resulting 2662
from, obtained from, or produced in connection with oil or gas 2663
drilling, exploration, or production into an underground formation 2664
~~unless a rule of the chief expressly authorizes the injection~~ 2665
~~without a permit.~~ The permit shall be in addition to any permit 2666
required by section 1509.05 of the Revised Code, and the permit 2667
application shall be accompanied by a permit fee of one ~~hundred~~ 2668
thousand dollars. ~~The~~ 2669

The chief shall adopt rules in accordance with Chapter 119. 2670
of the Revised Code regarding the injection into wells of brine 2671

and other waste substances resulting from, obtained from, or 2672
produced in connection with oil or gas drilling, exploration, or 2673
production. The rules shall include provisions regarding 2674
applications for and issuance of the permits required by this 2675
division, including eligibility requirements for an applicant; 2676
terms and conditions of permits; entry to conduct inspections and 2677
to examine and copy records to ascertain compliance with this 2678
division and rules, orders, and terms and conditions of permits 2679
adopted or issued under it; the provision and maintenance of 2680
information through monitoring, recordkeeping, and reporting; and 2681
other provisions in furtherance of the goals of this section and 2682
the Safe Drinking Water Act. To implement the goals of the Safe 2683
Drinking Water Act, the chief shall not issue a permit for the 2684
injection of brine or other waste substances resulting from, 2685
obtained from, or produced in connection with oil or gas drilling, 2686
exploration, or production unless the chief concludes that the 2687
applicant has demonstrated that the injection will not result in 2688
the presence of any contaminant in ground water that supplies or 2689
can reasonably be expected to supply any public water system, such 2690
that the presence of the contaminant may result in the system's 2691
not complying with any national primary drinking water regulation 2692
or may otherwise adversely affect the health of persons. Any 2693
exception established under the Safe Drinking Water Act for oil 2694
and gas drilling operations does not apply if it conflicts with 2695
this section or rules adopted under it. The chief may issue an 2696
order without a prior adjudication hearing, that requires 2697
compliance with this section and rules adopted under it and the 2698
terms and conditions of a permit issued under it. This division 2699
and rules, orders, and terms and conditions of permits adopted or 2700
issued under it shall be construed to be ~~no~~ more stringent than 2701
required for compliance with the Safe Drinking Water Act ~~unless~~ 2702
~~essential~~ in order to ensure that underground sources of drinking 2703
water will not be endangered. 2704

(E) The ~~owner~~ person holding a permit, or an assignee or transferee who has assumed the obligations and liabilities imposed by this chapter and any rules adopted or orders issued under it pursuant to section 1509.31 of the Revised Code, and the operator of a well shall be liable for a violation of this section or any rules adopted or orders or terms or conditions of a permit issued under it.

(F) ~~An owner shall~~ The chief may order the current permittee to replace the water supply of the holder of an interest in real property who obtains all or part of the holder's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been substantially disrupted by contamination, diminution, or interruption proximately resulting from the ~~owner's~~ permittee's oil or gas operation, ~~or the owner may elect to compensate the holder of the interest in real property for the difference between the fair market value of the interest before the damage occurred to the water supply and the fair market value after the damage occurred if the cost of replacing the water supply exceeds this difference in fair market values. However, during the pendency of any order issued under this division, the owner shall obtain for the holder or shall reimburse the holder for the reasonable cost of obtaining a water supply from the time of the contamination, diminution, or interruption by the operation until the owner has complied with an order of the chief for compliance with this division or such an order has been revoked or otherwise becomes not effective. If the owner elects to pay the difference in fair market values, but the owner and the holder have not agreed on the difference within thirty days after the chief issues an order for compliance with this division, within ten days after the expiration of that thirty day period, the owner and the chief each shall appoint an appraiser to determine the difference in fair market values, except that the holder of the interest in real~~

~~property may elect to appoint and compensate the holder's own 2738
appraiser, in which case the chief shall not appoint an appraiser. 2739
The two appraisers appointed shall appoint a third appraiser, and 2740
within thirty days after the appointment of the third appraiser, 2741
the three appraisers shall hold a hearing to determine the 2742
difference in fair market values. Within ten days after the 2743
hearing, the appraisers shall make their determination by majority 2744
vote and issue their final determination of the difference in fair 2745
market values. The chief shall accept a determination of the 2746
difference in fair market values made by agreement of the owner 2747
and holder or by appraisers under this division and shall make and 2748
dissolve orders accordingly. This division does not affect in any 2749
way the right of any person to enforce or protect, under 2750
applicable law, the person's interest in water resources affected 2751
by an oil or gas operation. Not later than five days after the 2752
chief determines that a holder's water supply has been 2753
substantially disrupted, the permittee shall provide a temporary 2754
replacement of water supply for all of the holder's intended uses. 2755
The permittee shall provide the temporary replacement of water 2756
supply until a permanent replacement of the water supply is fully 2757
implemented. The chief may assess a fine against a permittee for 2758
each day that the permittee fails to replace a holder's water 2759
supply. A permittee's replacement of a holder's water supply shall 2760
not affect the holder's right to bring an action against the 2761
permittee for the permittee's negligence in the substantial 2762
disruption of the holder's water supply. 2763~~

(G) In any action brought by the state for a violation of 2764
division (A) of this section involving any well at which annular 2765
disposal is used, there shall be a rebuttable presumption 2766
available to the state that the annular disposal caused the 2767
violation if the well is located within a one-quarter-mile radius 2768
of the site of the violation. 2769

(H) In order to provide money to the division of mineral resources management for the administration of this section, there is levied on the owner of an injection well the following fees: 2770
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(1) Five cents per barrel of each substance that is delivered to a well to be injected in the well when the substance is produced within the division of mineral resources management regulatory district in which the well is located or within an adjoining mineral resources management regulatory district; 2773
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(2) Twenty cents per barrel of each substance that is delivered to a well to be injected in the well when the substance is not produced within the division of mineral resources management regulatory district in which the well is located or within an adjoining mineral resources management regulatory district. 2778
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The owner of an injection well who is issued a permit under this section shall collect the fee levied by this division on behalf of the division of mineral resources management and forward the fee to the division. The chief shall transmit all money received under division (H) of this section to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code. The owner of an injection well who collects the fee levied by this division may retain up to three per cent of the amount that is collected. 2784
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The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements and procedures for collection of the fee levied by this division. 2794
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(I) In an action under section 1509.04, 1509.32, or 1509.33 of the Revised Code to enforce this section, the court shall grant preliminary and permanent injunctive relief and impose a civil penalty upon the showing that the person against whom the action 2797
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is brought has violated, is violating, or will violate this 2801
section or rules, orders, or terms or conditions of permits 2802
adopted or issued thereunder. The court shall not require, prior 2803
to granting such preliminary and permanent injunctive relief or 2804
imposing a civil penalty, proof that the violation was, is, or 2805
will be the result of intentional conduct or negligence. In any 2806
such action, any person may intervene as a plaintiff upon the 2807
demonstration that the person has an interest that is or may be 2808
adversely affected by the activity for which injunctive relief or 2809
a civil penalty is sought. 2810

Sec. 1509.221. (A) No person, without first having obtained a 2811
permit from the chief of the division of mineral resources 2812
management, shall drill a well or inject a substance into a well 2813
for the exploration for or extraction of minerals or energy, other 2814
than oil or natural gas, including, but not limited to, the mining 2815
of sulfur by the Frasch process, the solution mining of minerals, 2816
the in situ combustion of fossil fuel, or the recovery of 2817
geothermal energy to produce electric power, ~~unless a rule of the~~ 2818
~~chief expressly authorizes the activity without a permit.~~ The 2819
permit shall be in addition to any permit required by section 2820
1509.05 of the Revised Code. ~~The~~ 2821

The chief shall adopt rules in accordance with Chapter 119. 2822
of the Revised Code governing the issuance of permits under this 2823
section. The rules shall include provisions regarding the matters 2824
the applicant for a permit shall demonstrate to establish 2825
eligibility for a permit; the form and content of applications for 2826
permits; the terms and conditions of permits; entry to conduct 2827
inspections and to examine and copy records to ascertain 2828
compliance with this section and rules, orders, and terms and 2829
conditions of permits adopted or issued thereunder; provision and 2830
maintenance of information through monitoring, recordkeeping, and 2831
reporting; and other provisions in furtherance of the goals of 2832

this section and the Safe Drinking Water Act. To implement the 2833
goals of the Safe Drinking Water Act, the chief shall not issue a 2834
permit under this section, unless the chief concludes that the 2835
applicant has demonstrated that the drilling, injection of a 2836
substance, and extraction of minerals or energy will not result in 2837
the presence of any contaminant in underground water that supplies 2838
or can reasonably be expected to supply any public water system, 2839
such that the presence of the contaminant may result in the 2840
system's not complying with any national primary drinking water 2841
regulation or may otherwise adversely affect the health of 2842
persons. The chief may issue, without a prior adjudication 2843
hearing, orders requiring compliance with this section and rules, 2844
orders, and terms and conditions of permits adopted or issued 2845
thereunder. This section and rules, orders, and terms and 2846
conditions of permits adopted or issued thereunder shall be 2847
construed to be ~~no~~ more stringent than required for compliance 2848
with the Safe Drinking Water Act, ~~unless essential~~ in order to 2849
ensure that underground sources of drinking water will not be 2850
endangered. 2851

(B) In order to protect the health and safety of the public, 2852
drinking water sources, and the environment, a person who is 2853
issued a permit under this section shall do all of the following: 2854

(1) Submit to the chief a comprehensive list of each 2855
substance and the corresponding concentration of each substance 2856
that will be used in drilling and in hydraulic fracturing and 2857
recovery processes in order for the chief to establish a water 2858
quality baseline of water supplies that are in close proximity to 2859
the proposed well prior to the commencement of drilling or 2860
hydraulic fracturing. The permittee shall submit the list not 2861
later than six months prior to the start of the drilling or 2862
hydraulic fracturing. 2863

(2) In hydraulic fracturing and recovery processes, use 2864

hydraulic fracturing fluid that is known not to pose a significant risk to human health; 2865
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(3) Use a closed-loop system in drilling operations that occur within two thousand five hundred feet of a drinking water source in order to prevent the contamination of surface and ground water with hydraulic fracturing fluid and to protect drinking water, the health of the public, and the environment; 2867
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(4) Notify the chief or a mineral resources inspector within twenty-four hours of a violation of any term or condition of the permit that occurs during drilling operations or hydraulic fracturing. 2872
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(C) In an action under section 1509.04 or 1509.33 of the Revised Code to enforce this section, the court shall grant preliminary and permanent injunctive relief and impose a civil penalty upon the showing that the person against whom the action is brought has violated, is violating, or will violate this section or rules, orders, or terms or conditions of permits adopted or issued thereunder. The court shall not require, prior to granting such preliminary and permanent injunctive relief or imposing a civil penalty, proof that the violation was, is, or will be the result of intentional conduct or negligence. In any such action, any person may intervene as a plaintiff upon the demonstration that the person has an interest that is or may be adversely affected by the activity for which injunctive relief or a civil penalty is sought. 2876
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Sec. 1509.222. (A)(1) ~~Except as provided in section 1509.226 of the Revised Code, no~~ No person shall transport brine by vehicle in this state unless the business entity that employs the person first registers with and obtains a registration certificate and identification number from the chief of the division of ~~oil and gas~~ mineral resources management. 2890
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(2) No more than one registration certificate shall be 2896
required of any business entity. Registration certificates issued 2897
under this section are not transferable. An applicant shall file 2898
an application with the chief, containing such information in such 2899
form as the chief prescribes, but including a plan for disposal 2900
that provides for compliance with the requirements of this chapter 2901
and rules of the chief pertaining to the transportation of brine 2902
by vehicle and the disposal of brine so transported and that lists 2903
all disposal sites that the applicant intends to use, the bond 2904
required by section 1509.225 of the Revised Code, and a 2905
certificate issued by an insurance company authorized to do 2906
business in this state certifying that the applicant has in force 2907
a liability insurance policy in an amount not less than ~~three~~ five 2908
hundred thousand dollars bodily injury coverage and ~~three hundred~~ 2909
~~thousand~~ one million dollars property damage coverage to pay 2910
damages for injury to persons or property caused by the 2911
collecting, handling, transportation, or disposal of brine. The 2912
policy shall be maintained in effect during the term of the 2913
registration certificate. The policy or policies providing the 2914
coverage shall require the insurance company to give notice to the 2915
chief if the policy or policies lapse for any reason. Upon such 2916
termination of the policy, the chief may suspend the registration 2917
certificate until proper insurance coverage is obtained. Each 2918
application for a registration certificate shall be accompanied by 2919
a nonrefundable fee of five hundred dollars. 2920

(3) If a business entity that has been issued a registration 2921
certificate under this section changes its name due to a business 2922
reorganization or merger, the business entity shall revise the 2923
bond or certificates of deposit required by section 1509.225 of 2924
the Revised Code and obtain a new certificate from an insurance 2925
company in accordance with division (A)(2) of this section to 2926
reflect the change in the name of the business entity. 2927

(B) The chief shall issue an order denying an application for a registration certificate if the chief finds that either of the following applies:

(1) The applicant, at the time of applying for the registration certificate, has been found liable by a final nonappealable order of a court of competent jurisdiction for damage to streets, roads, highways, bridges, culverts, or drainways pursuant to section 4513.34 or 5577.12 of the Revised Code until the applicant provides the chief with evidence of compliance with the order.

(2) The applicant's plan for disposal does not provide for compliance with the requirements of ~~this chapter and rules of the chief pertaining to the transportation of brine by vehicle and the disposal of brine so transported~~ the Revised Code pertaining to the protection of public health and safety and the environment and the rules adopted under section 1509.22 of the Revised Code.

(C) No applicant shall attempt to circumvent division (B) of this section by applying for a registration certificate under a different name or business organization name, by transferring responsibility to another person or entity, or by any similar act.

(D) A registered transporter shall apply to revise a disposal plan under procedures that the chief shall prescribe by rule. However, at a minimum, an application for a revision shall list all sources and disposal sites of brine currently transported. The chief shall deny any application for a revision of a plan under this division if the chief finds that the proposed revised plan does not provide for compliance with the requirements of this chapter and rules of the chief pertaining to the transportation of brine by vehicle and the disposal of brine so transported. Approvals and denials of revisions shall be by order of the chief.

(E) The chief may adopt rules, issue orders, and attach terms

and conditions to registration certificates as may be necessary to 2959
administer, implement, and enforce sections 1509.222 to ~~1509.226~~ 2960
1509.225 of the Revised Code for protection of public health or 2961
safety or conservation of natural resources. 2962

Sec. 1509.223. (A) No ~~permit holder~~ permittee or ~~owner~~ lessee 2963
of a well shall enter into an agreement with or ~~permit~~ allow any 2964
person to transport brine produced from the well who is not 2965
registered pursuant to section 1509.222 of the Revised Code ~~or~~ 2966
~~exempt from registration under section 1509.226 of the Revised~~ 2967
~~Code.~~ 2968

(B) Each registered transporter shall file with the chief of 2969
the division of mineral resources management, on or before the 2970
fifteenth day of April, a statement concerning brine transported, 2971
including quantities transported and source and delivery points, 2972
during the last preceding calendar year, and such other 2973
information in such form as the chief may prescribe. 2974

(C) Each registered transporter shall keep on each vehicle 2975
used to transport brine a daily log and have it available upon the 2976
request of the chief or an authorized representative of the chief 2977
or a peace officer. The log shall, at a minimum, include all of 2978
the following information: 2979

(1) The name of the ~~owner~~ permittee or lessee or ~~owners~~ 2980
permittees or lessees of the well or wells producing the brine to 2981
be transported; 2982

(2) The date and time the brine is loaded; 2983

(3) The name of the driver; 2984

(4) The amount of brine loaded at each collection point; 2985

(5) The disposal location; 2986

(6) The date and time the brine is disposed of and the amount 2987
of brine disposed of at each location. 2988

No registered transporter shall falsify or fail to keep or submit the log required by this division. 2989
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(D) Each registered transporter shall legibly identify with reflective paints all vehicles employed in transporting or disposing of brine. Letters shall be no less than four inches in height and shall indicate the identification number issued by the chief, the word "brine," and the name and telephone number of the transporter. 2991
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(E) The chief shall maintain and keep a current list of persons registered to transport brine under section 1509.222 of the Revised Code. The list shall be open to public inspection. It is an affirmative defense to a charge under division (A) of this section that at the time the ~~permit holder~~ permittee or ~~owner~~ lessee of a well entered into an agreement with or ~~permitted~~ allowed a person to transport brine, the person was shown on the list as currently registered to transport brine. 2997
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Sec. 1509.224. (A) In addition to any other remedies provided in this chapter, if the chief of the division of mineral resources management has reason to believe that a pattern of the same or similar violations of any requirements of sections 1509.22, 1509.222, or 1509.223 of the Revised Code, or any rule adopted thereunder or term or condition of the registration certificate issued thereunder exists or has existed, and the violations are caused by the transporter's indifference, lack of diligence, or lack of reasonable care, or are willfully caused by the transporter, the chief shall immediately issue an order to the transporter ~~to show cause why the certificate should not be suspended or revoked~~ suspending the transporter's registration certificate. After the issuance of the order, the chief shall provide the transporter an opportunity to be heard and to present evidence at an informal hearing conducted by the chief. If, at the 3005
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conclusion of the hearing, the chief finds that such a pattern of 3020
violations exists or has existed, the chief shall issue an order 3021
~~suspending or~~ revoking the transporter's registration certificate. 3022
An order suspending or revoking a certificate under this section 3023
may be appealed under sections 1509.36 and 1509.37 of the Revised 3024
Code, or notwithstanding any other provision of this chapter, may 3025
be appealed directly to the court of common pleas of Franklin 3026
county. 3027

(B) Before issuing an order denying a registration 3028
certificate; approving or denying approval of an application for 3029
revision of a registered transporter's plan for disposal; or to 3030
implement, administer, or enforce section 1509.22, 1509.221, 3031
1509.222, 1509.223, or 1509.225, ~~or 1509.226~~ of the Revised Code 3032
and rules and terms and conditions of registration certificates 3033
adopted or issued thereunder pertaining to the transportation of 3034
brine by vehicle and the disposal of brine so transported, the 3035
chief shall issue a preliminary order indicating the chief's 3036
intent to issue a final order. The preliminary order shall clearly 3037
state the nature of the chief's proposed action and the findings 3038
on which it is based and shall state that the preliminary order 3039
becomes a final order thirty days after its issuance unless the 3040
person to whom the preliminary order is directed submits to the 3041
chief a written request for an informal hearing before the chief 3042
within that thirty-day period. At the hearing the person may 3043
present evidence as to why the preliminary order should be revoked 3044
or modified. Based upon the findings from the informal hearing, 3045
the chief shall revoke, issue, or modify and issue the preliminary 3046
order as a final order. A final order may be appealed under 3047
sections 1509.36 and 1509.37 of the Revised Code. 3048

Sec. 1509.225. (A) Before being issued a registration 3049
certificate under section 1509.222 of the Revised Code, an 3050
applicant shall execute and file with the division of mineral 3051

resources management a surety bond for ~~fifteen thousand one~~ 3052
hundred thousand dollars to provide immediate compensation for 3053
damage and injury resulting from transporters' violations of 3054
sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all 3055
rules and orders of the chief of the division of mineral resource 3056
management relating thereto, and all terms and conditions of the 3057
registration certificate imposed thereunder. The applicant may 3058
deposit with the chief, in lieu of a surety bond, cash in an 3059
amount equal to the surety bond as prescribed in this section, or 3060
negotiable certificates of deposit issued by any bank organized or 3061
transacting business in this state, or certificates of deposit 3062
issued by any building and loan association as defined in section 3063
1151.01 of the Revised Code, having a cash value equal to or 3064
greater than the amount of the surety bond as prescribed in this 3065
section. Cash or certificates of deposit shall be deposited upon 3066
the same terms as those upon which surety bonds may be deposited. 3067
If certificates of deposit are deposited with the chief in lieu of 3068
a surety bond, the chief shall require the bank or building and 3069
loan association that issued any such certificate to pledge 3070
securities of a cash value equal to the amount of the certificate 3071
that is in excess of the amount insured by any of the agencies and 3072
instrumentalities created under the "Federal Deposit Insurance 3073
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 3074
regulations adopted under it, including at least the federal 3075
deposit insurance corporation, bank insurance fund, and savings 3076
association insurance fund. 3077

Such securities shall be security for the repayment of the 3078
certificate of deposit. Immediately upon a deposit of cash or 3079
certificates with the chief, the chief shall deliver it to the 3080
treasurer of state who shall hold it in trust for the purposes for 3081
which it has been deposited. 3082

(B) The surety bond provided for in this section shall be 3083

executed by a surety company authorized to do business in this 3084
state. The chief shall not approve any bond until it is personally 3085
signed and acknowledged by both principal and surety, or as to 3086
either by an attorney in fact, with a certified copy of the power 3087
of attorney attached thereto. The chief shall not approve such a 3088
bond unless there is attached a certificate of the superintendent 3089
of insurance that the company is authorized to transact a fidelity 3090
and surety business in this state. All bonds shall be given in a 3091
form to be prescribed by the chief. 3092

(C) If a registered transporter is found liable for a 3093
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 3094
Code or a rule, order, or term or condition of a certificate 3095
involving, in any case, damage or injury to persons or property, 3096
or both, the court may order the forfeiture of any portion of the 3097
bond, cash, or other securities required by this section in full 3098
or partial payment of damages to the person to whom the damages 3099
are due. The treasurer of state and the chief shall deliver the 3100
bond or any cash or other securities deposited in lieu of bond, as 3101
specified in the court's order, to the person to whom the damages 3102
are due; however, execution against the bond, cash, or other 3103
securities, if necessary, is the responsibility of the person to 3104
whom the damages are due. The chief shall not release the bond, 3105
cash, or securities required by this section except by court order 3106
or until two years after the date on which a registration is 3107
terminated. 3108

(D) This section does not preclude recourse under an 3109
insurance policy that is required by section 1509.222 of the 3110
Revised Code. 3111

Sec. 1509.23. (A) ~~Rules of the~~ The chief of the division of 3112
mineral resources management ~~may specify,~~ in consultation with the 3113
technical advisory council on oil and gas created in section 3114

1509.38 of the Revised Code, shall adopt rules that require the 3115
implementation and use of best operating practices that are 3116
recognized by the oil and gas industry to be followed in the 3117
drilling of wells and production of oil and gas for protection of 3118
~~public~~ the health or and safety or of persons working at a well 3119
site and of the public and to prevent minimize damage to natural 3120
~~resources, including specification~~ the environment. The rules 3121
shall require a permittee and all persons working at a well to 3122
utilize those practices. In addition, the rules shall establish 3123
requirements for all of the following: 3124

(1) Appropriate drilling and extraction devices and 3125
techniques; 3126

(2) Minimum distances that wells and other excavations, 3127
structures, and equipment shall be located from water wells, 3128
streets, roads, highways, rivers, lakes, streams, ponds, other 3129
bodies of water, railroad tracks, public or private recreational 3130
areas, zoning districts, and buildings or other structures; 3131

(3) Other methods of operation; 3132

(4) Procedures, methods, and equipment ~~and other requirements~~ 3133
~~for equipment~~ to prevent and contain discharges of oil from oil 3134
production facilities and oil drilling and workover facilities 3135
consistent with and equivalent in scope, content, and coverage to 3136
section 311(j)(1)(c) of the "Federal Water Pollution Control Act 3137
Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended, 3138
and regulations adopted under it. 3139

The rules adopted under this division shall not conflict with 3140
any provision of this chapter. 3141

(B) The chief, in consultation with the emergency response 3142
commission created in section 3750.02 of the Revised Code, shall 3143
adopt rules in accordance with Chapter 119. of the Revised Code 3144
that specify the information that shall be included in an 3145

electronic database that the chief shall create and host. The 3146
information shall be that which the chief considers to be 3147
appropriate for the purpose of responding to emergency situations 3148
that pose a threat to public health or safety or the environment. 3149
At ~~the~~ a minimum, the information shall include that which a 3150
person who is regulated under this chapter is required to submit 3151
under the "Emergency Planning and Community Right-To-Know Act of 3152
1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted 3153
under it. 3154

In addition, the rules shall specify whether and to what 3155
extent the database and the information that it contains will be 3156
made accessible to the public. The rules shall ensure that the 3157
database will be made available via the internet or a system of 3158
computer disks to the emergency response commission and to every 3159
local emergency planning committee and fire department in this 3160
state. 3161

Sec. 1509.24. The chief of the division of mineral resources 3162
management, with the approval of the technical advisory council on 3163
oil and gas created in section 1509.38 of the Revised Code, ~~may~~ 3164
shall adopt, amend, or rescind rules relative to minimum acreage 3165
requirements for drilling units and minimum distances ~~from which~~ 3166
between an existing well in a drilling unit and a new well that 3167
~~may be drilled or an existing well deepened, plugged back, or~~ 3168
~~reopened to a source of supply different from the existing pool~~ 3169
~~from boundaries of tracts, in that drilling units, and other wells~~ 3170
~~for the purpose of conserving oil and gas reserves. Rules unit. In~~ 3171
addition, the rules shall address and attempt to accomplish all of 3172
the following: 3173

(A) Prevention of the waste of oil and gas reserves; 3174

(B) Protection of the health and safety of the public, 3175
employees of a permittee or operator, and workers at a well site; 3176

(C) Minimization of the impact on the environment in 3177
furtherance of the requirements established in this chapter and 3178
rules adopted under it and of the goals of the Safe Drinking Water 3179
Act. 3180

Rules adopted under this section ~~and special orders made~~ 3181
~~under section 1509.25 of the Revised Code~~ shall apply only to new 3182
wells to be drilled or existing wells to be deepened, plugged 3183
back, or reopened to a source of supply different from the 3184
existing pool for the purpose of extracting oil or gas in their 3185
natural state. 3186

Sec. 1509.26. ~~The~~ Two or more owners of adjoining tracts may 3187
agree to pool ~~such~~ the tracts to form a drilling unit that 3188
conforms to the minimum acreage and distance requirements of the 3189
division of mineral resources management established in rules 3190
adopted under section 1509.24 ~~or 1509.25~~ of the Revised Code. ~~Such~~ 3191
The agreement shall be in writing, a copy of which shall be 3192
submitted to the division with the application for a permit 3193
required by section 1509.05 of the Revised Code. Parties to the 3194
agreement shall designate one of their number as the applicant for 3195
~~such~~ the permit. 3196

Sec. 1509.30. The holder of a royalty interest in any natural 3197
gas well may request the ~~owner~~ permittee to report to ~~him~~ the 3198
holder, no more frequently than the payment period in ~~his~~ the 3199
holder's contract with the ~~owner~~ permittee, any or all of the 3200
following: 3201

(A) The volume of natural gas for which ~~he~~ the holder was or 3202
is being paid for the most recent period in ~~his~~ the holder's 3203
contract with the ~~owner~~ permittee, and for any other previous 3204
periods within two years of the date of production for which the 3205
~~owner~~ permittee has not already given ~~him~~ the holder such a report 3206

within the most recent six months; 3207

(B) The price per thousand cubic feet paid to the holder for 3208
~~such~~ the gas; 3209

(C) The volume of natural gas ~~which~~ that was shown to have 3210
passed through the ~~owner's~~ permittee's meter for the field 3211
containing the holder's well. 3212

The ~~owner~~ permittee shall preserve records of such volume for 3213
~~at least two~~ three years after the ~~date the record is made~~ 3214
termination of the lease agreement with the holder. Upon receipt 3215
by the ~~owner~~ permittee or ~~his~~ the permittee's agent of a request 3216
by the holder pursuant to this section, the ~~owner~~ permittee shall 3217
supply the information to the holder within ~~fifteen days, or the~~ 3218
~~end of the current payment period in the contract, whichever is~~ 3219
later fourteen days of receipt of the request. 3220

If the holder's well is metered, the ~~owner~~ permittee shall in 3221
such a report also inform the holder of the volume of natural gas 3222
~~which~~ that was shown to have passed through ~~such~~ the meter during 3223
the period. 3224

The volume of gas required to be reported by this section 3225
shall be indicated on the basis of a standard cubic foot of gas. 3226

Sec. 1509.31. (A) Whenever the entire interest of an oil and 3227
gas lease is assigned or otherwise transferred, the assignor or 3228
transferor shall notify the holders of the royalty interests, and, 3229
if a well or wells exist on the lease, the assignor or transferor 3230
also shall notify the division of mineral resources management, of 3231
the name and address of the assignee or transferee by certified 3232
mail, return receipt requested, not later than thirty days after 3233
the date of the assignment or transfer. When notice of any such 3234
assignment or transfer is required to be provided to the division, 3235
it shall be provided on a form prescribed and provided by the 3236

division and verified by both the assignor or transferor and by 3237
the assignee or transferee and shall be accompanied by a 3238
nonrefundable fee of one hundred dollars for each well. The notice 3239
form applicable to assignments or transfers of a well to the owner 3240
of the surface estate of the tract on which the well is located 3241
shall contain a statement informing the landowner that the well 3242
may require periodic servicing to maintain its productivity or to 3243
maintain the structural integrity of its plug; that, upon 3244
assignment or transfer of the well to the landowner, the landowner 3245
becomes responsible for compliance with the requirements of this 3246
chapter and rules adopted under it, including, without limitation, 3247
the proper disposal of brine obtained from the well, the plugging 3248
of the well when it becomes incapable of producing oil or gas, and 3249
the restoration of the well site; and that, upon assignment or 3250
transfer of the well to the landowner, the landowner becomes 3251
responsible for the costs of compliance with the requirements of 3252
this chapter and rules adopted under it and the costs for 3253
operating and servicing the well. 3254

3255
(B) When the entire interest of a well is proposed to be 3256
assigned or otherwise transferred to the landowner for use as an 3257
exempt domestic well, the owner of the well who has been issued a 3258
permit under this chapter for the well shall submit to the chief 3259
an application for the assignment or transfer that contains all 3260
documents that the chief requires and a nonrefundable fee of one 3261
hundred dollars. The application for such an assignment or 3262
transfer shall be prescribed and provided by the chief. The chief 3263
may approve the application if the application is accompanied by a 3264
release of all of the oil and gas leases that are included in the 3265
applicable formation of the drilling unit, the release is in a 3266
form such that the well ownership merges with the fee simple 3267
interest of the surface tract, and the release is in a form that 3268
may be recorded. However, if the owner of the well does not 3269

release the oil and gas leases associated with the well that is 3270
proposed to be assigned or otherwise transferred or if the fee 3271
simple tract that results from the merger of the well ownership 3272
with the fee simple interest of the surface tract is less than 3273
five acres, the proposed exempt domestic well owner shall post a 3274
five thousand dollar bond with the division of mineral resources 3275
management prior to the assignment or transfer of the well to 3276
ensure that the well will be properly plugged. The chief, for good 3277
cause, may modify the requirements of this section governing the 3278
assignment or transfer of the interests of a well to the 3279
landowner. Upon the assignment or transfer of the well, the owner 3280
of an exempt domestic well is subject to the severance tax levied 3281
under section 5749.02 of the Revised Code and all applicable fees 3282
established in this chapter. 3283

(C) The ~~owner~~ person holding a permit under section 1509.05 3284
of the Revised Code is responsible for all obligations and 3285
liabilities imposed by this chapter and any rules, orders, and 3286
terms and conditions of a permit adopted or issued under it, and 3287
no assignment or transfer by the ~~owner~~ person relieves the ~~owner~~ 3288
person of the obligations and liabilities until and unless the 3289
assignee or transferee files with the division the information 3290
described in divisions (A)(1), (2), (3), (4), (5), (10), (11), ~~and~~ 3291
(12), ~~and~~ (13) of section 1509.06 of the Revised Code; obtains 3292
liability insurance coverage required by section 1509.07 of the 3293
Revised Code, except when none is required by that section; and 3294
executes and files a surety bond, negotiable certificates of 3295
deposit or irrevocable letters of credit, or cash, as described in 3296
that section. Instead of a bond, but only upon acceptance by the 3297
chief of the division of mineral resources management, the 3298
assignee or transferee may file proof of financial responsibility, 3299
described in section 1509.07 of the Revised Code. Section 1509.071 3300
of the Revised Code applies to the surety bond, cash, and 3301
negotiable certificates of deposit and irrevocable letters of 3302

credit described in this section. Unless the chief approves a 3303
modification, each assignee or transferee shall operate in 3304
accordance with the plans and information filed by the permit 3305
holder pursuant to section 1509.06 of the Revised Code. 3306

(D) If a mortgaged property that is being foreclosed is 3307
subject to an oil or gas lease, pipeline agreement, or other 3308
instrument related to the production or sale of oil or natural gas 3309
and the lease, agreement, or other instrument was recorded 3310
subsequent to the mortgage, and if the lease, agreement, or other 3311
instrument is not in default, the oil or gas lease, pipeline 3312
agreement, or other instrument, as applicable, has priority over 3313
all other liens, claims, or encumbrances on the property so that 3314
the oil or gas lease, pipeline agreement, or other instrument is 3315
not terminated or extinguished upon the foreclosure sale of the 3316
mortgaged property. If the owner of the mortgaged property was 3317
entitled to oil and gas royalties before the foreclosure sale, the 3318
oil or gas royalties shall be paid to the purchaser of the 3319
foreclosed property. 3320

Sec. 1509.32. Any person adversely affected may file with the 3321
chief of the division of mineral resources management a written 3322
complaint alleging failure to restore disturbed land surfaces in 3323
violation of section 1509.072 or 1509.22 of the Revised Code or a 3324
rule adopted thereunder. 3325

~~Upon~~ Not later than five days after receipt of a complaint, 3326
the chief shall cause an investigation to be made of the lands 3327
where the alleged violation has occurred ~~and~~. Not later than 3328
thirty days after receipt of the complaint, the chief shall 3329
prepare and complete a report that discusses in detail the chief's 3330
findings and shall make the report available to the public. The 3331
chief shall send copies of the investigation report to the person 3332
who filed the complaint and to the ~~owner~~ person who, according to 3333

the records of the chief, is responsible for the restoration of 3334
the site. Upon finding a violation, the chief shall order the 3335
~~owner~~ responsible person to eliminate the violation ~~within a~~ 3336
~~specified time~~ immediately. ~~If~~ The responsible person shall 3337
complete the restoration of the site within thirty days after the 3338
issuance of the order unless the chief authorizes a longer period 3339
of time because weather conditions prevented the completion of the 3340
site restoration within the thirty-day period. 3341

If the ~~owner~~ person fails to eliminate the violation within 3342
the time ~~specified~~ authorized, the chief ~~may~~ shall request the 3343
prosecuting attorney of the county in which the violation occurs 3344
or the attorney general to bring appropriate action to secure 3345
compliance with ~~such sections~~ the applicable section or rule. ~~If~~ 3346
~~the chief fails to bring an appropriate action to secure~~ 3347
~~compliance with such sections within twenty days after the time~~ 3348
~~specified~~ Notwithstanding an order issued under this section or 3349
any other action or inaction by the chief, the person filing the 3350
complaint may request the prosecuting attorney of the county in 3351
which the violation occurs to bring an appropriate action to 3352
secure compliance with ~~such sections~~ the applicable section or 3353
rule. The division of mineral resources management ~~may~~ shall 3354
cooperate with any state or local agency to provide technical 3355
advice or minimum standards for the restoration of various soils 3356
and land surfaces or to assist in any investigation. 3357

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 3358
1509.31 of the Revised Code, or any rules adopted or orders or 3359
terms or conditions of a permit or registration certificate issued 3360
pursuant to these sections for which no specific penalty is 3361
provided in this section, shall pay a civil penalty of not less 3362
than two hundred fifty dollars nor more than ~~four thousand one~~ 3363
million dollars for each offense. 3364

(B) Whoever violates section 1509.221 of the Revised Code or 3365
any rules adopted or orders or terms or conditions of a permit 3366
issued thereunder shall pay a civil penalty of not ~~more~~ less than 3367
two thousand five hundred dollars nor more than one million 3368
dollars for each violation. 3369

(C) Whoever violates division (D) of section 1509.22 ~~or~~ 3370
~~division (A)(1) of section 1509.222~~ of the Revised Code shall pay 3371
a civil penalty of not less than ~~two~~ ten thousand ~~five hundred~~ 3372
dollars nor more than ~~twenty thousand~~ one million dollars for each 3373
violation. 3374

(D) Whoever violates division (C)(2) of section 1509.071 or 3375
division (A) or (B) of section 1509.22 of the Revised Code shall 3376
pay a civil penalty of not less than two thousand five hundred 3377
dollars nor more than ~~ten thousand~~ one million dollars for each 3378
violation. 3379

(E) Whoever violates division (A) of section 1509.223 of the 3380
Revised Code shall pay a civil penalty of not less than five 3381
hundred dollars nor more than ten thousand dollars for each 3382
violation. 3383

(F) Whoever violates section 1509.072 of the Revised Code or 3384
any rules adopted or orders issued to administer, implement, or 3385
enforce that section shall pay a civil penalty of not less than 3386
five hundred dollars nor more than five thousand dollars for each 3387
violation. 3388

(G) Whoever violates division (A) of section 1509.14 of the 3389
Revised Code shall pay a civil penalty of not less than one 3390
thousand dollars for each violation. 3391

(H) In addition to any other penalties provided in this 3392
chapter, whoever violates ~~division (B) of section 1509.22 or~~ 3393
division (A)(1) of section 1509.222 or knowingly violates division 3394
(A) of section 1509.223 of the Revised Code is liable for any 3395

damage or injury caused by the violation and for the cost of 3396
rectifying the violation and conditions caused by the violation. 3397
If two or more persons knowingly violate one or more of ~~such~~ those 3398
divisions in connection with the same event, activity, or 3399
transaction, they are jointly and severally liable under this 3400
division. 3401

~~(H)~~(I) The attorney general, upon the request of the chief of 3402
the division of mineral resources management, shall commence an 3403
action under this section against any person who violates sections 3404
1509.01 to 1509.31 of the Revised Code, or any rules adopted or 3405
orders or terms or conditions of a permit or registration 3406
certificate issued pursuant to these sections. Any action under 3407
this section is a civil action, governed by the Rules of Civil 3408
Procedure and other rules of practice and procedure applicable to 3409
civil actions. The remedy provided in this division is cumulative 3410
and concurrent with any other remedy provided in this chapter, and 3411
the existence or exercise of one remedy does not prevent the 3412
exercise of any other, ~~except that no.~~ A person ~~shall~~ may be 3413
subject to both a civil penalty under division (A), (B), (C), or 3414
(D) of this section and a criminal penalty under section 1509.99 3415
of the Revised Code for the same offense. 3416

Sec. 1509.34. (A) If a permittee fails to pay the fees 3417
imposed by this chapter or the taxes levied on the severance of 3418
oil and gas under section 5749.02 of the Revised Code, or if the 3419
chief of the division of mineral resources management incurs costs 3420
under division (E) of section 1509.071 of the Revised Code to 3421
correct conditions associated with the owner's well that the chief 3422
reasonably has determined are causing imminent health or safety 3423
risks, the division of mineral resources management shall have a 3424
priority lien against that permittee's interest in the applicable 3425
well in front of all other creditors for the amount of any such 3426
unpaid fees and taxes and costs incurred. The chief shall file a 3427

statement in the office of the county recorder of the county in 3428
which the applicable well is located of the amount of the unpaid 3429
fees and taxes and costs incurred as described in this division. 3430
The statement shall constitute a lien on the permittee's interest 3431
in the well as of the date of the filing. The lien shall remain in 3432
force so long as any portion of the lien remains unpaid or until 3433
the chief issues a certificate of release of the lien. If the 3434
chief issues a certificate of release of the lien, the chief shall 3435
file the certificate of release in the office of the applicable 3436
county recorder. 3437

(B) The chief promptly shall issue a certificate of release 3438
of a lien under either of the following circumstances: 3439

(1) Upon the repayment in full of the amount of unpaid fees 3440
imposed by this chapter or taxes levied on the severance of oil 3441
and gas under section 5749.02 of the Revised Code or costs 3442
incurred by the chief under division (E) of section 1509.071 of 3443
the Revised Code to correct conditions associated with the 3444
permittee's well that the chief reasonably has determined are 3445
causing imminent health or safety risks; 3446

(2) Any other circumstance that the chief determines to be in 3447
the best interests of the state. 3448

(C) The chief may modify the amount of a lien under this 3449
section. If the chief modifies a lien, the chief shall file a 3450
statement in the office of the county recorder of the applicable 3451
county of the new amount of the lien. 3452

(D) A permittee regarding which the division has recorded a 3453
lien against the permittee's interest in a well in accordance with 3454
this section shall not transfer a well, a lease, or mineral rights 3455
to another permittee or person until the chief issues a 3456
certificate of release for each lien against the permittee's 3457
interest in the well. 3458

(E) All money from the collection of liens under this section 3459
shall be deposited in the state treasury to the credit of the oil 3460
and gas well fund created in section 1509.02 of the Revised Code. 3461

Sec. 1509.35. (A) There is hereby created an oil and gas 3462
commission consisting of ~~five~~ nine members appointed by the 3463
governor. Terms of office shall be for ~~five~~ three years, 3464
commencing on the fifteenth day of October and ending on the 3465
fourteenth day of October, ~~except that the terms of the first five~~ 3466
~~members of the board shall be for one, two, three, four, and five~~ 3467
~~years, respectively, as designated by the governor at the time of~~ 3468
~~the appointment.~~ Each member shall hold office from the date of 3469
appointment until the end of the term for which the member was 3470
appointed. Any member appointed to fill a vacancy occurring prior 3471
to the expiration of the term for which the member's predecessor 3472
was appointed shall hold office for the remainder of ~~such~~ that 3473
term. Any member shall continue in office subsequent to the 3474
expiration date of the member's term until a successor takes 3475
office, or until a period of sixty days has elapsed, whichever 3476
occurs first. Each vacancy occurring on the commission shall be 3477
filled by appointment within sixty days after the vacancy occurs. 3478
One of the appointees to the commission shall be a person who, by 3479
reason of the person's previous vocation, employment, or 3480
affiliations, can be classed as a representative of a major 3481
petroleum company. ~~One~~ Five of the appointees to the commission 3482
shall be ~~a person~~ persons who, by reason of ~~the person's~~ their 3483
previous ~~vocation~~ vocations, employment, or affiliations, can be 3484
classed as ~~a representative~~ representatives of the public. One of 3485
the appointees to the commission shall be a person who, by reason 3486
of the person's previous training and experience, can be classed 3487
as a representative of independent petroleum operators. One of the 3488
appointees to the commission shall be a person who, by reason of 3489
the person's previous training and experience, can be classed as 3490

one learned and experienced in oil and gas law. One of the 3491
appointees to the commission shall be a person who, by reason of 3492
the person's previous training and experience, can be classed as 3493
one learned and experienced in geology. Not more than ~~three~~ five 3494
members shall be members of the same political party. This 3495
division does not apply to temporary members appointed under 3496
division (C) of this section. 3497

(B) ~~Three~~ Five members constitute a quorum and no action of 3498
the commission is valid unless it has the concurrence of at least 3499
a majority of the members voting on that action. The commission 3500
shall keep a record of its proceedings. 3501

(C) If the chairperson of the commission determines that a 3502
quorum cannot be obtained for the purpose of considering a matter 3503
that will be before the commission because of vacancies or recusal 3504
of its members, the chairperson may contact the technical advisory 3505
council on oil and gas created in section 1509.38 of the Revised 3506
Code and request a list of members of the council who may serve as 3507
temporary members of the commission. Using the list provided by 3508
the council, the chairperson may appoint temporary members to the 3509
commission. The appointment of temporary members shall be for only 3510
the matter for which a quorum cannot be obtained. The number of 3511
temporary members appointed by the chairperson shall not exceed 3512
the number that is necessary to obtain a quorum for the matter. A 3513
temporary member of the commission has the same authority, rights, 3514
and obligations as a member of the commission, including the right 3515
to compensation and other expenses as provided in this section. 3516
The authority, rights, and obligations of a temporary member cease 3517
when the temporary member's service on the commission ends. 3518

(D) Each member shall be paid an amount fixed pursuant to 3519
division (J) of section 124.15 of the Revised Code per diem when 3520
actually engaged in the performance of work as a member and when 3521
engaged in travel necessary in connection with ~~such~~ that work. In 3522

addition to such compensation each member shall be reimbursed for 3523
all traveling, hotel, and other expenses necessarily incurred in 3524
the performance of work as a member. 3525

(E) The commission shall select from among its members a 3526
chairperson, a vice-chairperson, and a secretary. These officers 3527
shall serve for terms of one year. 3528

(F) The governor may remove any member of the commission from 3529
office for inefficiency, neglect of duty, malfeasance, 3530
misfeasance, or nonfeasance. 3531

(G) The commission, in accordance with Chapter 119. of the 3532
Revised Code, shall adopt rules to govern its procedure. 3533

Sec. 1509.36. Any person claiming to be aggrieved or 3534
adversely affected by an order by the chief of the division of 3535
mineral resources management may appeal to the oil and gas 3536
commission for an order vacating or modifying ~~such~~ the order. 3537

The person so appealing to the commission shall be known as 3538
appellant and the chief shall be known as appellee. Appellant and 3539
appellee shall be deemed to be parties to the appeal. 3540

The appeal shall be in writing and shall set forth the order 3541
complained of and the grounds upon which the appeal is based. The 3542
appeal shall be filed with the commission within thirty days after 3543
the date upon which the appellant received notice by registered 3544
mail of the making of the order complained of. Notice of the 3545
filing of the appeal shall be filed with the chief within three 3546
days after the appeal is filed with the commission. 3547

Upon the filing of the appeal the commission promptly shall 3548
fix the time and place at which the hearing on the appeal will be 3549
held, and shall give the appellant and the chief at least ~~ten~~ 3550
thirty days' written notice thereof by mail. The commission may 3551
postpone or continue any hearing upon its own motion ~~or upon~~ 3552

~~application of appellant or of the chief.~~ 3553

The filing of an appeal provided for in this section does not 3554
automatically suspend or stay execution of the order appealed 3555
from, but upon application by the appellant the commission may 3556
suspend or stay such execution pending determination of the appeal 3557
upon such terms as the commission considers proper. 3558

Either party to the appeal or any interested person who, 3559
pursuant to commission rules has been granted permission to 3560
appear, may submit such evidence as the commission considers 3561
admissible. 3562

For the purpose of conducting a hearing on an appeal, the 3563
commission may require the attendance of witnesses and the 3564
production of books, records, and papers, and it may, and at the 3565
request of any party it shall, issue subpoenas for witnesses or 3566
subpoenas duces tecum to compel the production of any books, 3567
records, or papers, directed to the sheriffs of the counties where 3568
such witnesses are found. The subpoenas shall be served and 3569
returned in the same manner as subpoenas in criminal cases are 3570
served and returned. The fees of sheriffs shall be the same as 3571
those allowed by the court of common pleas in criminal cases. 3572
Witnesses shall be paid the fees and mileage provided for under 3573
section 119.094 of the Revised Code. Such fees and mileage 3574
expenses incurred at the request of the appellant shall be paid in 3575
advance by the appellant, and the remainder of ~~such~~ those expenses 3576
shall be paid out of funds appropriated for the expenses of the 3577
division of mineral resources management. 3578

In case of disobedience or neglect of any subpoena served on 3579
any person, or the refusal of any witness to testify to any matter 3580
regarding which the witness may be lawfully interrogated, the 3581
court of common pleas of the county in which ~~such~~ the 3582
disobedience, neglect, or refusal occurs, or any judge thereof, on 3583
application of the commission or any member thereof, shall compel 3584

obedience by attachment proceedings for contempt as in the case of 3585
disobedience of the requirements of a subpoena issued from ~~such~~ 3586
that court or a refusal to testify therein. Witnesses at such 3587
hearings shall testify under oath, and any member of the 3588
commission may administer oaths or affirmations to persons who so 3589
testify. 3590

At the request of any party to the appeal, a stenographic 3591
record of the testimony and other evidence submitted shall be 3592
taken by an official court shorthand reporter at the expense of 3593
the party making the request therefor. ~~Such~~ The record shall 3594
include all of the testimony and other evidence and the rulings on 3595
the admissibility thereof presented at the hearing. The commission 3596
shall pass upon the admissibility of evidence, but any party may 3597
at the time object to the admission of any evidence and except to 3598
the rulings of the commission thereon, and if the commission 3599
refuses to admit evidence the party offering same may make a 3600
proffer thereof, and ~~such~~ the proffer shall be made a part of the 3601
record of ~~such~~ the hearing. 3602

If upon completion of the hearing the commission finds that 3603
the order appealed from was lawful and reasonable, it shall make a 3604
written order affirming the order appealed from; if the commission 3605
finds that the order was unreasonable or unlawful, it shall make a 3606
written order vacating the order appealed from and making the 3607
order that it finds the chief should have made. Every order made 3608
by the commission shall contain a written finding by the 3609
commission of the facts upon which the order is based. 3610

Notice of the making of the order shall be given forthwith to 3611
each party to the appeal by mailing a certified copy thereof to 3612
each such party by certified mail. 3613

The order of the commission is final unless vacated by the 3614
court of common pleas of Franklin county in an appeal as provided 3615
for in section 1509.37 of the Revised Code. Sections 1509.01 to 3616

1509.37 of the Revised Code, providing for appeals relating to 3617
orders by the chief or by the commission, or relating to rules 3618
adopted by the chief, do not constitute the exclusive procedure 3619
that any person who believes the person's rights to be unlawfully 3620
affected by those sections or any official action taken thereunder 3621
must pursue in order to protect and preserve those rights, nor do 3622
those sections constitute a procedure that that person must pursue 3623
before that person may lawfully appeal to the courts to protect 3624
and preserve those rights. 3625

~~Sec. 1509.38. There is hereby created in the division of 3626
mineral resources management a technical advisory council on oil 3627
and gas, which shall consist of eight members to be appointed by 3628
the governor with the advice and consent of the senate. Three 3629
members shall be independent oil or gas producers, operators, or 3630
their representatives, operating and producing primarily in this 3631
state, three members shall be oil or gas producers, operators, or 3632
their representatives having substantial oil and gas producing 3633
operations in this state and at least one other state, one member 3634
shall represent the public, and one member shall represent persons 3635
having landowners' royalty interests in oil and gas production. 3636
All members shall be residents of this state, and all members, 3637
except the members representing the public and persons having 3638
landowners' royalty interests, shall have at least five years of 3639
practical or technical experience in oil or gas drilling and 3640
production. Not more than one member may represent any one 3641
company, producer, or operator. 3642~~

~~Terms of office shall be for three years, commencing on the 3643
first day of February and ending on the thirty first day of 3644
January. Each member shall hold office from the date of 3645
appointment until the end of the term for which the member was 3646
appointed. A vacancy in the office of a member shall be filled by 3647
the governor, with the advice and consent of the senate. Any 3648~~

~~member appointed to fill a vacancy occurring prior to the~~ 3649
~~expiration of the term for which the member's predecessor was~~ 3650
~~appointed shall hold office for the remainder of that term. Any~~ 3651
~~member shall continue in office subsequent to the expiration date~~ 3652
~~of the member's term until the member's successor takes office, or~~ 3653
~~until a period of sixty days has elapsed, whichever occurs first~~ 3654
There is hereby created in the division of mineral resources 3655
management a technical advisory council on oil and gas, which 3656
shall consist of the five members to be appointed by the governor 3657
with the advice and consent of the senate. One of the members 3658
shall be a person who, by reason of the person's previous training 3659
and experience, is a representative of independent petroleum 3660
operators. One of the members shall be a person who, by reason of 3661
the person's previous training and experience, is a person learned 3662
and experienced in oil and gas law. One of the members shall be a 3663
person who, by reason of the person's previous training and 3664
experience, is a person learned and experienced in geology. Two of 3665
the members shall be persons who, by reason of their previous 3666
vocations, employment, or affiliations, are representatives of the 3667
public. All members shall be residents of this state, and all 3668
members, except the members representing the public, shall have at 3669
least five years of practical or technical experience in oil or 3670
gas drilling and production. 3671

Terms of office shall be for three years, commencing on the 3672
first day of February and ending on the thirty-first day of 3673
January. A member shall hold office from the date of appointment 3674
until the end of the term for which the member was appointed. A 3675
vacancy in the office of a member shall be filled by the governor, 3676
with the advice and consent of the senate. A member appointed to 3677
fill a vacancy occurring prior to the expiration of the term for 3678
which the member's predecessor was appointed shall hold office for 3679
the remainder of that term. A member shall continue in office 3680
subsequent to the expiration date of the member's term until the 3681

member's successor takes office or until a period of sixty days 3682
has elapsed, whichever occurs first. 3683

The council shall select from among its members a 3684
chairperson, a vice-chairperson, and a secretary. All members are 3685
entitled to their actual and necessary expenses incurred in the 3686
performance of their duties as members, payable from the 3687
appropriations for the division. 3688

The governor may remove any member for inefficiency, neglect 3689
of duty, or malfeasance in office. 3690

The council shall hold at least one regular meeting in each 3691
quarter of a calendar year and shall keep a record of its 3692
proceedings. Special meetings may be called by the chairperson and 3693
shall be called by the chairperson upon receipt of a written 3694
request signed by two or more members of the council. A written 3695
notice of the time and place of each meeting shall be sent to each 3696
member of the council. Five members constitute a quorum, and no 3697
action of the council is valid unless five members concur. 3698

The council, when requested by the chief of the division of 3699
mineral resources management, shall consult with and advise the 3700
chief and perform other duties that may be lawfully delegated to 3701
it by the chief. The council may participate in hearings held by 3702
the chief under this chapter and has powers of approval as 3703
provided in ~~sections~~ section 1509.24 and ~~1509.25~~ of the Revised 3704
Code. The council shall conduct the activities required, and 3705
exercise the authority granted, under Chapter 1510. of the Revised 3706
Code. 3707

The council, upon receiving a request from the chairperson of 3708
the oil and gas commission under division (C) of section 1509.35 3709
of the Revised Code, immediately shall prepare and provide to the 3710
chairperson a list of its members who may serve as temporary 3711
members of the oil and gas commission as provided in that 3712

division. 3713

Sec. 1509.50. In addition to paying the applicable taxes 3714
levied on the severance of oil and gas under section 5749.02 of 3715
the Revised Code, an owner shall pay an oil and gas regulatory 3716
cost recovery assessment of ten cents per barrel of oil or 3717
one-half cent per one thousand cubic feet of natural gas, as 3718
applicable, that is sold from all of the owner's wells located in 3719
this state. The owner shall collect from each person who has a 3720
revenue interest in a well of the owner that person's pro rata 3721
share of the assessment. 3722

The minimum amount of the assessment for every quarterly 3723
period, which periods are specified in section 5749.06 of the 3724
Revised Code, shall be either the amount of fifteen dollars 3725
multiplied by the total number of the owner's wells or the amount 3726
of the owner's severance taxes levied under section 5749.02 of the 3727
Revised Code plus the oil and gas regulatory cost recovery 3728
assessment imposed by this section, whichever is greater. An owner 3729
shall pay the assessment at the time and using the procedures that 3730
are established in section 5749.06 of the Revised Code for the 3731
collection of the taxes levied on the severance of oil and gas 3732
under section 5749.02 of the Revised Code. All money collected 3733
pursuant to this section shall be deposited in the state treasury 3734
to the credit of the oil and gas well fund created in section 3735
1509.02 of the Revised Code. 3736

The oil and gas regulatory cost recovery assessment imposed 3737
by this section shall be treated the same and equivalent for all 3738
purposes as the taxes levied on the severance of oil and gas under 3739
section 5749.02 of the Revised Code. However, the assessment 3740
imposed by this section is not a tax under Chapter 5749. of the 3741
Revised Code. 3742

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 3743
1509.31 of the Revised Code or any rules adopted or orders or 3744
terms or conditions of a permit issued pursuant to these sections 3745
for which no specific penalty is provided in this section shall be 3746
fined not less than one hundred nor more than one thousand dollars 3747
for a first offense; for each subsequent offense ~~such~~ the person 3748
shall be fined not less than two hundred nor more than two 3749
thousand dollars. 3750

(B) Whoever violates section 1509.221 of the Revised Code or 3751
any rules adopted or orders or terms or conditions of a permit 3752
issued thereunder shall be fined not more than five thousand 3753
dollars for each day of violation. 3754

(C) Whoever knowingly violates section 1509.072, division 3755
(A), ~~(B)~~, or (D) of section 1509.22, division (A)(1) or (C) of 3756
section 1509.222, or division (A) or (D) of section 1509.223 of 3757
the Revised Code or any rules adopted or orders issued under 3758
division (C) of section 1509.22 or rules adopted or orders or 3759
terms or conditions of a registration certificate issued under 3760
division (E) of section 1509.222 of the Revised Code shall be 3761
fined ten thousand dollars or imprisoned for six months, or both 3762
for a first offense; for each subsequent offense ~~such~~ the person 3763
shall be fined twenty thousand dollars or imprisoned for two 3764
years, or both. Whoever negligently violates ~~such~~ those divisions, 3765
sections, rules, orders, or terms or conditions of a registration 3766
certificate shall be fined not more than five thousand dollars. 3767

(D) Whoever violates division (C) of section 1509.223 of the 3768
Revised Code shall be fined not more than five hundred dollars for 3769
a first offense nor more than one thousand dollars for a 3770
subsequent offense. 3771

(E) The prosecuting attorney of the county in which the 3772
offense was committed or the attorney general may prosecute an 3773

action under this section. 3774

Sec. 1565.07. The superintendent in charge of a mine shall 3775
direct the mine foreperson in such manner as is necessary to 3776
secure compliance with this chapter and Chapters 1561., 1563., and 3777
1567. and ~~sections~~ section 1509.18 ~~and 1509.19~~ of the Revised 3778
Code. The superintendent may act as mine foreperson, but if the 3779
superintendent does so act regularly, the superintendent shall 3780
obtain a certificate from the chief of the division of mineral 3781
resources management in the same manner as the certification of 3782
mine foreperson is obtained. 3783

A person designated as a superintendent of an underground 3784
coal mine after January 1, 1977, shall, within six months after 3785
being so designated, demonstrate to the chief that the person has 3786
knowledge of the mining laws of this state governing the operation 3787
of underground coal mines either by presenting evidence that the 3788
person has passed a mine foreperson examination given by the chief 3789
or an examination given by the chief concerning the laws of this 3790
state governing the operation of underground coal mines. 3791

No person shall refuse or neglect to comply with this 3792
section. 3793

Sec. 1565.13. In case of an injury to person or property, 3794
occasioned by a violation of this chapter and Chapters 1561., 3795
1563., and 1567., and ~~sections~~ section 1509.18 ~~and 1509.19~~ of the 3796
Revised Code, or any failure to comply with ~~such~~ those chapters or 3797
~~sections~~ that section, by any operator of a mine, a right of 3798
action shall accrue to the person injured, for any direct damage 3799
~~he~~ the person injured has sustained thereby. In case of loss of 3800
life by reason of such failure or neglect, a right of action shall 3801
accrue to the widow, and children, or if there are none, then to 3802
the parents and next of kin, of the person whose death was so 3803

caused, for like recovery of damages for the injury they have 3804
sustained. Any operator of a mine who has complied with Chapter 3805
4123. of the Revised Code, is exempt as provided in section 3806
4123.74 of the Revised Code, and not liable for damages at common 3807
law or by statute for injury or death of any employee. 3808

Sec. 1571.05. (A) Whenever any part of a gas storage 3809
reservoir or any part of its protective area underlies any part of 3810
a coal mine, or is, or within nine months is expected or intended 3811
to be, within two thousand linear feet of the boundary of a coal 3812
mine that is operating in a coal seam any part of which extends 3813
over any part of the storage reservoir or its protective area, the 3814
operator of ~~such~~ the reservoir, if the reservoir operator or some 3815
other reservoir operator has not theretofore done so, shall: 3816

(1) Use every known method that is reasonable under the 3817
circumstance for discovering and locating all wells drilled within 3818
the area of ~~such~~ the reservoir or its protective area that 3819
underlie any part of ~~such~~ the coal mine or its protective area; 3820

(2) Plug or recondition all known wells drilled within the 3821
area of ~~such~~ the reservoir or its protective area that underlie 3822
any part of ~~such~~ the coal mine. 3823

(B) Whenever an operator of a gas storage reservoir is 3824
notified by the operator of a coal mine, as provided in division 3825
(B) of section 1571.03 of the Revised Code, that ~~such~~ the coal 3826
mine operator believes that part of the boundary of ~~such~~ the mine 3827
is within two thousand linear feet of a well that is drilled 3828
through the horizon of ~~such~~ the coal mine and into or through the 3829
storage stratum or strata of ~~such~~ the reservoir within the 3830
boundary of ~~such~~ the reservoir or within its protective area, ~~such~~ 3831
the reservoir operator shall plug or recondition ~~such~~ the well as 3832
in this section prescribed, unless it is agreed in a conference or 3833
is ordered by the chief of the division of mineral resources 3834

management after a hearing, as provided in section 1571.10 of the Revised Code, that the well referred to in the notice is not such a well as is described in division (B) of section 1571.03 of the Revised Code.

Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine as provided in division (C) or (D) of section 1571.03 of the Revised Code, that part of the boundary of ~~such~~ the mine is, or within nine months is intended or expected to be, within two thousand linear feet of a well that is drilled through the horizon of ~~such~~ the mine and into or through the storage stratum or strata of ~~such~~ the reservoir within the boundary of ~~such~~ the reservoir or within its protective area, ~~such~~ the reservoir operator shall plug or recondition ~~such~~ the well as in this section prescribed.

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of ~~such~~ the coal mine or ~~such~~ the reservoir or well, the coal mine operator may file with the division objections to the use of ~~such~~ the well for such purposes, and a request that a conference be held as provided in section 1571.10 of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not ~~such~~ the well shall or shall not be used for such purposes, and whether or not ~~such~~ the well shall be reconditioned, inactivated, or plugged. ~~Such~~ The request shall set forth the mine operator's reasons for such objections. If no approved agreement is reached in ~~such~~ the conference, the gas storage well inspector shall within ten days after the termination of ~~such~~ the conference, file with the chief a request that the chief hear and determine the matters considered at the conference as provided in section 1571.10 of the Revised

Code. Upon conclusion of the hearing, the chief shall find and 3867
determine whether or not the safety of persons or of the property 3868
on or in the vicinity of the premises of ~~such~~ the coal mine, or 3869
~~such~~ the reservoir, or ~~such~~ the well requires that ~~such~~ the well 3870
be reconditioned, inactivated, or plugged, and shall make an order 3871
consistent with ~~such~~ that determination, provided that the chief 3872
shall not order a well plugged unless the chief first finds that 3873
there is underground leakage of gas therefrom. 3874

The plugging or reconditioning of each well described in a 3875
notice from a coal mine operator to a reservoir operator as 3876
provided in division (B) of section 1571.03 of the Revised Code, 3877
which must be plugged or reconditioned, shall be completed within 3878
such time as the gas storage well inspector may fix in the case of 3879
each such well. The plugging or reconditioning of each well 3880
described in a notice from a coal mine operator to a reservoir 3881
operator as provided in division (C) of section 1571.03 of the 3882
Revised Code, which must be plugged or reconditioned, shall be 3883
completed by the time ~~such~~ the well, by reason of the extension of 3884
the boundary of ~~such~~ the coal mine, is within two thousand linear 3885
feet of any part of the boundary of ~~such~~ the mine. The plugging or 3886
reconditioning of each well described in a notice from a coal mine 3887
operator to a reservoir operator, as provided in division (D) of 3888
section 1571.03 of the Revised Code, which must be plugged or 3889
reconditioned, shall be completed by the time ~~such~~ the well, by 3890
reason of the opening of ~~such~~ the new mine, is within two thousand 3891
linear feet of any part of the boundary of ~~such~~ the new mine. A 3892
reservoir operator who is required to complete the plugging or 3893
reconditioning of a well within a period of time fixed as in this 3894
division prescribed, may prior to the end of ~~such~~ that period of 3895
time, notify the division and the mine operator from whom the 3896
reservoir operator received a notice as provided in division (B), 3897
(C), or (D) of section 1571.03 of the Revised Code, in writing by 3898
registered mail, that the completion of the plugging or 3899

reconditioning of the well referred to in ~~such~~ the notice will be 3900
delayed beyond the end of the period of time fixed therefor as in 3901
this section provided, and that the reservoir operator requests 3902
that a conference be held for the purpose of endeavoring to reach 3903
an agreement establishing a date subsequent to the end of ~~such~~ 3904
that period of time, on or before which ~~such~~ the reservoir 3905
operator may complete ~~such~~ the plugging or reconditioning without 3906
incurring any penalties for failure to do so as provided in this 3907
chapter. If such a reservoir operator sends to such a mine 3908
operator and to the division a notice and request for a conference 3909
as in this division provided, ~~such~~ the reservoir operator shall 3910
not incur any penalties for failure to complete the plugging or 3911
reconditioning of ~~such~~ the well within the period of time fixed as 3912
in this division prescribed, unless ~~such~~ the reservoir operator 3913
fails to complete the plugging or reconditioning of ~~such~~ the well 3914
within the period of time fixed by an approved agreement reached 3915
in ~~such~~ the conference, or fixed by an order by the chief upon a 3916
hearing held in the matter in the event of failure to reach an 3917
approved agreement in the conference. 3918

Whenever, in compliance with this division, a well is to be 3919
plugged by a reservoir operator, ~~such~~ the operator shall give to 3920
the division notice thereof, as many days in advance as will be 3921
necessary for the gas storage well inspector or a deputy mine 3922
inspector to be present at ~~such~~ the plugging. ~~Such~~ The 3923
notification shall be made on blanks furnished by the division and 3924
shall show the following information: 3925

(1) Name and address of the applicant; 3926

(2) The location of the well identified by section or lot 3927
number, city or village, and township and county; 3928

(3) The well name and number of each well to be plugged. 3929

(C) The operator shall give written notice at the same time 3930

to the owner of the land upon which the well is located, the 3931
owners or agents of the adjoining land, and adjoining well owners 3932
or agents of the operator's intention to abandon the well, and of 3933
the time when the operator will be prepared to commence plugging 3934
and filling the same. In addition to giving such notices, ~~such~~ the 3935
reservoir operator shall also at the same time send a copy of ~~such~~ 3936
the notice by registered mail to the coal mine operator, if any, 3937
who sent to the reservoir operator the notice as provided in 3938
division (B), (C), or (D) of section 1571.03 of the Revised Code, 3939
in order that ~~such~~ the coal mine operator or the coal mine 3940
operator's designated representative, may attend and observe the 3941
manner in which ~~such~~ the plugging of ~~such~~ the well is done. 3942

If the reservoir operator plugs ~~such~~ the well without an 3943
inspector from the division being present to supervise the 3944
plugging, the reservoir operator shall send to the division and to 3945
the coal mine operator a copy of the report of the plugging of 3946
~~such~~ the well, including in ~~such~~ the report: 3947

(1) The date of abandonment; 3948

(2) The name of the owner or operator of ~~such~~ the well at the 3949
time of abandonment and the well owner's or operator's post office 3950
address; 3951

(3) The location of ~~such~~ the well as to township and county 3952
and the name of the owner of the surface upon which ~~such~~ the well 3953
is drilled, with the address thereof; 3954

(4) The date of the permit to drill; 3955

(5) The date when drilled; 3956

(6) Whether ~~such~~ the well has been mapped; 3957

(7) The depth of the well; 3958

(8) The depth of the top of the sand to which the well was 3959
drilled; 3960

(9) The depth of each seam of coal drilled through; 3961

(10) A detailed report as to how ~~such~~ the well was plugged, 3962
giving in particular the manner in which the coal and various 3963
sands were plugged, and the date of the plugging of ~~such~~ the well, 3964
including therein the names of those who witnessed the plugging of 3965
the well. 3966

~~Such~~ The report shall be signed by the operator or the 3967
operator's agent who plugged ~~such~~ the well and verified by the 3968
oath of the party so signing. For the purposes of this section, a 3969
deputy mine inspector may take acknowledgements and administer 3970
oaths to the parties signing ~~such~~ the report. 3971

Whenever, in compliance with this division, a well is to be 3972
reconditioned by a reservoir operator, ~~such~~ the operator shall 3973
give to the division notice thereof as many days before ~~such~~ the 3974
reconditioning is begun as will be necessary for the gas storage 3975
well inspector, or a deputy mine inspector, to be present at ~~such~~ 3976
the reconditioning. No well shall be reconditioned if an inspector 3977
of the division is not present unless permission to do so has been 3978
granted by the chief. The reservoir operator, at the time of 3979
giving notice to the division as in this section required, also 3980
shall send a copy of ~~such~~ the notice by registered mail to the 3981
coal mine operator, if any, who sent to the reservoir operator the 3982
notice as provided in division (B), (C), or (D) of section 1571.03 3983
of the Revised Code, in order that ~~such~~ the coal mine operator or 3984
the coal mine operator's designated representative, may attend and 3985
observe the manner in which ~~such~~ the reconditioning of ~~such~~ the 3986
well is done. 3987

If the reservoir operator reconditions ~~such~~ the well when no 3988
inspector of the division is present to supervise the 3989
reconditioning, the reservoir operator shall make written report 3990
to the division describing the manner in which ~~such~~ the 3991
reconditioning was done, and shall send to the coal mine operator 3992

a copy of ~~such~~ the report by registered mail. 3993

(D) Wells that are required by this section to be plugged 3994
shall be plugged in the manner specified in sections 1509.13 to 3995
~~1509.19~~ 1509.17 of the Revised Code, and the operator shall give 3996
the notifications and reports required by divisions (B) and (C) of 3997
this section. No such well shall be plugged or abandoned without 3998
the written approval of the division, and no such well shall be 3999
mudded, plugged, or abandoned without the gas storage well 4000
inspector or a deputy mine inspector present unless written 4001
permission has been granted by the chief or the gas storage well 4002
inspector. If such a well has been plugged prior to the time 4003
plugging thereof is required by this section, and, on the basis of 4004
the data, information, and other evidence available it is 4005
determined that ~~such~~ the plugging was done in the manner required 4006
by this section, or was done in accordance with statutes 4007
prescribing the manner of plugging wells in effect at the time 4008
~~such~~ the plugging was done, and that there is no evidence of 4009
leakage of gas from ~~such~~ the well either at or below the surface, 4010
and that ~~such~~ the plugging is sufficiently effective to prevent 4011
the leakage of gas from ~~such~~ the well, the obligations imposed 4012
upon ~~such~~ the reservoir operator by this section as to plugging 4013
the well, shall be considered fully satisfied. The operator of a 4014
coal mine any part of the boundary of which is, or within nine 4015
months is expected or intended to be, within two thousand linear 4016
feet of ~~such~~ the well, may at any time raise a question as to 4017
whether the plugging of ~~such~~ the well is sufficiently effective to 4018
prevent the leakage of gas therefrom, and the issue so made shall 4019
be determined by a conference or hearing as provided in section 4020
1571.10 of the Revised Code. 4021

(E) Wells that are to be reconditioned as required by this 4022
section shall be, or shall be made to be: 4023

(1) Cased in accordance with the statutes of this state in 4024

effect at the time ~~such~~ the wells were drilled, with ~~such~~ the 4025
casing being, or made to be, sufficiently effective in that there 4026
is no evidence of any leakage of gas therefrom; 4027

(2) Equipped with a producing string and well head composed 4028
of new pipe, or pipe as good as new, and fittings designed to 4029
operate with safety and to contain the stored gas at maximum 4030
pressures contemplated. 4031

When a well that is to be reconditioned as required by this 4032
section, ~~has~~ been reconditioned for use in the operation of ~~such~~ 4033
the reservoir prior to the time prescribed in this section, and on 4034
the basis of the data, information, and other evidence available 4035
it is determined that at the time ~~such~~ the well was so 4036
reconditioned the requirements prescribed in this division were 4037
met, and that there is no evidence of underground leakage of gas 4038
from ~~such~~ the well, and that ~~such~~ the reconditioning is 4039
sufficiently effective to prevent underground leakage from the 4040
well, the obligations imposed upon ~~such~~ the reservoir operator by 4041
this section as to reconditioning ~~such~~ the well shall be 4042
considered fully satisfied. Any operator of a coal mine any part 4043
of the boundary of which is, or within nine months is expected or 4044
intended to be, within two thousand linear feet of ~~such~~ the well, 4045
may at any time raise a question as to whether the reconditioning 4046
of ~~such~~ the well is sufficiently effective to prevent underground 4047
leakage of gas therefrom, and the issue so made shall be 4048
determined by a conference or hearing as provided in section 4049
1571.10 of the Revised Code. 4050

If the gas storage well inspector at any time finds that a 4051
well that is drilled through the horizon of a coal mine and into 4052
or through the storage stratum or strata of a reservoir within the 4053
boundary of ~~such~~ the reservoir or within its protective area, is 4054
located within the boundary of ~~such~~ the coal mine or within two 4055
thousand linear feet of ~~such~~ the mine boundary, and was drilled 4056

prior to the time the statutes of this state required that wells 4057
be cased, and that ~~such~~ the well fails to meet the casing and 4058
equipping requirements prescribed in this division, the gas 4059
storage well inspector shall promptly notify the operator of ~~such~~ 4060
the reservoir thereof in writing, and ~~such~~ the reservoir operator 4061
upon receipt of ~~such~~ the notice, shall promptly recondition ~~such~~ 4062
the well in the manner prescribed in this division for 4063
reconditioning wells, unless, in a conference or hearing as 4064
provided in section 1571.10 of the Revised Code, a different 4065
course of action is agreed upon or ordered. 4066

(F)(1) When a well within the boundary of a gas storage 4067
reservoir or within ~~such~~ the reservoir's protective area 4068
penetrates the storage stratum or strata of ~~such~~ the reservoir, 4069
but does not penetrate the coal seam within the boundary of a coal 4070
mine, the gas storage well inspector may, upon application of the 4071
operator of ~~such~~ the storage reservoir, exempt ~~such~~ the well from 4072
the requirements of this section. Either party affected by ~~such~~ 4073
the action of the gas storage well inspector may request a 4074
conference and hearing with respect to ~~such~~ the exemption. 4075

(2) When a well located within the boundary of a storage 4076
reservoir or a reservoir's protective area is a producing well in 4077
a stratum above or below the storage stratum, the obligations 4078
imposed by this section shall not begin until ~~such~~ the well ceases 4079
to be a producing well. 4080

(G) When retreat mining reaches a point in a coal mine when 4081
the operator of ~~such~~ the mine expects that within ninety days 4082
retreat work will be at the location of a pillar surrounding an 4083
active storage reservoir well, the operator of ~~such~~ the mine shall 4084
promptly send by registered mail notice to that effect to the 4085
operator of ~~such~~ the reservoir. Thereupon the operators may by 4086
agreement determine whether it is necessary or advisable to 4087
temporarily inactivate the well. If inactivated, the well shall 4088

not be reactivated until a reasonable period of time has elapsed, 4089
such period of time to be determined by agreement by the 4090
operators. In the event that the parties cannot agree upon either 4091
of the foregoing matters, ~~such~~ the question shall be submitted to 4092
the gas storage well inspector for a conference in accordance with 4093
section 1571.10 of the Revised Code. 4094

(H)(1) The provisions of this section that require the 4095
plugging or reconditioning of wells shall not apply to such wells 4096
as are used to inject gas into, store gas in, or remove gas from 4097
a gas storage reservoir when the sole purpose of ~~such~~ the 4098
injection, storage, or removal, is testing. The operator of a gas 4099
storage reservoir who injects gas into, stores gas in, or removes 4100
gas from, a reservoir for the sole purpose of testing, shall be 4101
subject to all other provisions of this chapter that are 4102
applicable to operators of reservoirs. 4103

(2) If the injection of gas into, or storage of gas in, a gas 4104
storage reservoir any part of which, or of the protective area of 4105
which, is within the boundary of a coal mine, is begun after 4106
September 9, 1957, and if ~~such~~ the injection or storage of gas is 4107
for the sole purpose of testing, the operator of ~~such~~ the 4108
reservoir shall send by registered mail to the operator of ~~such~~ 4109
the coal mine and to the division at least sixty days' notice of 4110
the date upon which ~~such~~ the testing will be begun. 4111

If at any time within the period of time during which testing 4112
of a reservoir is in progress, any part of ~~such~~ the reservoir or 4113
of its protective area comes within any part of the boundary of a 4114
coal mine, the operator of ~~such~~ the reservoir shall promptly send 4115
notice to that effect by registered mail to the operator of ~~such~~ 4116
the mine and to the division. 4117

(3) Any coal mine operator who receives a notice as provided 4118
for in division (H)(2) of this section, may within thirty days of 4119
the receipt thereof, file with the division objections to ~~such~~ the 4120

testing. The gas storage well inspector also may, within the time 4121
within which a coal mine operator may file ~~such an~~ objection, 4122
place in the files of the division objections to ~~such the~~ testing. 4123
The reservoir operator shall comply throughout the period of the 4124
testing operations with all conditions and requirements agreed 4125
upon and approved in the conference on such objections conducted 4126
as provided in section 1571.10 of the Revised Code, or in an order 4127
made by the chief following a hearing in the matter as provided in 4128
section 1571.10 of the Revised Code. If in complying with ~~such the~~ 4129
agreement or order either the reservoir operator or the coal mine 4130
operator encounters or discovers conditions that were not known to 4131
exist at the time of ~~such the~~ conference or hearing and that 4132
materially affect ~~such the~~ agreement or order, or the ability of 4133
the reservoir operator to comply therewith, either operator may 4134
apply for a rehearing or modification of the order. 4135

(I) In addition to complying with all other provisions of 4136
this chapter and any lawful orders issued thereunder, the operator 4137
of each gas storage reservoir shall keep all wells drilled into or 4138
through the storage stratum or strata within the boundary of the 4139
operator's reservoir or within the reservoir's protective area in 4140
such condition, and operate the same in such manner, as to prevent 4141
the escape of gas therefrom into any coal mine, and shall operate 4142
and maintain ~~such the~~ storage reservoir and its facilities in such 4143
manner and at such pressures as will prevent gas from escaping 4144
from ~~such the~~ reservoir or its facilities into any coal mine. 4145

Sec. 5749.06. Each severer liable for the tax imposed by 4146
section 5749.02 of the Revised Code shall make and file returns 4147
with the tax commissioner in the prescribed form and as of the 4148
prescribed times, computing and reflecting therein the tax as 4149
required by this chapter and the oil and gas regulatory cost 4150
recovery assessment imposed by section 1509.50 of the Revised 4151
Code. 4152

The returns shall be filed for every quarterly period, which 4153
periods shall end on the thirty-first of March, the thirtieth day 4154
of June, the thirtieth day of September, and the thirty-first day 4155
of December of each year, as required by this section, unless a 4156
different return period is prescribed for a taxpayer by the tax 4157
commissioner. 4158

A separate return shall be filed for each calendar quarterly 4159
period, or other period, or any part thereof, during which the 4160
severer holds a license as provided by section 5749.04 of the 4161
Revised Code, or is required to hold ~~such~~ the license, and ~~such~~ 4162
the return shall be filed within forty-five days after the last 4163
day of each such calendar month, or other period, or any part 4164
thereof, for which ~~such~~ the return is required and shall include 4165
remittance payable to the treasurer of state of the amount of tax 4166
due. All such returns shall contain such information as the 4167
commissioner may require to fairly administer the tax. 4168

All returns shall be signed by the severer, shall contain the 4169
full and complete information requested, and shall be made under 4170
penalty of perjury. 4171

If the commissioner believes that quarterly payments of tax 4172
would result in a delay ~~which~~ that might jeopardize the collection 4173
of such tax payments, the commissioner may order that such 4174
payments be made weekly, or more frequently if necessary, such 4175
payments to be made not later than seven days following the close 4176
of the period for which the jeopardy payment is required. Such an 4177
order shall be delivered to the taxpayer personally or by 4178
certified mail and shall remain in effect until the commissioner 4179
notifies the taxpayer to the contrary. 4180

Upon good cause the commissioner may extend the period for 4181
filing any notice or return required to be filed under this 4182
section, and may remit all or a part of penalties that may become 4183
due under this chapter. 4184

Any tax not paid by the day the tax is due shall bear 4185
interest computed at the rate per annum prescribed by section 4186
5703.47 of the Revised Code on that amount of tax due from the day 4187
that ~~such~~ the amount was originally required to be paid to the day 4188
of actual payment or to the day an assessment was issued under 4189
section 5749.07 or 5749.10 of the Revised Code, whichever occurs 4190
first. 4191

The severer shall make all payments payable to the treasurer 4192
of state. ~~All~~ Except for the amounts received from the oil and gas 4193
regulatory cost recovery assessment imposed by section 1509.50 of 4194
the Revised Code, all amounts that the tax commissioner receives 4195
under this section shall be deemed to be revenue from taxes 4196
imposed under this chapter. The tax commissioner shall immediately 4197
forward to the treasurer of state all amounts received under this 4198
section. 4199

Section 2. That existing sections 1509.01, 1509.02, 1509.03, 4200
1509.04, 1509.05, 1509.06, 1509.061, 1509.07, 1509.071, 1509.072, 4201
1509.08, 1509.09, 1509.10, 1509.11, 1509.12, 1509.13, 1509.14, 4202
1509.15, 1509.17, 1509.18, 1509.20, 1509.21, 1509.22, 1509.221, 4203
1509.222, 1509.223, 1509.224, 1509.225, 1509.23, 1509.24, 1509.26, 4204
1509.30, 1509.31, 1509.32, 1509.33, 1509.35, 1509.36, 1509.38, 4205
1509.99, 1565.07, 1565.13, 1571.05, and 5749.06 and sections 4206
1509.226, 1509.25, 1509.27, 1509.29, 1509.40, and 1509.41 of the 4207
Revised Code are hereby repealed. 4208

Section 3. (A) The Technical advisory Council on Oil and Gas 4209
created in section 1509.38 of the Revised Code as that section 4210
existed prior to its amendment by this act is abolished. 4211

(B) Not later than ninety days after the effective date of 4212
this section, the Governor, with the advice and consent of the 4213
Senate, shall appoint the initial members of the Technical 4214

Advisory Council on Oil and Gas that is created in section 1509.38 4215
of the Revised Code as amended by this act. In doing so, the 4216
Governor shall provide for staggered terms of office for members 4217
of the Council. 4218

Section 4. (A) The members who are serving on the Oil and Gas 4219
Commission created in section 1509.35 of the Revised Code on the 4220
effective date of the amendment by this act to that section shall 4221
hold office until their terms expire unless they are removed under 4222
division (F) of that section. Any person appointed to the 4223
Commission after the effective date of the amendment to that 4224
section shall be appointed for a term of three years as specified 4225
in that amendment. 4226

(B) Not later than ninety days after the effective date of 4227
this section, the Governor shall appoint four additional members 4228
to the Oil and Gas Commission in accordance with the amendment by 4229
this act to section 1509.35 of the Revised Code. Of the additional 4230
members appointed by the Governor, one member's term shall expire 4231
in 2011, one member's term shall expire in 2012, and two members' 4232
terms shall expire in 2013. 4233