

As Introduced

**129th General Assembly
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H. B. No. 351

Representatives Antonio, Fedor

**Cosponsors: Representatives Foley, Driehaus, Reece, Hagan, R., Phillips,
Heard**

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A B I L L

To enact sections 1509.031, 1509.063, 1509.064, 1
1509.191, 1509.192, 1509.227, and 6111.70 of the 2
Revised Code to establish requirements governing 3
well stimulation, brine disposal, and water that 4
is used in the drilling and operation of oil and 5
gas wells, including a requirement that oil and 6
gas permittees pay a seven per cent overriding 7
royalty for each well that is stimulated. 8

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

Section 1. That sections 1509.031, 1509.063, 1509.064, 9
1509.191, 1509.192, 1509.227, and 6111.70 of the Revised Code be 10
enacted to read as follows: 11

Sec. 1509.031. The director of environmental protection or 12
the director's designee and the health commissioner of the health 13
district in which a well is located or the commissioner's designee 14
may enter at any time on lands, public or private, to sample and 15
analyze fluids used to stimulate a well. 16

Sec. 1509.063. (A) After the issuance of a permit for a new 17
well under section 1509.06 of the Revised Code, the chief of the 18

division of oil and gas resources management shall notify the 19
director of environmental protection of the issuance of the 20
permit. The notice shall contain all of the information that is 21
necessary for the director to conduct the activities required by 22
this section, including the identification of the owner and the 23
location of the proposed well. 24

After receipt of the notice and prior to the commencement of 25
any activity at the site of the proposed well, the director shall 26
conduct baseline testing of surface water and ground water for 27
quality and quantity, including annual flow measurements. After 28
completion of the testing, the director shall notify the chief and 29
the owner. The owner may commence drilling or other operations at 30
the site of the proposed well after receipt of the notification 31
from the director. 32

(B) Prior to the stimulation of an existing well, an owner 33
shall notify the director, in a manner that is prescribed by the 34
director, of the owner's intent to stimulate the well. After 35
receipt of the notice, the director shall conduct baseline testing 36
of surface water and ground water for quality and quantity, 37
including annual flow measurements. After completion of the 38
testing, the director shall notify the chief and the owner. The 39
owner may stimulate the well after receipt of the notification 40
from the director. 41

Sec. 1509.064. (A) A person that is conducting operations or 42
activities at a well site shall recycle, capture, or treat all 43
liquids and solids used in the operations or activities. 44

(B) The director of environmental protection shall adopt 45
rules in accordance with Chapter 119. of the Revised Code that 46
require a person that is conducting operations or activities at a 47
well site to document the quantity of water used in the operations 48

or activities. The rules shall require the person to submit 49
quarterly reports to the environmental protection agency and to 50
the division of oil and gas resources management that identify all 51
methods of handling the liquids and solids used in the stimulation 52
of the well. In addition, the quarterly reports shall identify all 53
methods of disposal and recycling of all liquids and solids used 54
in the stimulation of the well. 55

(C) The agency and the division shall post in their entirety 56
the quarterly reports received under division (B) of this section 57
on the agency's and division's publicly accessible web sites. Each 58
web site shall enable a person to request automatic notification 59
that a quarterly report has been posted. The agency and the 60
division jointly shall establish procedures and requirements that 61
are necessary for the implementation of this division. 62

Sec. 1509.191. Prior to the commencement of any activity at 63
the proposed site of a well, the owner shall submit to the 64
environmental protection agency and to the board of health of the 65
health district in which the well is or is to be located a 66
complete listing of all of the chemicals and other substances that 67
will be used to stimulate the well. The list shall be submitted on 68
a form or in a manner prescribed by the director of environmental 69
protection. Not later than five days after receipt of the list, 70
the director shall post the list on the environmental protection 71
agency's publicly accessible web site. 72

Sec. 1509.192. On and after the effective date of this 73
section, if well stimulation is used in a well, the person who has 74
been issued a permit under section 1509.06 of the Revised Code for 75
the well shall pay a seven per cent overriding royalty to the 76
director of environmental protection who shall deposit the money 77
from the royalty in the state treasury to the credit of the clean 78
water restoration fund created in section 6111.70 of the Revised 79

Code. The director shall adopt rules in accordance with Chapter 80
119. of the Revised Code establishing procedures and requirements 81
that are necessary for the implementation of this section. 82

Sec. 1509.227. Prior to commencing the drilling of a well, 83
the owner shall submit to the director of environmental 84
protection, the chief of the division of oil and gas resources 85
management, and the health commissioner of the health district in 86
which the well is to be located documentation identifying where 87
and how the owner will handle brine or other waste substances 88
resulting from, obtained from, or produced from oil and gas 89
production at the well. In addition, the documentation shall 90
identify where and how the owner will dispose of or recycle brine 91
or other waste substances resulting from, obtained from, or 92
produced from oil and gas production at the well. The director 93
shall establish appropriate procedures for the purpose of 94
implementing this section. 95

Sec. 6111.70. There is hereby created in the state treasury 96
the clean water restoration fund consisting of money credited to 97
the fund under section 1509.192 of the Revised Code. The director 98
of environmental protection shall use money in the fund to perform 99
baseline testing of surface water and ground water for quantity 100
and quality under section 1509.063 of the Revised Code and to 101
sample and analyze fluids under section 1509.031 of the Revised 102
Code. In addition, money in the fund shall be used to remediate 103
and repair any water well or ground water adversely affected by 104
the drilling or operation of an oil or natural gas well. 105