

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 596**

**Representative Hagan, R.**

**Cosponsor: Representative Foley**

—

**A B I L L**

To amend sections 1509.06, 1509.10, and 1509.31 and 1  
to enact section 1509.091 of the Revised Code to 2  
revise the requirements concerning an oil and gas 3  
permit application, an oil and gas well completion 4  
record, designation of trade secret protection for 5  
chemicals used to drill or stimulate an oil and 6  
gas well, and disclosure of chemical information 7  
to a medical professional, to require an owner to 8  
report all chemicals brought to a well site, and 9  
to make other changes in the Oil and Gas Law. 10

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

**Section 1.** That sections 1509.06, 1509.10, and 1509.31 be 11  
amended and section 1509.091 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 1509.06.** (A) An application for a permit to drill a new 14  
well, drill an existing well deeper, reopen a well, convert a well 15  
to any use other than its original purpose, or plug back a well to 16  
a different source of supply, including associated production 17  
operations, shall be filed with the chief of the division of oil 18  
and gas resources management upon such form as the chief 19

prescribes and shall contain each of the following that is applicable: 20  
21

(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent; 22  
23

(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent. 24  
25  
26

(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit; 27  
28  
29

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county; 30  
31  
32

(5) Designation of the well by name and number; 33

(6)(a) The geological formation to be tested or used and the proposed total depth of the well; 34  
35

(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected. 36  
37  
38

(7) The type of drilling equipment to be used; 39

(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be 40  
41  
42  
43  
44  
45  
46  
47  
48  
49

used. The owner shall submit to the chief an update of any of the 50  
information that is required by division (A)(8)(a) of this section 51  
if any of that information changes before the chief issues a 52  
permit for the application. 53

(b) Except as provided in division (A)(8)(c) of this section, 54  
for an application for a permit to drill a new well within an 55  
urbanized area, the results of sampling of water wells within 56  
three hundred feet of the proposed well prior to commencement of 57  
drilling. In addition, the owner shall include a list that 58  
identifies the location of each water well where the owner of the 59  
property on which the water well is located denied the owner 60  
access to sample the water well. The sampling shall be conducted 61  
in accordance with the guidelines established in "Best Management 62  
Practices For Pre-drilling Water Sampling" in effect at the time 63  
that the application is submitted. The division shall furnish 64  
those guidelines upon request and shall make them available on the 65  
division's web site. If the chief determines that conditions at 66  
the proposed well site warrant a revision, the chief may revise 67  
the distance established in this division for purposes of 68  
pre-drilling water sampling. 69

(c) For an application for a permit to drill a new horizontal 70  
well, the results of sampling of water wells within one thousand 71  
five hundred feet of the proposed horizontal wellhead prior to 72  
commencement of drilling. In addition, the owner shall include a 73  
list that identifies the location of each water well where the 74  
owner of the property on which the water well is located denied 75  
the owner access to sample the water well. The sampling shall be 76  
conducted in accordance with the guidelines established in "Best 77  
Management Practices For Pre-drilling Water Sampling" in effect at 78  
the time that the application is submitted. The division shall 79  
furnish those guidelines upon request and shall make them 80  
available on the division's web site. If the chief determines that 81

conditions at the proposed well site warrant a revision, the chief 82  
may revise the distance established in this division for purposes 83  
of pre-drilling water sampling. 84

(9) For an application for a permit to drill a new well 85  
within an urbanized area, a sworn statement that the applicant has 86  
provided notice by regular mail of the application to the owner of 87  
each parcel of real property that is located within five hundred 88  
feet of the surface location of the well and to the executive 89  
authority of the municipal corporation or the board of township 90  
trustees of the township, as applicable, in which the well is to 91  
be located. In addition, the notice shall contain a statement that 92  
informs an owner of real property who is required to receive the 93  
notice under division (A)(9) of this section that within five days 94  
of receipt of the notice, the owner is required to provide notice 95  
under section 1509.60 of the Revised Code to each residence in an 96  
occupied dwelling that is located on the owner's parcel of real 97  
property. The notice shall contain a statement that an application 98  
has been filed with the division of oil and gas resources 99  
management, identify the name of the applicant and the proposed 100  
well location, include the name and address of the division, and 101  
contain a statement that comments regarding the application may be 102  
sent to the division. The notice may be provided by hand delivery 103  
or regular mail. The identity of the owners of parcels of real 104  
property shall be determined using the tax records of the 105  
municipal corporation or county in which a parcel of real property 106  
is located as of the date of the notice. 107

(10) A plan for restoration of the land surface disturbed by 108  
drilling operations. The plan shall provide for compliance with 109  
the restoration requirements of division (A) of section 1509.072 110  
of the Revised Code and any rules adopted by the chief pertaining 111  
to that restoration. 112

(11)(a) A description by name or number of the county, 113

township, and municipal corporation roads, streets, and highways 114  
that the applicant anticipates will be used for access to and 115  
egress from the well site; 116

(b) For an application for a permit for a horizontal well, a 117  
copy of an agreement concerning maintenance and safe use of the 118  
roads, streets, and highways described in division (A)(11)(a) of 119  
this section entered into on reasonable terms with the public 120  
official that has the legal authority to enter into such 121  
maintenance and use agreements for each county, township, and 122  
municipal corporation, as applicable, in which any such road, 123  
street, or highway is located or an affidavit on a form prescribed 124  
by the chief attesting that the owner attempted in good faith to 125  
enter into an agreement under division (A)(11)(b) of this section 126  
with the applicable public official of each such county, township, 127  
or municipal corporation, but that no agreement was executed. 128

(12) For an application for a permit to drill a new 129  
horizontal well, the type, volume, and geochemistry of each fluid 130  
that is proposed to be used to stimulate the reservoir of the 131  
proposed well, the proposed method that will be used for the 132  
containment of fluids recovered from the fracturing of the 133  
proposed well, and the proposed methods that will be used for the 134  
containment of fluids when pulled from the wellbore from swabbing 135  
the proposed well. In addition, the application shall include an 136  
identification of any chemical that is proposed to be added to 137  
each fluid that is proposed to be used to stimulate the reservoir 138  
of the proposed well and shall include the chemical's name, the 139  
chemical abstracts service number, the chemical family name, the 140  
trade name, the vendor, a brief description of the chemical's 141  
intended use or function, and the proposed quantity to be used 142  
that is reported as a percentage, by weight or volume, of the 143  
total fluid. However, the application shall not include 144  
information that is designated as a trade secret pursuant to 145

division (I)(1) of section 1509.10 of the Revised Code. 146

(13) Such other relevant information as the chief prescribes 147  
by rule. 148

Each application shall be accompanied by a map, on a scale 149  
not smaller than four hundred feet to the inch, prepared by an 150  
Ohio registered surveyor, showing the location of the well and 151  
containing such other data as may be prescribed by the chief. If 152  
the well is or is to be located within the excavations and 153  
workings of a mine, the map also shall include the location of the 154  
mine, the name of the mine, and the name of the person operating 155  
the mine. 156

(B) The chief shall cause a copy of the weekly circular 157  
prepared by the division to be provided to the county engineer of 158  
each county that contains active or proposed drilling activity. 159  
The weekly circular shall contain, in the manner prescribed by the 160  
chief, the names of all applicants for permits, the location of 161  
each well or proposed well, the information required by division 162  
(A)(11) of this section, and any additional information the chief 163  
prescribes. In addition, the chief promptly shall transfer an 164  
electronic copy or facsimile, or if those methods are not 165  
available to a municipal corporation or township, a copy via 166  
regular mail, of a drilling permit application to the clerk of the 167  
legislative authority of the municipal corporation or to the clerk 168  
of the township in which the well or proposed well is or is to be 169  
located if the legislative authority of the municipal corporation 170  
or the board of township trustees has asked to receive copies of 171  
such applications and the appropriate clerk has provided the chief 172  
an accurate, current electronic mailing address or facsimile 173  
number, as applicable. 174

(C)(1) Except as provided in division (C)(2) of this section, 175  
the chief shall not issue a permit for at least ten days after the 176  
date of filing of the application for the permit unless, upon 177

reasonable cause shown, the chief waives that period or a request 178  
for expedited review is filed under this section. However, the 179  
chief shall issue a permit within twenty-one days of the filing of 180  
the application unless the chief denies the application by order. 181

(2) If the location of a well or proposed well will be or is 182  
within an urbanized area, the chief shall not issue a permit for 183  
at least eighteen days after the date of filing of the application 184  
for the permit unless, upon reasonable cause shown, the chief 185  
waives that period or the chief at the chief's discretion grants a 186  
request for an expedited review. However, the chief shall issue a 187  
permit for a well or proposed well within an urbanized area within 188  
thirty days of the filing of the application unless the chief 189  
denies the application by order. 190

(D) An applicant may file a request with the chief for 191  
expedited review of a permit application if the well is not or is 192  
not to be located in a gas storage reservoir or reservoir 193  
protective area, as "reservoir protective area" is defined in 194  
section 1571.01 of the Revised Code. If the well is or is to be 195  
located in a coal bearing township, the application shall be 196  
accompanied by the affidavit of the landowner prescribed in 197  
section 1509.08 of the Revised Code. 198

In addition to a complete application for a permit that meets 199  
the requirements of this section and the permit fee prescribed by 200  
this section, a request for expedited review shall be accompanied 201  
by a separate nonrefundable filing fee of two hundred fifty 202  
dollars. Upon the filing of a request for expedited review, the 203  
chief shall cause the county engineer of the county in which the 204  
well is or is to be located to be notified of the filing of the 205  
permit application and the request for expedited review by 206  
telephone or other means that in the judgment of the chief will 207  
provide timely notice of the application and request. The chief 208  
shall issue a permit within seven days of the filing of the 209

request unless the chief denies the application by order. 210  
Notwithstanding the provisions of this section governing expedited 211  
review of permit applications, the chief may refuse to accept 212  
requests for expedited review if, in the chief's judgment, the 213  
acceptance of the requests would prevent the issuance, within 214  
twenty-one days of their filing, of permits for which applications 215  
are pending. 216

(E) A well shall be drilled and operated in accordance with 217  
the plans, sworn statements, and other information submitted in 218  
the approved application. 219

(F) The chief shall issue an order denying a permit if the 220  
chief finds that there is a substantial risk that the operation 221  
will result in violations of this chapter or rules adopted under 222  
it that will present an imminent danger to public health or safety 223  
or damage to the environment, provided that where the chief finds 224  
that terms or conditions to the permit can reasonably be expected 225  
to prevent such violations, the chief shall issue the permit 226  
subject to those terms or conditions, including, if applicable, 227  
terms and conditions regarding subjects identified in rules 228  
adopted under section 1509.03 of the Revised Code. The issuance of 229  
a permit shall not be considered an order of the chief. 230

The chief shall post notice of each permit that has been 231  
approved under this section on the division's web site not later 232  
than two business days after the application for a permit has been 233  
approved. 234

(G) Each application for a permit required by section 1509.05 235  
of the Revised Code, except an application to plug back an 236  
existing well that is required by that section and an application 237  
for a well drilled or reopened for purposes of section 1509.22 of 238  
the Revised Code, also shall be accompanied by a nonrefundable fee 239  
as follows: 240



(1) Five hundred dollars for a permit to conduct activities	241
in a township with a population of fewer than ten thousand;	242
(2) Seven hundred fifty dollars for a permit to conduct	243
activities in a township with a population of ten thousand or	244
more, but fewer than fifteen thousand;	245
(3) One thousand dollars for a permit to conduct activities	246
in either of the following:	247
(a) A township with a population of fifteen thousand or more;	248
(b) A municipal corporation regardless of population.	249
(4) If the application is for a permit that requires	250
mandatory pooling, an additional five thousand dollars.	251
For purposes of calculating fee amounts, populations shall be	252
determined using the most recent federal decennial census.	253
Each application for the revision or reissuance of a permit	254
shall be accompanied by a nonrefundable fee of two hundred fifty	255
dollars.	256
(H)(1) Prior to the commencement of well pad construction and	257
prior to the issuance of a permit to drill a proposed horizontal	258
well or a proposed well that is to be located in an urbanized	259
area, the division shall conduct a site review to identify and	260
evaluate any site-specific terms and conditions that may be	261
attached to the permit. At the site review, a representative of	262
the division shall consider fencing, screening, and landscaping	263
requirements, if any, for similar structures in the community in	264
which the well is proposed to be located. The terms and conditions	265
that are attached to the permit shall include the establishment of	266
fencing, screening, and landscaping requirements for the surface	267
facilities of the proposed well, including a tank battery of the	268
well.	269
(2) Prior to the issuance of a permit to drill a proposed	270

well, the division shall conduct a review to identify and evaluate 271  
any site-specific terms and conditions that may be attached to the 272  
permit if the proposed well will be located in a one-hundred-year 273  
floodplain or within the five-year time of travel associated with 274  
a public drinking water supply. 275

(I) A permit shall be issued by the chief in accordance with 276  
this chapter. A permit issued under this section for a well that 277  
is or is to be located in an urbanized area shall be valid for 278  
twelve months, and all other permits issued under this section 279  
shall be valid for twenty-four months. 280

(J) An applicant or a permittee, as applicable, shall submit 281  
to the chief an update of the information that is required under 282  
division (A)(8)(a) of this section if any of that information 283  
changes prior to commencement of production operations. 284

(K) In addition to a complete application to drill a new 285  
horizontal well, an applicant also shall submit to the chief the 286  
specific chemical identity or chemical name or other specific 287  
information pertaining to each chemical, as applicable, for which 288  
the chief has issued an order under division (I)(1) of section 289  
1509.10 of the Revised Code approving a request for trade secret 290  
designation and that is proposed to be added to each fluid that is 291  
proposed to be used to stimulate the reservoir of the proposed 292  
well. The applicant shall include the chemical's name, the 293  
chemical abstracts service number, the chemical family name, the 294  
trade name, the vendor, a brief description of the chemical's 295  
intended use or function, and the proposed quantity to be used 296  
that is reported as a percentage, by weight or volume, of the 297  
total fluid. The chief shall maintain a database consisting of the 298  
information received pursuant to this division and shall disclose 299  
the information in the database only for the purposes specified in 300  
division (H) of section 1509.10 of the Revised Code. The chief may 301  
adopt rules in accordance with Chapter 119. of the Revised Code 302

that are necessary for the administration of this division. 303

(L) A permittee or a permittee's authorized representative 304  
shall notify an inspector from the division at least twenty-four 305  
hours, or another time period agreed to by the chief's authorized 306  
representative, prior to the commencement of well pad construction 307  
and of drilling, reopening, converting, well stimulation, or 308  
plugback operations. 309

**Sec. 1509.091.** If a chemical or a fluid containing a chemical 310  
is brought to a well site, the owner of the well immediately shall 311  
submit to the chief of the division of oil and gas resources 312  
management a list that identifies each chemical or each chemical 313  
in the fluid, as applicable, and that includes information that is 314  
designated as a trade secret pursuant to division (I)(1) of 315  
section 1509.10 of the Revised Code, and that identifies the well. 316  
The chief shall maintain a database consisting of the information 317  
received pursuant to this section and shall disclose the 318  
information in the database only for the purposes specified in 319  
division (H) of section 1509.10 of the Revised Code. The chief 320  
shall adopt rules in accordance with Chapter 119. of the Revised 321  
Code that are necessary for the administration of this section and 322  
to preserve the confidentiality of trade secrets. 323

**Sec. 1509.10.** (A) Any person drilling within the state shall, 324  
within sixty days after the completion of drilling operations to 325  
the proposed total depth or after a determination that a well is a 326  
dry or lost hole, file with the division of oil and gas resources 327  
management all wireline electric logs and an accurate well 328  
completion record on a form that is prescribed by the chief of the 329  
division of oil and gas resources management that designates: 330

(1) The purpose for which the well was drilled; 331  
332

(2) The character, depth, and thickness of geological units encountered, including coal seams, mineral beds, associated fluids such as fresh water, brine, and crude oil, natural gas, and sour gas, if such seams, beds, fluids, or gases are known;	333 334 335 336
(3) The dates on which drilling operations were commenced and completed;	337 338
(4) The types of drilling tools used and the name of the person that drilled the well;	339 340
(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test;	341 342 343 344 345 346 347
(6) The number of perforations in the casing and the intervals of the perforations;	348 349
(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well;	350 351 352 353 354
(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;	355 356
(9)(a) If applicable, the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid, or substance, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed. The owner shall identify each additive used and provide a brief description of the	357 358 359 360 361 362 363

purpose for which the additive is used. In addition, the owner 364  
shall include a list of all chemicals, not including any 365  
information that is designated as a trade secret pursuant to 366  
division (I)(1) of this section, intentionally added to all 367  
products, fluids, or substances and include each chemical's 368  
corresponding chemical abstracts service number and the maximum 369  
concentration of each chemical. The owner shall obtain the 370  
chemical information, not including any information that is 371  
designated as a trade secret pursuant to division (I)(1) of this 372  
section, from the company that drilled the well, provided service 373  
at the well, or supplied the chemicals. If the company that 374  
drilled the well, provided service at the well, or supplied the 375  
chemicals provides incomplete or inaccurate chemical information, 376  
the owner shall make reasonable efforts to obtain the required 377  
information from the company or supplier. 378

(b) For purposes of division (A)(9)(a) of this section, if 379  
recycled fluid was used, the total volume of recycled fluid and 380  
the well that is the source of the recycled fluid or the 381  
centralized facility that is the source of the recycled fluid. 382

(10)(a) If applicable, the type and volume of fluid, not 383  
including cement and its constituents or information that is 384  
designated as a trade secret pursuant to division (I)(1) of this 385  
section, used to stimulate the reservoir of the well, the 386  
reservoir breakdown pressure, the method used for the containment 387  
of fluids recovered from the fracturing of the well, the methods 388  
used for the containment of fluids when pulled from the wellbore 389  
from swabbing the well, the average pumping rate of the well, and 390  
the name of the person that performed the well stimulation. In 391  
addition, the owner shall include a copy of the log from the 392  
stimulation of the well, a copy of the invoice for each of the 393  
procedures and methods described in division (A)(10) of this 394  
section that were used on a well, and a copy of the pumping 395

pressure and rate graphs. However, the owner may redact from the 396  
copy of each invoice that is required to be included under 397  
division (A)(10) of this section the costs of and charges for the 398  
procedures and methods described in division (A)(10) of this 399  
section that were used on a well. 400

(b) If applicable, the trade name and the total volume of all 401  
products, fluids, and substances, and the supplier of each 402  
product, fluid, or substance used to stimulate the well. The owner 403  
shall identify each additive used, provide a brief description of 404  
the purpose for which the additive is used, and include the 405  
maximum concentration of the additive used. In addition, the owner 406  
shall include a list of all chemicals, not including any 407  
information that is designated as a trade secret pursuant to 408  
division (I)(1) of this section, intentionally added to all 409  
products, fluids, or substances, include the name of each vendor 410  
of each chemical, and include each chemical's corresponding 411  
chemical abstracts service number, the chemical family name, the 412  
trade name, a brief description of each chemical's intended use or 413  
function, and the maximum concentration of each chemical reported 414  
as a percentage. The owner shall obtain the chemical information, 415  
not including any information that is designated as a trade secret 416  
pursuant to division (I)(1) of this section, from the company that 417  
stimulated the well or supplied the chemicals. If the company that 418  
stimulated the well or supplied the chemicals provides incomplete 419  
or inaccurate chemical information, the owner shall make 420  
reasonable efforts to obtain the required information from the 421  
company or supplier. 422

(c) For purposes of division (A)(10)(b) of this section, if 423  
recycled fluid was used, the total volume of recycled fluid and 424  
the well that is the source of the recycled fluid or the 425  
centralized facility that is the source of the recycled fluid. 426

(11) The name of the company that performed the logging of 427

the well and the types of wireline electric logs performed on the 428  
well. 429

The well completion record shall be submitted in duplicate. 430  
The first copy shall be retained as a permanent record in the 431  
files of the division, and the second copy shall be transmitted by 432  
the chief to the division of geological survey. 433

(B)(1) Not later than sixty days after the completion of the 434  
drilling operations to the proposed total depth, the owner shall 435  
file all wireline electric logs with the division of oil and gas 436  
resources management and the chief shall transmit such logs 437  
electronically, if available, to the division of geological 438  
survey. Such logs may be retained by the owner for a period of not 439  
more than six months, or such additional time as may be granted by 440  
the chief in writing, after the completion of the well 441  
substantially to the depth shown in the application required by 442  
section 1509.06 of the Revised Code. 443

(2) If a well is not completed within sixty days after the 444  
completion of drilling operations, the owner shall file with the 445  
division of oil and gas resources management a supplemental well 446  
completion record that includes all of the information required 447  
under this section within sixty days after the completion of the 448  
well. 449

(3) After a well is initially completed and stimulated and 450  
until the well is plugged, the owner shall report, on a form 451  
prescribed by the chief, all materials placed into the formation 452  
to refracture, restimulate, or newly complete the well. The owner 453  
shall submit the information within sixty days after completing 454  
the refracturing, restimulation, or new completion. In addition, 455  
the owner shall report the information required in divisions 456  
(A)(10)(a) to (c) of this section, as applicable, in a manner 457  
consistent with the requirements established in this section. 458

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

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the division of geological survey. The filing of a log as required by this section fulfills the requirement of filing a log with the chief of the division of geological survey in section 1505.04 of the Revised Code.

(E) If a material listed or designated under division (A)(9) or (10) or (B)(3) of this section is a material for which the division of oil and gas resources management does not have a material safety data sheet, the owner shall provide a copy of the material safety data sheet for the material to the chief.

(F) An owner shall submit to the chief the information that is required in divisions (A)(10)(b) and (c) and (B)(3) of this section consistent with the requirements established in this section using one of the following methods:

(1) On a form prescribed by the chief;

~~(2) Through the chemical disclosure registry that is maintained by the ground water protection council and the interstate oil and gas compact commission;~~

~~(3) Any other means approved by the chief.~~

(G) The chief shall post on the division's web site each material safety data sheet obtained under division (E) of this section. In addition, the chief shall make available through the division's web site the chemical information that is required by divisions (A)(9) and (10) and (B)(3) of this section. If the chief issues an order pursuant to division (I)(1) of this section



denying a request for trade secret designation and if the owner or 490  
person requesting the trade secret designation does not appeal the 491  
chief's order or if a court determines that the chemical identity, 492  
the chemical name, or other specific information pertaining to the 493  
chemical is not entitled to trade secret protection, the chief 494  
shall make available through the division's web site the chemical 495  
information. 496

(H)~~(1)~~ If a medical professional, in order to assist in the 497  
diagnosis or treatment of an individual who ~~was~~ may have been 498  
affected by an ~~incident associated with the production operations~~ 499  
~~of a well~~ construction, drilling, stimulation, completion, 500  
production, or other production operations at a well or by 501  
chemical transportation accidents related to the production 502  
operations of a well, requests the exact chemical ~~composition of~~ 503  
each product, fluid, or substance and of each chemical component 504  
~~in a product, fluid, or substance~~ identity or chemical name or 505  
other specific information pertaining to a chemical that is 506  
designated as a trade secret pursuant to division (I) of this 507  
section, the ~~person claiming the trade secret protection pursuant~~ 508  
~~to that division~~ chief shall provide to the medical professional, 509  
as expeditiously as possible, the exact chemical ~~composition of~~ 510  
the product, fluid, or substance and of the chemical component in 511  
a product, fluid, or substance identity or chemical name or other 512  
specified information pertaining to the chemical that is 513  
requested. 514

~~(2) A medical professional who receives information pursuant~~ 515  
~~to division (H)(1) of this section shall keep the information~~ 516  
~~confidential and shall not disclose the information for any~~ 517  
~~purpose that is not related to the diagnosis or treatment of an~~ 518  
~~individual who was affected by an incident associated with the~~ 519  
~~production operations of a well. Nothing in division (H)(2) of~~ 520  
~~this section precludes a medical professional from making any~~ 521

~~report required by law or professional ethical standards.~~ 522

(I)(1) The owner of a well who is required to submit a well 523  
completion record under division (A) of this section or a report 524  
under division (B)(3) of this section or a person that provides 525  
information to the owner as described in and for purposes of 526  
division (A)(9) or (10) or (B)(3) of this section may ~~designate~~ 527  
~~without disclosing~~ request on a form prescribed by the chief ~~and~~ 528  
~~withhold from disclosure to the chief the identity, amount,~~ 529  
~~concentration, or purpose of a product, fluid, or substance or of~~ 530  
~~a chemical component in a product, fluid, or substance as a trade~~ 531  
~~secret. The~~ that the specific chemical identity, including the 532  
chemical name and other specific information pertaining to the 533  
chemical, be designated as a trade secret and withheld from 534  
disclosure. The owner or person shall demonstrate on the form that 535  
the information sought to be designated as a trade secret is a 536  
trade secret as defined in section 1333.61 of the Revised Code. 537  
After receipt and review of a form requesting trade secret 538  
designation, the chief may request the owner or person to provide 539  
additional information concerning the request. Not later than 540  
sixty days after receipt of a form requesting trade secret 541  
designation, the chief shall issue an order either approving or 542  
denying the request for trade secret designation. The chief shall 543  
send a copy of the order to the owner or person. The owner or 544  
person may appeal the chief's order denying the request for trade 545  
secret designation pursuant to section 1509.36 of the Revised 546  
Code. The chief may adopt rules in accordance with Chapter 119. of 547  
the Revised Code that are necessary and appropriate to administer 548  
this division or to preserve the confidentiality of trade secrets. 549

(2) The owner or person may pursue enforcement of any rights 550  
or remedies established in sections 1333.61 to 1333.69 of the 551  
Revised Code for misappropriation, as defined in section 1333.61 552  
of the Revised Code, with respect to the chemical identity. 553

~~amount, concentration, or purpose of a product, fluid, or~~ 554  
~~substance or a chemical component in a product, fluid, or~~ 555  
~~substance~~ or chemical name or other specific information 556  
pertaining to the chemical designated as a trade secret pursuant 557  
to division (I)(1) of this section. The division shall not 558  
disclose information regarding the chemical identity, ~~amount,~~ 559  
~~concentration, or purpose of any product, fluid, or substance or~~ 560  
~~of any chemical component in a product, fluid, or substance~~ or 561  
chemical name or other specific information pertaining to the 562  
chemical designated as a trade secret pursuant to division (I)(1) 563  
of this section. 564

~~(2)~~(3) A property owner, an adjacent property owner, or any 565  
person or agency of this state having an interest that is or may 566  
be adversely affected by a product, fluid, or substance or by a 567  
chemical component in a product, fluid, or substance may commence 568  
a civil action in the court of common pleas of Franklin county 569  
against an owner or person described in division (I)(1) of this 570  
section challenging the owner's or person's claim to entitlement 571  
to trade secret protection for the specific chemical identity, ~~amount,~~ 572  
~~concentration, or purpose of a product, fluid, or~~ 573  
~~substance or of a chemical component in a product, fluid, or~~ 574  
~~substance~~ or chemical name or other specific information 575  
pertaining to the chemical pursuant to division (I)(1) of this 576  
section. A person who commences a civil action pursuant to 577  
division (I)~~(2)~~(3) of this section shall provide notice to the 578  
chief in a manner prescribed by the chief. In the civil action, 579  
the court shall conduct an in camera review of information 580  
submitted by an owner or person described in division (I)(1) of 581  
this section to determine if the chemical identity, ~~amount,~~ 582  
~~concentration, or purpose of a product, fluid, or substance or of~~ 583  
~~a chemical component in a product, fluid, or substance~~ or chemical 584  
name or other specific information pertaining to the chemical 585  
pursuant to division (I)(1) of this section is entitled to trade 586

secret protection. 587

(J)(1) Except for any information that is designated as a 588  
trade secret pursuant to division (I)(1) of this section and 589  
except as provided in division (J)(2) of this section, the owner 590  
of a well shall maintain records of all chemicals placed in a well 591  
for a period of not less than two years after the date on which 592  
each such chemical was placed in the well. The chief may inspect 593  
the records at any time concerning any such chemical. 594

(2) An owner or person ~~who~~ to whom the chief has designated 595  
issued an order designating the chemical identity, ~~amount,~~ 596  
~~concentration, or purpose of a product, fluid, or substance or of~~ 597  
~~a chemical component in a product, fluid, or substance~~ or chemical 598  
name or other specific information pertaining to a chemical as a 599  
trade secret pursuant to division (I)(1) of this section shall 600  
maintain the records for such a ~~product, fluid, or substance or~~ 601  
~~for a chemical component in a product, fluid, or substance~~ 602  
chemical for a period of not less than two years after the date on 603  
which each such ~~product, fluid, or substance or each such chemical~~ 604  
~~component in a product, fluid, or substance~~ chemical was placed in 605  
the well. Upon the request of the chief, the owner or person, as 606  
applicable, shall disclose the records to the chief if the 607  
information is necessary to respond to a spill, release, or 608  
investigation. However, the chief shall not disclose the 609  
information that is designated as a trade secret. 610

(K)(1) For purposes of correcting inaccuracies and 611  
incompleteness in chemical information required by divisions 612  
(A)(9) and (10) and (B)(3) of this section, an owner shall be 613  
considered in substantial compliance if the owner has made 614  
reasonable efforts to obtain the required information from the 615  
supplier. 616

(2) For purposes of reporting under this section, an owner is 617  
not required to report chemicals that occur incidentally or in 618

trace amounts. 619

(L) At the same time that a well completion record is 620  
submitted in accordance with division (A) of this section and at 621  
the same time that a report is submitted under division (B)(3) of 622  
this section, the owner separately shall submit to the chief the 623  
information that is required in division (A)(9) or (10) or (B)(3) 624  
of this section, as applicable. However, the information also 625  
shall include the specific chemical identity or chemical name or 626  
other specific information pertaining to a chemical, as 627  
applicable, for which the chief has issued an order under division 628  
(I)(1) of this section approving a request for trade secret 629  
designation. The chief shall maintain a database consisting of the 630  
information received pursuant to this division and shall disclose 631  
the information in the database only for the purposes specified in 632  
division (H) of this section. The chief may adopt rules in 633  
accordance with Chapter 119. of the Revised Code that are 634  
necessary for the administration of this division. 635

**Sec. 1509.31.** (A) Whenever the entire interest of an oil and 636  
gas lease is assigned or otherwise transferred, the assignor or 637  
transferor shall notify the holders of the royalty interests, and, 638  
if a well or wells exist on the lease, the division of oil and gas 639  
resources management, of the name and address of the assignee or 640  
transferee by certified mail, return receipt requested, not later 641  
than thirty days after the date of the assignment or transfer. 642  
When notice of any such assignment or transfer is required to be 643  
provided to the division, it shall be provided on a form 644  
prescribed and provided by the division and verified by both the 645  
assignor or transferor and by the assignee or transferee and shall 646  
be accompanied by a nonrefundable fee of one hundred dollars for 647  
each well. The notice form applicable to assignments or transfers 648  
of a well to the owner of the surface estate of the tract on which 649  
the well is located shall contain a statement informing the 650

landowner that the well may require periodic servicing to maintain 651  
its productivity; that, upon assignment or transfer of the well to 652  
the landowner, the landowner becomes responsible for compliance 653  
with the requirements of this chapter and rules adopted under it, 654  
including, without limitation, the proper disposal of brine 655  
obtained from the well, the plugging of the well when it becomes 656  
incapable of producing oil or gas, and the restoration of the well 657  
site; and that, upon assignment or transfer of the well to the 658  
landowner, the landowner becomes responsible for the costs of 659  
compliance with the requirements of this chapter and rules adopted 660  
under it and the costs for operating and servicing the well. 661

(B) When the entire interest of a well is proposed to be 662  
assigned or otherwise transferred to the landowner for use as an 663  
exempt domestic well, the owner who has been issued a permit under 664  
this chapter for the well shall submit to the chief of the 665  
division of oil and gas resources management an application for 666  
the assignment or transfer that contains all documents that the 667  
chief requires and a nonrefundable fee of one hundred dollars. The 668  
application for such an assignment or transfer shall be prescribed 669  
and provided by the chief. The chief may approve the application 670  
if the application is accompanied by a release of all of the oil 671  
and gas leases that are included in the applicable formation of 672  
the drilling unit, the release is in a form such that the well 673  
ownership merges with the fee simple interest of the surface 674  
tract, and the release is in a form that may be recorded. However, 675  
if the owner of the well does not release the oil and gas leases 676  
associated with the well that is proposed to be assigned or 677  
otherwise transferred or if the fee simple tract that results from 678  
the merger of the well ownership with the fee simple interest of 679  
the surface tract is less than five acres, the proposed exempt 680  
domestic well owner shall post a five thousand dollar bond with 681  
the division prior to the assignment or transfer of the well to 682  
ensure that the well will be properly plugged. The chief, for good 683

cause, may modify the requirements of this section governing the 684  
assignment or transfer of the interests of a well to the 685  
landowner. Upon the assignment or transfer of the well, the owner 686  
of an exempt domestic well is not subject to the severance tax 687  
levied under section 5749.02 of the Revised Code, but is subject 688  
to all applicable fees established in this chapter. 689

(C) The owner holding a permit under section 1509.05 of the 690  
Revised Code is responsible for all obligations and liabilities 691  
imposed by this chapter and any rules, orders, and terms and 692  
conditions of a permit adopted or issued under it, and no 693  
assignment or transfer by the owner relieves the owner of the 694  
obligations and liabilities until and unless the assignee or 695  
transferee files with the division the information described in 696  
divisions (A)(1), (2), (3), (4), (5), (10), (11), and ~~(12)~~(13) of 697  
section 1509.06 of the Revised Code; obtains liability insurance 698  
coverage required by section 1509.07 of the Revised Code, except 699  
when none is required by that section; and executes and files a 700  
surety bond, negotiable certificates of deposit or irrevocable 701  
letters of credit, or cash, as described in that section. Instead 702  
of a bond, but only upon acceptance by the chief, the assignee or 703  
transferee may file proof of financial responsibility, described 704  
in section 1509.07 of the Revised Code. Section 1509.071 of the 705  
Revised Code applies to the surety bond, cash, and negotiable 706  
certificates of deposit and irrevocable letters of credit 707  
described in this section. Unless the chief approves a 708  
modification, each assignee or transferee shall operate in 709  
accordance with the plans and information filed by the permit 710  
holder pursuant to section 1509.06 of the Revised Code. 711

(D) If a mortgaged property that is being foreclosed is 712  
subject to an oil or gas lease, pipeline agreement, or other 713  
instrument related to the production or sale of oil or natural gas 714  
and the lease, agreement, or other instrument was recorded 715

subsequent to the mortgage, and if the lease, agreement, or other 716  
instrument is not in default, the oil or gas lease, pipeline 717  
agreement, or other instrument, as applicable, has priority over 718  
all other liens, claims, or encumbrances on the property so that 719  
the oil or gas lease, pipeline agreement, or other instrument is 720  
not terminated or extinguished upon the foreclosure sale of the 721  
mortgaged property. If the owner of the mortgaged property was 722  
entitled to oil and gas royalties before the foreclosure sale, the 723  
oil or gas royalties shall be paid to the purchaser of the 724  
foreclosed property. 725

**Section 2.** That existing sections 1509.06, 1509.10, and 726  
1509.31 of the Revised Code are hereby repealed. 727