

As Introduced

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

S. B. No. 378

Senator Schiavoni

Cosponsor: Senator Cafaro

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A B I L L

To amend section 1509.021 and to enact section 1
1509.16 of the Revised Code to revise the required 2
setback distance of a well from an occupied 3
dwelling and to establish oil and brine storage 4
tank requirements. 5

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

Section 1. That section 1509.021 be amended and section 6
1509.16 of the Revised Code be enacted to read as follows: 7

Sec. 1509.021. ~~On and after June 30, 2010, all of the~~ 8
~~following apply:~~ 9

(A) ~~The~~ On and after the effective date of this amendment, 10
the surface location of a new well or a tank battery of a well 11
shall not be within ~~one~~ three hundred ~~fifty~~ feet of an occupied 12
dwelling ~~that is located in an urbanized area~~ unless the owner of 13
the land on which the occupied dwelling is located consents in 14
writing to the surface location of the well or tank battery of a 15
well less than ~~one~~ three hundred ~~fifty~~ feet from the occupied 16
dwelling and the chief of the division of oil and gas resources 17
management approves the written consent of that owner. However, 18
the chief shall not approve the written consent of such an owner 19

when the surface location of a new well or a tank battery of a 20
well will be within one hundred feet of an occupied dwelling ~~that~~ 21
~~is located in an urbanized area.~~ 22

(B) The surface location of a new well shall not be within 23
one hundred fifty feet from the property line of a parcel of land 24
that is not in the drilling unit of the well if the parcel of land 25
is located in an urbanized area and directional drilling will be 26
used to drill the new well unless the owner of the parcel of land 27
consents in writing to the surface location of the well less than 28
one hundred fifty feet from the property line of the parcel of 29
land and the chief approves the written consent of that owner. 30
However, the chief shall not approve the written consent of such 31
an owner when the surface location of a new well will be less than 32
one hundred feet from the property line of the owner's parcel of 33
land that is not in the drilling unit of the well if the parcel of 34
land is located in an urbanized area and directional drilling will 35
be used. 36

~~(C) The surface location of a new well shall not be within 37
two hundred feet of an occupied dwelling that is located in an 38
urbanized area and that is located on land that has become part of 39
the drilling unit of the well pursuant to a mandatory pooling 40
order issued under section 1509.27 of the Revised Code unless the 41
owner of the land on which the occupied dwelling is located 42
consents in writing to the surface location of the well at a 43
distance that is less than two hundred feet from the occupied 44
dwelling. However, if the owner of the land on which the occupied 45
dwelling is located provides such written consent, the surface 46
location of the well shall not be within one hundred feet of the 47
occupied dwelling. 48~~

~~If an applicant cannot identify an owner of land or if an 49
owner of land is not responsive to attempts by the applicant to 50
contact the owner, the applicant may submit an affidavit to the 51~~

~~chief attesting to such an unidentifiable owner or to such 52
unresponsiveness of an owner and attempts by the applicant to 53
contact the owner and include a written request to reduce the 54
distance of the location of the well from the occupied dwelling to 55
less than two hundred feet. If the chief receives such an 56
affidavit and written request, the chief shall reduce the distance 57
of the location of the well from the occupied dwelling to a 58
distance of not less than one hundred feet. 59~~

~~(D)(C) Except as otherwise provided in division (L)(J) of 60
this section, the surface location of a new well shall not be 61
within one hundred fifty feet of the property line of a parcel of 62
land that is located in an urbanized area and that has become part 63
of the drilling unit of the well pursuant to a mandatory pooling 64
order issued under section 1509.27 of the Revised Code unless the 65
owner of the land consents in writing to the surface location of 66
the well at a distance that is less than one hundred fifty feet 67
from the owner's property line. However, if the owner of the land 68
provides such written consent, the surface location of the well 69
shall not be within seventy-five feet of the property line of the 70
owner's parcel of land. 71~~

~~If an applicant cannot identify an owner of land or if an 72
owner of land is not responsive to attempts by the applicant to 73
contact the owner, the applicant may submit an affidavit to the 74
chief attesting to such an unidentifiable owner or to such 75
unresponsiveness of an owner and attempts by the applicant to 76
contact the owner and include a written request to reduce the 77
distance of the location of the well from the property line of the 78
owner's parcel of land to less than one hundred fifty feet. If the 79
chief receives such an affidavit and written request, the chief 80
shall reduce the distance of the location of the well from the 81
property line to a distance of not less than seventy-five feet. 82~~

~~(E) The surface location of a new tank battery of a well 83~~

~~shall not be within one hundred fifty feet of an occupied dwelling 84
that is located in an urbanized area and that is located on land 85
that has become part of the drilling unit of the well pursuant to 86
a mandatory pooling order issued under section 1509.27 of the 87
Revised Code unless the owner of the land on which the occupied 88
dwelling is located consents in writing to the location of the 89
tank battery at a distance that is less than one hundred fifty 90
feet from the occupied dwelling. However, if the owner of the land 91
on which the occupied dwelling is located provides such written 92
consent, the location of the tank battery shall not be within one 93
hundred feet of the occupied dwelling. 94~~

~~If an applicant cannot identify an owner of land or if an 95
owner of land is not responsive to attempts by the applicant to 96
contact the owner, the applicant may submit an affidavit to the 97
chief attesting to such an unidentifiable owner or to such 98
unresponsiveness of an owner and attempts by the applicant to 99
contact the owner and include a written request to reduce the 100
distance of the location of the tank battery from the occupied 101
dwelling to less than one hundred fifty feet. If the chief 102
receives such an affidavit and written request, the chief shall 103
reduce the distance of the location of the tank battery from the 104
occupied dwelling to a distance of not less than one hundred feet. 105~~

~~(F)(D) Except as otherwise provided in division (L)(J) of 106
this section, the location of a new tank battery of a well shall 107
not be within seventy-five feet of the property line of a parcel 108
of land that is located in an urbanized area and that has become 109
part of the drilling unit of the well pursuant to a mandatory 110
pooling order issued under section 1509.27 of the Revised Code 111
unless the owner of the land consents in writing to the location 112
of the tank battery at a distance that is less than seventy-five 113
feet from the owner's property line. However, if the owner of the 114
land provides such written consent, the location of the tank 115~~

battery shall not be within the property line of the owner's 116
parcel of land. 117

If an applicant cannot identify an owner of land or if an 118
owner of land is not responsive to attempts by the applicant to 119
contact the owner, the applicant may submit an affidavit to the 120
chief attesting to such an unidentifiable owner or to such 121
unresponsiveness of an owner and attempts by the applicant to 122
contact the owner and include a written request to reduce the 123
distance of the location of the tank battery from the property 124
line of the owner's parcel of land to less than seventy-five feet. 125
If the chief receives such an affidavit and written request, the 126
chief shall reduce the distance of the location of the tank 127
battery from the property line, provided that the tank battery 128
shall not be within the property line of the owner's parcel of 129
land. 130

(G)(E) On and after the effective date of this amendment, the 131
location of a new tank battery, separator, and other associated 132
equipment of a well shall not be within seventy-five feet of the 133
property line of a parcel of land that is not a part of the 134
drilling unit of the well unless the owner of the land consents in 135
writing to the location of the tank battery, separator, or other 136
associated equipment, as applicable, at a distance that is less 137
than seventy-five feet from the owner's property line. However, if 138
the owner of the land provides such written consent, the location 139
of the tank battery, separator, and other associated equipment 140
shall not be within the property line of the owner's parcel of 141
land. 142

If an applicant cannot identify an owner of land or if an 143
owner of land is not responsive to attempts by the applicant to 144
contact the owner, the applicant may submit an affidavit to the 145
chief attesting to such an unidentifiable owner or to such 146
unresponsiveness of an owner and attempts by the applicant to 147

contact the owner and include a written request to reduce the 148
distance of the location of the tank battery, separator, or other 149
associated equipment, as applicable, from the property line of the 150
owner's parcel of land to less than seventy-five feet. If the 151
chief receives such an affidavit and written request, the chief 152
shall reduce the distance of the location of the tank battery, 153
separator, or other associated equipment, as applicable, from the 154
property line, provided that the tank battery, separator, or other 155
associated equipment shall not be within the property line of the 156
owner's parcel of land. 157

(F) For purposes of divisions (C) to ~~(F)~~(E) of this section, 158
written consent of an owner of land may be provided by any of the 159
following: 160

(1) A copy of an original lease agreement as recorded in the 161
office of the county recorder of the county in which the occupied 162
dwelling or property is located that expressly provides for the 163
reduction of the distance of the location of a well or a tank 164
battery, as applicable, from an occupied dwelling or a property 165
line; 166

(2) A copy of a deed severing the oil or gas mineral rights, 167
as applicable, from the owner's parcel of land as recorded in the 168
office of the county recorder of the county in which the property 169
is located that expressly provides for the reduction of the 170
distance of the location of a well or a tank battery, as 171
applicable, from an occupied dwelling or a property line; 172

(3) A written statement that consents to the proposed 173
location of a well ~~or,~~ a tank battery, a separator, or other 174
associated equipment, as applicable, and that is approved by the 175
chief. For purposes of division ~~(G)~~(F)(3) of this section, an 176
applicant shall submit a copy of a written statement to the chief. 177

~~(H)~~(G) For areas that are not urbanized areas, the surface 178

location of a new well shall not be within one hundred feet ~~of an~~ 179
~~occupied private dwelling or~~ of a public building that may be used 180
as a place of assembly, education, entertainment, lodging, trade, 181
manufacture, repair, storage, or occupancy by the public. This 182
division does not apply to a building or other structure that is 183
incidental to agricultural use of the land on which the building 184
or other structure is located unless the building or other 185
structure is used ~~as an occupied private dwelling or~~ for retail 186
trade. 187

~~(I)~~(H) The surface location of a new well shall not be within 188
one hundred feet of any other well. However, an applicant may 189
submit a written statement to request the chief to authorize a new 190
well to be located at a distance that is less than one hundred 191
feet from another well. If the chief receives such a written 192
statement, the chief may authorize a new well to be located within 193
one hundred feet of another well if the chief determines that the 194
applicant satisfactorily has demonstrated that the location of the 195
new well at a distance that is less than one hundred feet from 196
another well is necessary to reduce impacts to the owner of the 197
land on which the well is to be located or to the surface of the 198
land on which the well is to be located. 199

~~(J)~~ For areas that are not urbanized areas, the location of a 200
new tank battery of a well shall not be within one hundred feet of 201
an existing inhabited structure. 202

~~(K)~~(I) The location of a new tank battery of a well shall not 203
be within fifty feet of any other well. 204

~~(L)~~(J) The location of a new well or a new tank battery of a 205
well shall not be within fifty feet of a stream, river, 206
watercourse, water well, pond, lake, or other body of water. 207
However, the chief may authorize a new well or a new tank battery 208
of a well to be located at a distance that is less than fifty feet 209
from a stream, river, watercourse, water well, pond, lake, or 210

other body of water if the chief determines that the reduction in 211
the distance is necessary to reduce impacts to the owner of the 212
land on which the well or tank battery of a well is to be located 213
or to protect public safety or the environment. 214

~~(M)~~(K) The surface location of a new well or a new tank 215
battery of a well shall not be within fifty feet of a railroad 216
track or of the traveled portion of a public street, road, or 217
highway. This division applies regardless of whether the public 218
street, road, or highway has become part of the drilling unit of 219
the well pursuant to a mandatory pooling order issued under 220
section 1509.27 of the Revised Code. 221

~~(N)~~(L) A new oil tank shall not be within three feet of 222
another oil tank. 223

~~(O)~~(M) The surface location of a mechanical separator shall 224
not be within any of the following: 225

- (1) Fifty feet of a well; 226
- (2) Ten feet of an oil tank; 227
- (3) One hundred feet of an existing inhabited structure. 228

~~(P)~~(N) A vessel that is equipped in such a manner that the 229
contents of the vessel may be heated shall not be within any of 230
the following: 231

- (1) Fifty feet of an oil production tank; 232
- (2) Fifty feet of a well; 233
- (3) One hundred feet of an existing inhabited structure; 234
- (4) If the contents of the vessel are heated by a direct fire 235
heater, fifty feet of a mechanical separator. 236

Sec. 1509.16. On and after the effective date of this 237
section, the owner of a well shall ensure that each oil storage 238
tank and each brine storage tank located at the well complies with 239

<u>all of the following:</u>	240
<u>(A) The tank is located on the surface of the land and is not buried.</u>	241 242
<u>(B) The tank is not of a height that is greater than three feet above the highest portion of the fencing that encloses the tank.</u>	243 244 245
<u>(C) Each tank hatch has a functioning seal and is secured at all times that the owner of the well or the owner's authorized representative is not at the well site at which the tank is located.</u>	246 247 248 249
<u>(D) Each vent stack on the tank has a functioning low-pressure relief valve.</u>	250 251
<u>(E) The tank is not equipped with glass or plastic siting tubes.</u>	252 253
<u>(F) A tank that is or may be used for oil storage has a functioning lightning arrestor.</u>	254 255
Section 2. That existing section 1509.021 of the Revised Code is hereby repealed.	256 257