

As Introduced

**129th General Assembly
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S. B. No. 379

Senator Skindell

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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 20

applicable:	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 used. The owner shall submit to the chief an update of any of the	40 41 42 43 44 45 46 47 48 49 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 review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

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

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

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

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

(1) Five hundred dollars for a permit to conduct activities

in a township with a population of fewer than ten thousand;	242
(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;	243 244 245
(3) One thousand dollars for a permit to conduct activities in either of the following:	246 247
(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 mandatory pooling, an additional five thousand dollars.	250 251
For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.	252 253
Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.	254 255 256
(H)(1) Prior to the commencement of well pad construction and prior to the issuance of a permit to drill a proposed horizontal well or a proposed well that is to be located in an urbanized area, the division shall conduct a site review to identify and evaluate any site-specific terms and conditions that may be attached to the permit. At the site review, a representative of the division shall consider fencing, screening, and landscaping requirements, if any, for similar structures in the community in which the well is proposed to be located. The terms and conditions that are attached to the permit shall include the establishment of fencing, screening, and landscaping requirements for the surface facilities of the proposed well, including a tank battery of the well.	257 258 259 260 261 262 263 264 265 266 267 268 269
(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate	270 271

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; 332

(2) The character, depth, and thickness of geological units 333

encountered, including coal seams, mineral beds, associated fluids	334
such as fresh water, brine, and crude oil, natural gas, and sour	335
gas, if such seams, beds, fluids, or gases are known;	336
(3) The dates on which drilling operations were commenced and	337
completed;	338
(4) The types of drilling tools used and the name of the	339
person that drilled the well;	340
(5) The length in feet of the various sizes of casing and	341
tubing used in drilling the well, the amount removed after	342
completion, the type and setting depth of each packer, all other	343
data relating to cementing in the annular space behind such casing	344
or tubing, and data indicating completion as a dry, gas, oil,	345
combination oil and gas, brine injection, or artificial brine well	346
or a stratigraphic test;	347
(6) The number of perforations in the casing and the	348
intervals of the perforations;	349
(7) The elevation above mean sea level of the point from	350
which the depth measurements were made, stating also the height of	351
the point above ground level at the well, the total depth of the	352
well, and the deepest geological unit that was penetrated in the	353
drilling of the well;	354
(8) If applicable, the type, volume, and concentration of	355
acid, and the date on which acid was used in acidizing the well;	356
(9)(a) If applicable, the trade name and the total amount of	357
all products, fluids, and substances, and the supplier of each	358
product, fluid, or substance, not including cement and its	359
constituents and lost circulation materials, intentionally added	360
to facilitate the drilling of any portion of the well until the	361
surface casing is set and properly sealed. The owner shall	362
identify each additive used and provide a brief description of the	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 459

geological survey prior to the beginning of drilling of the well, 460
the person drilling the well shall make available a complete set 461
of cuttings accurately identified as to depth. 462

(D) The form of the well completion record required by this 463
section shall be one that has been prescribed by the chief of the 464
division of oil and gas resources management and the chief of the 465
division of geological survey. The filing of a log as required by 466
this section fulfills the requirement of filing a log with the 467
chief of the division of geological survey in section 1505.04 of 468
the Revised Code. 469

(E) If a material listed or designated under division (A)(9) 470
or (10) or (B)(3) of this section is a material for which the 471
division of oil and gas resources management does not have a 472
material safety data sheet, the owner shall provide a copy of the 473
material safety data sheet for the material to the chief. 474

(F) An owner shall submit to the chief the information that 475
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 476
section consistent with the requirements established in this 477
section using one of the following methods: 478

(1) On a form prescribed by the chief; 479

(2) ~~Through the chemical disclosure registry that is 480
maintained by the ground water protection council and the 481
interstate oil and gas compact commission;~~ 482

~~(3) Any other means approved by the chief. 483~~

(G) The chief shall post on the division's web site each 484
material safety data sheet obtained under division (E) of this 485
section. In addition, the chief shall make available through the 486
division's web site the chemical information that is required by 487
divisions (A)(9) and (10) and (B)(3) of this section. If the chief 488
issues an order pursuant to division (I)(1) of this section 489
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 completion record under division (A) of this section or a report under division (B)(3) of this section or a person that provides information to the owner as described in and for purposes of division (A)(9) or (10) or (B)(3) of this section may ~~designate without disclosing~~ request on a form prescribed by the chief ~~and withhold from disclosure to the chief the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret. The~~ that the specific chemical identity, including the chemical name and other specific information pertaining to the chemical, be designated as a trade secret and withheld from disclosure. The owner or person shall demonstrate on the form that the information sought to be designated as a trade secret is a trade secret as defined in section 1333.61 of the Revised Code. After receipt and review of a form requesting trade secret designation, the chief may request the owner or person to provide additional information concerning the request. Not later than sixty days after receipt of a form requesting trade secret designation, the chief shall issue an order either approving or denying the request for trade secret designation. The chief shall send a copy of the order to the owner or person. The owner or person may appeal the chief's order denying the request for trade secret designation pursuant to section 1509.36 of the Revised Code. The chief may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary and appropriate to administer this division or to preserve the confidentiality of trade secrets.

(2) The owner or person may pursue enforcement of any rights or remedies established in sections 1333.61 to 1333.69 of the Revised Code for misappropriation, as defined in section 1333.61 of the Revised Code, with respect to the chemical identity, ~~amount, concentration, or purpose of a product, fluid, or substance or a chemical component in a product, fluid, or~~

~~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
~~amount, 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