

As Introduced

**130th General Assembly
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H. B. No. 42

Representative Hagan, R.

**Cosponsors: Representatives Foley, Patterson, Boyd, Fedor, Antonio,
Driehaus, Ramos, Mallory, Rogers, Milkovich**

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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 health care professional or emergency 8
responder, to require an owner to report all 9
chemicals brought to a well site, and to make 10
other changes in the Oil and Gas Law. 11

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

Section 1. That sections 1509.06, 1509.10, and 1509.31 be 12
amended and section 1509.091 of the Revised Code be enacted to 13
read as follows: 14

Sec. 1509.06. (A) An application for a permit to drill a new 15
well, drill an existing well deeper, reopen a well, convert a well 16
to any use other than its original purpose, or plug back a well to 17
a different source of supply, including associated production 18

operations, shall be filed with the chief of the division of oil 19
and gas resources management upon such form as the chief 20
prescribes and shall contain each of the following that is 21
applicable: 22

(1) The name and address of the owner and, if a corporation, 23
the name and address of the statutory agent; 24

(2) The signature of the owner or the owner's authorized 25
agent. When an authorized agent signs an application, it shall be 26
accompanied by a certified copy of the appointment as such agent. 27

(3) The names and addresses of all persons holding the 28
royalty interest in the tract upon which the well is located or is 29
to be drilled or within a proposed drilling unit; 30

(4) The location of the tract or drilling unit on which the 31
well is located or is to be drilled identified by section or lot 32
number, city, village, township, and county; 33

(5) Designation of the well by name and number; 34

(6)(a) The geological formation to be tested or used and the 35
proposed total depth of the well; 36

(b) If the well is for the injection of a liquid, identity of 37
the geological formation to be used as the injection zone and the 38
composition of the liquid to be injected. 39

(7) The type of drilling equipment to be used; 40

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

recycled water will be used in the production operations, the 49
owner shall provide the estimated volume of recycled water to be 50
used. The owner shall submit to the chief an update of any of the 51
information that is required by division (A)(8)(a) of this section 52
if any of that information changes before the chief issues a 53
permit for the application. 54

(b) Except as provided in division (A)(8)(c) of this section, 55
for an application for a permit to drill a new well within an 56
urbanized area, the results of sampling of water wells within 57
three hundred feet of the proposed well prior to commencement of 58
drilling. In addition, the owner shall include a list that 59
identifies the location of each water well where the owner of the 60
property on which the water well is located denied the owner 61
access to sample the water well. The sampling shall be conducted 62
in accordance with the guidelines established in "Best Management 63
Practices For Pre-drilling Water Sampling" in effect at the time 64
that the application is submitted. The division shall furnish 65
those guidelines upon request and shall make them available on the 66
division's web site. If the chief determines that conditions at 67
the proposed well site warrant a revision, the chief may revise 68
the distance established in this division for purposes of 69
pre-drilling water sampling. 70

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

furnish those guidelines upon request and shall make them 81
available on the division's web site. If the chief determines that 82
conditions at the proposed well site warrant a revision, the chief 83
may revise the distance established in this division for purposes 84
of pre-drilling water sampling. 85

(9) For an application for a permit to drill a new well 86
within an urbanized area, a sworn statement that the applicant has 87
provided notice by regular mail of the application to the owner of 88
each parcel of real property that is located within five hundred 89
feet of the surface location of the well and to the executive 90
authority of the municipal corporation or the board of township 91
trustees of the township, as applicable, in which the well is to 92
be located. In addition, the notice shall contain a statement that 93
informs an owner of real property who is required to receive the 94
notice under division (A)(9) of this section that within five days 95
of receipt of the notice, the owner is required to provide notice 96
under section 1509.60 of the Revised Code to each residence in an 97
occupied dwelling that is located on the owner's parcel of real 98
property. The notice shall contain a statement that an application 99
has been filed with the division of oil and gas resources 100
management, identify the name of the applicant and the proposed 101
well location, include the name and address of the division, and 102
contain a statement that comments regarding the application may be 103
sent to the division. The notice may be provided by hand delivery 104
or regular mail. The identity of the owners of parcels of real 105
property shall be determined using the tax records of the 106
municipal corporation or county in which a parcel of real property 107
is located as of the date of the notice. 108

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

to that restoration. 113

(11)(a) A description by name or number of the county, 114
township, and municipal corporation roads, streets, and highways 115
that the applicant anticipates will be used for access to and 116
egress from the well site; 117

(b) For an application for a permit for a horizontal well, a 118
copy of an agreement concerning maintenance and safe use of the 119
roads, streets, and highways described in division (A)(11)(a) of 120
this section entered into on reasonable terms with the public 121
official that has the legal authority to enter into such 122
maintenance and use agreements for each county, township, and 123
municipal corporation, as applicable, in which any such road, 124
street, or highway is located or an affidavit on a form prescribed 125
by the chief attesting that the owner attempted in good faith to 126
enter into an agreement under division (A)(11)(b) of this section 127
with the applicable public official of each such county, township, 128
or municipal corporation, but that no agreement was executed. 129

(12) For an application for a permit to drill a new 130
horizontal well, the type, volume, and geochemistry of each fluid 131
that is proposed to be used to stimulate the reservoir of the 132
proposed well, the proposed method that will be used for the 133
containment of fluids recovered from the fracturing of the 134
proposed well, and the proposed methods that will be used for the 135
containment of fluids when pulled from the wellbore from swabbing 136
the proposed well. In addition, the application shall include an 137
identification of any chemical that is proposed to be added to 138
each fluid that is proposed to be used to stimulate the reservoir 139
of the proposed well and shall include the chemical's name, the 140
chemical abstracts service number, the chemical family name, the 141
trade name, the vendor, a brief description of the chemical's 142
intended use or function, and the proposed quantity to be used 143
that is reported as a percentage, by weight or volume, of the 144

total fluid. However, the application shall not include 145
information that is designated as a trade secret pursuant to 146
division (I)(1) of section 1509.10 of the Revised Code. 147

(13) Such other relevant information as the chief prescribes 148
by rule. 149

Each application shall be accompanied by a map, on a scale 150
not smaller than four hundred feet to the inch, prepared by an 151
Ohio registered surveyor, showing the location of the well and 152
containing such other data as may be prescribed by the chief. If 153
the well is or is to be located within the excavations and 154
workings of a mine, the map also shall include the location of the 155
mine, the name of the mine, and the name of the person operating 156
the mine. 157

(B) The chief shall cause a copy of the weekly circular 158
prepared by the division to be provided to the county engineer of 159
each county that contains active or proposed drilling activity. 160
The weekly circular shall contain, in the manner prescribed by the 161
chief, the names of all applicants for permits, the location of 162
each well or proposed well, the information required by division 163
(A)(11) of this section, and any additional information the chief 164
prescribes. In addition, the chief promptly shall transfer an 165
electronic copy or facsimile, or if those methods are not 166
available to a municipal corporation or township, a copy via 167
regular mail, of a drilling permit application to the clerk of the 168
legislative authority of the municipal corporation or to the clerk 169
of the township in which the well or proposed well is or is to be 170
located if the legislative authority of the municipal corporation 171
or the board of township trustees has asked to receive copies of 172
such applications and the appropriate clerk has provided the chief 173
an accurate, current electronic mailing address or facsimile 174
number, as applicable. 175

(C)(1) Except as provided in division (C)(2) of this section, 176

the chief shall not issue a permit for at least ten days after the 177
date of filing of the application for the permit unless, upon 178
reasonable cause shown, the chief waives that period or a request 179
for expedited review is filed under this section. However, the 180
chief shall issue a permit within twenty-one days of the filing of 181
the application unless the chief denies the application by order. 182

(2) If the location of a well or proposed well will be or is 183
within an urbanized area, the chief shall not issue a permit for 184
at least eighteen days after the date of filing of the application 185
for the permit unless, upon reasonable cause shown, the chief 186
waives that period or the chief at the chief's discretion grants a 187
request for an expedited review. However, the chief shall issue a 188
permit for a well or proposed well within an urbanized area within 189
thirty days of the filing of the application unless the chief 190
denies the application by order. 191

(D) An applicant may file a request with the chief for 192
expedited review of a permit application if the well is not or is 193
not to be located in a gas storage reservoir or reservoir 194
protective area, as "reservoir protective area" is defined in 195
section 1571.01 of the Revised Code. If the well is or is to be 196
located in a coal bearing township, the application shall be 197
accompanied by the affidavit of the landowner prescribed in 198
section 1509.08 of the Revised Code. 199

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

provide timely notice of the application and request. The chief 209
shall issue a permit within seven days of the filing of the 210
request unless the chief denies the application by order. 211
Notwithstanding the provisions of this section governing expedited 212
review of permit applications, the chief may refuse to accept 213
requests for expedited review if, in the chief's judgment, the 214
acceptance of the requests would prevent the issuance, within 215
twenty-one days of their filing, of permits for which applications 216
are pending. 217

(E) A well shall be drilled and operated in accordance with 218
the plans, sworn statements, and other information submitted in 219
the approved application. 220

(F) The chief shall issue an order denying a permit if the 221
chief finds that there is a substantial risk that the operation 222
will result in violations of this chapter or rules adopted under 223
it that will present an imminent danger to public health or safety 224
or damage to the environment, provided that where the chief finds 225
that terms or conditions to the permit can reasonably be expected 226
to prevent such violations, the chief shall issue the permit 227
subject to those terms or conditions, including, if applicable, 228
terms and conditions regarding subjects identified in rules 229
adopted under section 1509.03 of the Revised Code. The issuance of 230
a permit shall not be considered an order of the chief. 231

The chief shall post notice of each permit that has been 232
approved under this section on the division's web site not later 233
than two business days after the application for a permit has been 234
approved. 235

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

as follows:	241
(1) Five hundred dollars for a permit to conduct activities in a township with a population of fewer than ten thousand;	242 243
(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;	244 245 246
(3) One thousand dollars for a permit to conduct activities in either of the following:	247 248
(a) A township with a population of fifteen thousand or more;	249
(b) A municipal corporation regardless of population.	250
(4) If the application is for a permit that requires mandatory pooling, an additional five thousand dollars.	251 252
For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.	253 254
Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.	255 256 257
(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.	258 259 260 261 262 263 264 265 266 267 268 269 270

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

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

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

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

adopt rules in accordance with Chapter 119. of the Revised Code 303
that are necessary for the administration of this division. 304

(L) A permittee or a permittee's authorized representative 305
shall notify an inspector from the division at least twenty-four 306
hours, or another time period agreed to by the chief's authorized 307
representative, prior to the commencement of well pad construction 308
and of drilling, reopening, converting, well stimulation, or 309
plugback operations. 310

Sec. 1509.091. If a chemical or a fluid containing a chemical 311
is brought to a well site, the owner of the well immediately shall 312
submit to the chief of the division of oil and gas resources 313
management a list that identifies each chemical or each chemical 314
in the fluid, as applicable, and that includes information that is 315
designated as a trade secret pursuant to division (I)(1) of 316
section 1509.10 of the Revised Code, and that identifies the well. 317
The chief shall maintain a database consisting of the information 318
received pursuant to this section and shall disclose the 319
information in the database only for the purposes specified in 320
division (H) of section 1509.10 of the Revised Code. The chief 321
shall adopt rules in accordance with Chapter 119. of the Revised 322
Code that are necessary for the administration of this section and 323
to preserve the confidentiality of trade secrets. 324

Sec. 1509.10. (A) Any person drilling within the state shall, 325
within sixty days after the completion of drilling operations to 326
the proposed total depth or after a determination that a well is a 327
dry or lost hole, file with the division of oil and gas resources 328
management all wireline electric logs and an accurate well 329
completion record on a form that is prescribed by the chief of the 330
division of oil and gas resources management that designates: 331
332

(1) The purpose for which the well was drilled;	333
(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;	334 335 336 337
(3) The dates on which drilling operations were commenced and completed;	338 339
(4) The types of drilling tools used and the name of the person that drilled the well;	340 341
(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;	342 343 344 345 346 347 348
(6) The number of perforations in the casing and the intervals of the perforations;	349 350
(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;	351 352 353 354 355
(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;	356 357
(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	358 359 360 361 362

surface casing is set and properly sealed. The owner shall 363
identify each additive used and provide a brief description of the 364
purpose for which the additive is used. In addition, the owner 365
shall include a list of all chemicals, not including any 366
information that is designated as a trade secret pursuant to 367
division (I)(1) of this section, intentionally added to all 368
products, fluids, or substances and include each chemical's 369
corresponding chemical abstracts service number and the maximum 370
concentration of each chemical. The owner shall obtain the 371
chemical information, not including any information that is 372
designated as a trade secret pursuant to division (I)(1) of this 373
section, from the company that drilled the well, provided service 374
at the well, or supplied the chemicals. If the company that 375
drilled the well, provided service at the well, or supplied the 376
chemicals provides incomplete or inaccurate chemical information, 377
the owner shall make reasonable efforts to obtain the required 378
information from the company or supplier. 379

(b) For purposes of division (A)(9)(a) of this section, if 380
recycled fluid was used, the total volume of recycled fluid and 381
the well that is the source of the recycled fluid or the 382
centralized facility that is the source of the recycled fluid. 383

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

procedures and methods described in division (A)(10) of this 395
section that were used on a well, and a copy of the pumping 396
pressure and rate graphs. However, the owner may redact from the 397
copy of each invoice that is required to be included under 398
division (A)(10) of this section the costs of and charges for the 399
procedures and methods described in division (A)(10) of this 400
section that were used on a well. 401

(b) If applicable, the trade name and the total volume of all 402
products, fluids, and substances, and the supplier of each 403
product, fluid, or substance used to stimulate the well. The owner 404
shall identify each additive used, provide a brief description of 405
the purpose for which the additive is used, and include the 406
maximum concentration of the additive used. In addition, the owner 407
shall include a list of all chemicals, not including any 408
information that is designated as a trade secret pursuant to 409
division (I)(1) of this section, intentionally added to all 410
products, fluids, or substances, include the name of each vendor 411
of each chemical, and include each chemical's corresponding 412
chemical abstracts service number, the chemical family name, the 413
trade name, a brief description of each chemical's intended use or 414
function, and the maximum concentration of each chemical reported 415
as a percentage. The owner shall obtain the chemical information, 416
not including any information that is designated as a trade secret 417
pursuant to division (I)(1) of this section, from the company that 418
stimulated the well or supplied the chemicals. If the company that 419
stimulated the well or supplied the chemicals provides incomplete 420
or inaccurate chemical information, the owner shall make 421
reasonable efforts to obtain the required information from the 422
company or supplier. 423

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

centralized facility that is the source of the recycled fluid. 427

(11) The name of the company that performed the logging of 428
the well and the types of wireline electric logs performed on the 429
well. 430

The well completion record shall be submitted in duplicate. 431
The first copy shall be retained as a permanent record in the 432
files of the division, and the second copy shall be transmitted by 433
the chief to the division of geological survey. 434

(B)(1) Not later than sixty days after the completion of the 435
drilling operations to the proposed total depth, the owner shall 436
file all wireline electric logs with the division of oil and gas 437
resources management and the chief shall transmit such logs 438
electronically, if available, to the division of geological 439
survey. Such logs may be retained by the owner for a period of not 440
more than six months, or such additional time as may be granted by 441
the chief in writing, after the completion of the well 442
substantially to the depth shown in the application required by 443
section 1509.06 of the Revised Code. 444

(2) If a well is not completed within sixty days after the 445
completion of drilling operations, the owner shall file with the 446
division of oil and gas resources management a supplemental well 447
completion record that includes all of the information required 448
under this section within sixty days after the completion of the 449
well. 450

(3) After a well is initially completed and stimulated and 451
until the well is plugged, the owner shall report, on a form 452
prescribed by the chief, all materials placed into the formation 453
to refracture, restimulate, or newly complete the well. The owner 454
shall submit the information within sixty days after completing 455
the refracturing, restimulation, or new completion. In addition, 456
the owner shall report the information required in divisions 457

(A)(10)(a) to (c) of this section, as applicable, in a manner 458
consistent with the requirements established in this section. 459

(C) Upon request in writing by the chief of the division of 460
geological survey prior to the beginning of drilling of the well, 461
the person drilling the well shall make available a complete set 462
of cuttings accurately identified as to depth. 463

(D) The form of the well completion record required by this 464
section shall be one that has been prescribed by the chief of the 465
division of oil and gas resources management and the chief of the 466
division of geological survey. The filing of a log as required by 467
this section fulfills the requirement of filing a log with the 468
chief of the division of geological survey in section 1505.04 of 469
the Revised Code. 470

(E) If a material listed or designated under division (A)(9) 471
or (10) or (B)(3) of this section is a material for which the 472
division of oil and gas resources management does not have a 473
material safety data sheet, the owner shall provide a copy of the 474
material safety data sheet for the material to the chief. 475

(F) An owner shall submit to the chief the information that 476
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 477
section consistent with the requirements established in this 478
section using one of the following methods: 479

(1) On a form prescribed by the chief; 480

(2) ~~Through the chemical disclosure registry that is 481
maintained by the ground water protection council and the 482
interstate oil and gas compact commission;~~ 483

~~(3) Any other means approved by the chief. 484~~

(G) The chief shall post on the division's web site each 485
material safety data sheet obtained under division (E) of this 486
section. In addition, the chief shall make available through the 487

division's web site the chemical information that is required by 488
divisions (A)(9) and (10) and (B)(3) of this section. If the chief 489
issues an order pursuant to division (I)(1) of this section 490
denying a request for trade secret designation and if the owner or 491
person requesting the trade secret designation does not appeal the 492
chief's order or if a court determines that the chemical identity, 493
the chemical name, or other specific information pertaining to the 494
chemical is not entitled to trade secret protection, the chief 495
shall make available through the division's web site the chemical 496
information. 497

(H)(1) As used in this division: 498

(a) "Health care professional" means an individual authorized 499
under Chapter 4731. of the Revised Code to practice medicine and 500
surgery, osteopathic medicine and surgery, or podiatric medicine 501
and surgery and an individual licensed under Chapter 4723. of the 502
Revised Code to practice nursing as a registered nurse or licensed 503
practical nurse. 504

(b) "Emergency responder" means a member of a fire department 505
as defined in section 742.01 of the Revised Code, a member of a 506
police department as defined in section 742.01 of the Revised 507
Code, emergency medical service personnel as defined in section 508
4765.01 of the Revised Code, and a member of a regional response 509
team as defined in section 5502.41 of the Revised Code. 510

(2) ~~If a medical~~ health care professional or emergency 511
responder, in order to assist in the diagnosis or treatment of an 512
individual who ~~was~~ may have been affected by ~~an incident~~ 513
~~associated with the production operations of a well~~ construction, 514
drilling, stimulation, completion, production, or other production 515
operations at a well or by chemical transportation accidents 516
related to the production operations of a well, requests the exact 517
chemical ~~composition of each product, fluid, or substance and of~~ 518
~~each chemical component in a product, fluid, or substance~~ identity 519

or chemical name or other specific information pertaining to a 520
chemical that is designated as a trade secret pursuant to division 521
(I) of this section, ~~the person claiming the trade secret~~ 522
~~protection pursuant to that division~~ chief shall provide to the 523
medical health care professional or emergency responder, as 524
expeditiously as possible, the exact chemical ~~composition of the~~ 525
~~product, fluid, or substance and of the chemical component in a~~ 526
~~product, fluid, or substance~~ identity or chemical name or other 527
specified information pertaining to the chemical that is 528
requested. 529

~~(2) A medical professional who receives information pursuant~~ 530
~~to division (H)(1) of this section shall keep the information~~ 531
~~confidential and shall not disclose the information for any~~ 532
~~purpose that is not related to the diagnosis or treatment of an~~ 533
~~individual who was affected by an incident associated with the~~ 534
~~production operations of a well. Nothing in division (H)(2) of~~ 535
~~this section precludes a medical professional from making any~~ 536
~~report required by law or professional ethical standards.~~ 537

(3) The chief shall provide to the directors of all county 538
emergency management agencies in the state continuous online 539
access to all chemical information received by the chief in 540
conjunction with a permit application or report regarding a 541
horizontal well site pursuant to division (K) of section 1509.06, 542
section 1509.091, and division (L) of section 1509.10 of the 543
Revised Code. 544

(I)(1) The owner of a well who is required to submit a well 545
completion record under division (A) of this section or a report 546
under division (B)(3) of this section or a person that provides 547
information to the owner as described in and for purposes of 548
division (A)(9) or (10) or (B)(3) of this section may ~~designate~~ 549
~~without disclosing~~ request on a form prescribed by the chief ~~and~~ 550
~~withhold from disclosure to the chief the identity, amount,~~ 551

~~concentration, or purpose of a product, fluid, or substance or of~~ 552
~~a chemical component in a product, fluid, or substance as a trade~~ 553
~~secret. The~~ that the specific chemical identity, including the 554
chemical name and other specific information pertaining to the 555
chemical, be designated as a trade secret and withheld from 556
disclosure. The owner or person shall demonstrate on the form that 557
the information sought to be designated as a trade secret is a 558
trade secret as defined in section 1333.61 of the Revised Code. 559
After receipt and review of a form requesting trade secret 560
designation, the chief may request the owner or person to provide 561
additional information concerning the request. Not later than 562
sixty days after receipt of a form requesting trade secret 563
designation, the chief shall issue an order either approving or 564
denying the request for trade secret designation. The chief shall 565
send a copy of the order to the owner or person. The owner or 566
person may appeal the chief's order denying the request for trade 567
secret designation pursuant to section 1509.36 of the Revised 568
Code. The chief may adopt rules in accordance with Chapter 119. of 569
the Revised Code that are necessary and appropriate to administer 570
this division or to preserve the confidentiality of trade secrets. 571

(2) The owner or person may pursue enforcement of any rights 572
or remedies established in sections 1333.61 to 1333.69 of the 573
Revised Code for misappropriation, as defined in section 1333.61 574
of the Revised Code, with respect to the chemical identity, 575
~~amount, concentration, or purpose of a product, fluid, or~~ 576
~~substance or a chemical component in a product, fluid, or~~ 577
~~substance~~ or chemical name or other specific information 578
pertaining to the chemical designated as a trade secret pursuant 579
to division (I)(1) of this section. The division shall not 580
disclose information regarding the chemical identity, ~~amount,~~ 581
~~concentration, or purpose of any product, fluid, or substance or~~ 582
~~of any chemical component in a product, fluid, or substance~~ or 583
chemical name or other specific information pertaining to the 584

chemical designated as a trade secret pursuant to division (I)(1) 585
of this section. 586

~~(2)(3)~~ A property owner, an adjacent property owner, or any 587
person or agency of this state having an interest that is or may 588
be adversely affected by a product, fluid, or substance or by a 589
chemical component in a product, fluid, or substance may commence 590
a civil action in the court of common pleas of Franklin county 591
against an owner or person described in division (I)(1) of this 592
section challenging the owner's or person's claim to entitlement 593
to trade secret protection for the specific chemical identity, 594
~~amount, concentration, or purpose of a product, fluid, or~~ 595
~~substance or of a chemical component in a product, fluid, or~~ 596
~~substance~~ or chemical name or other specific information 597
pertaining to the chemical pursuant to division (I)(1) of this 598
section. A person who commences a civil action pursuant to 599
division (I)~~(2)(3)~~ of this section shall provide notice to the 600
chief in a manner prescribed by the chief. In the civil action, 601
the court shall conduct an in camera review of information 602
submitted by an owner or person described in division (I)(1) of 603
this section to determine if the chemical identity, ~~amount,~~ 604
~~concentration, or purpose of a product, fluid, or substance or of~~ 605
~~a chemical component in a product, fluid, or substance~~ or chemical 606
name or other specific information pertaining to the chemical 607
pursuant to division (I)(1) of this section is entitled to trade 608
secret protection. 609

(J)(1) Except for any information that is designated as a 610
trade secret pursuant to division (I)(1) of this section and 611
except as provided in division (J)(2) of this section, the owner 612
of a well shall maintain records of all chemicals placed in a well 613
for a period of not less than two years after the date on which 614
each such chemical was placed in the well. The chief may inspect 615
the records at any time concerning any such chemical. 616

(2) An owner or person ~~who~~ to whom the chief has designated 617
issued an order designating the chemical identity, ~~amount,~~ 618
~~concentration, or purpose of a product, fluid, or substance or of~~ 619
~~a chemical component in a product, fluid, or substance~~ or chemical 620
name or other specific information pertaining to a chemical as a 621
trade secret pursuant to division (I)(1) of this section shall 622
maintain the records for such a ~~product, fluid, or substance~~ or 623
~~for a chemical component in a product, fluid, or substance~~ 624
chemical for a period of not less than two years after the date on 625
which each such ~~product, fluid, or substance~~ or each such chemical 626
~~component in a product, fluid, or substance~~ chemical was placed in 627
the well. Upon the request of the chief, the owner or person, as 628
applicable, shall disclose the records to the chief if the 629
information is necessary to respond to a spill, release, or 630
investigation. However, the chief shall not disclose the 631
information that is designated as a trade secret. 632

(K)(1) For purposes of correcting inaccuracies and 633
incompleteness in chemical information required by divisions 634
(A)(9) and (10) and (B)(3) of this section, an owner shall be 635
considered in substantial compliance if the owner has made 636
reasonable efforts to obtain the required information from the 637
supplier. 638

(2) For purposes of reporting under this section, an owner is 639
not required to report chemicals that occur incidentally or in 640
trace amounts. 641

(L) At the same time that a well completion record is 642
submitted in accordance with division (A) of this section and at 643
the same time that a report is submitted under division (B)(3) of 644
this section, the owner separately shall submit to the chief the 645
information that is required in division (A)(9) or (10) or (B)(3) 646
of this section, as applicable. However, the information also 647
shall include the specific chemical identity or chemical name or 648

other specific information pertaining to a chemical, as 649
applicable, for which the chief has issued an order under division 650
(I)(1) of this section approving a request for trade secret 651
designation. The chief shall maintain a database consisting of the 652
information received pursuant to this division and shall disclose 653
the information in the database only for the purposes specified in 654
division (H) of this section. The chief may adopt rules in 655
accordance with Chapter 119. of the Revised Code that are 656
necessary for the administration of this division. 657

Sec. 1509.31. (A) Whenever the entire interest of an oil and 658
gas lease is assigned or otherwise transferred, the assignor or 659
transferor shall notify the holders of the royalty interests, and, 660
if a well or wells exist on the lease, the division of oil and gas 661
resources management, of the name and address of the assignee or 662
transferee by certified mail, return receipt requested, not later 663
than thirty days after the date of the assignment or transfer. 664
When notice of any such assignment or transfer is required to be 665
provided to the division, it shall be provided on a form 666
prescribed and provided by the division and verified by both the 667
assignor or transferor and by the assignee or transferee and shall 668
be accompanied by a nonrefundable fee of one hundred dollars for 669
each well. The notice form applicable to assignments or transfers 670
of a well to the owner of the surface estate of the tract on which 671
the well is located shall contain a statement informing the 672
landowner that the well may require periodic servicing to maintain 673
its productivity; that, upon assignment or transfer of the well to 674
the landowner, the landowner becomes responsible for compliance 675
with the requirements of this chapter and rules adopted under it, 676
including, without limitation, the proper disposal of brine 677
obtained from the well, the plugging of the well when it becomes 678
incapable of producing oil or gas, and the restoration of the well 679
site; and that, upon assignment or transfer of the well to the 680

landowner, the landowner becomes responsible for the costs of 681
compliance with the requirements of this chapter and rules adopted 682
under it and the costs for operating and servicing the well. 683

(B) When the entire interest of a well is proposed to be 684
assigned or otherwise transferred to the landowner for use as an 685
exempt domestic well, the owner who has been issued a permit under 686
this chapter for the well shall submit to the chief of the 687
division of oil and gas resources management an application for 688
the assignment or transfer that contains all documents that the 689
chief requires and a nonrefundable fee of one hundred dollars. The 690
application for such an assignment or transfer shall be prescribed 691
and provided by the chief. The chief may approve the application 692
if the application is accompanied by a release of all of the oil 693
and gas leases that are included in the applicable formation of 694
the drilling unit, the release is in a form such that the well 695
ownership merges with the fee simple interest of the surface 696
tract, and the release is in a form that may be recorded. However, 697
if the owner of the well does not release the oil and gas leases 698
associated with the well that is proposed to be assigned or 699
otherwise transferred or if the fee simple tract that results from 700
the merger of the well ownership with the fee simple interest of 701
the surface tract is less than five acres, the proposed exempt 702
domestic well owner shall post a five thousand dollar bond with 703
the division prior to the assignment or transfer of the well to 704
ensure that the well will be properly plugged. The chief, for good 705
cause, may modify the requirements of this section governing the 706
assignment or transfer of the interests of a well to the 707
landowner. Upon the assignment or transfer of the well, the owner 708
of an exempt domestic well is not subject to the severance tax 709
levied under section 5749.02 of the Revised Code, but is subject 710
to all applicable fees established in this chapter. 711

(C) The owner holding a permit under section 1509.05 of the 712

Revised Code is responsible for all obligations and liabilities 713
imposed by this chapter and any rules, orders, and terms and 714
conditions of a permit adopted or issued under it, and no 715
assignment or transfer by the owner relieves the owner of the 716
obligations and liabilities until and unless the assignee or 717
transferee files with the division the information described in 718
divisions (A)(1), (2), (3), (4), (5), (10), (11), and ~~(12)~~(13) of 719
section 1509.06 of the Revised Code; obtains liability insurance 720
coverage required by section 1509.07 of the Revised Code, except 721
when none is required by that section; and executes and files a 722
surety bond, negotiable certificates of deposit or irrevocable 723
letters of credit, or cash, as described in that section. Instead 724
of a bond, but only upon acceptance by the chief, the assignee or 725
transferee may file proof of financial responsibility, described 726
in section 1509.07 of the Revised Code. Section 1509.071 of the 727
Revised Code applies to the surety bond, cash, and negotiable 728
certificates of deposit and irrevocable letters of credit 729
described in this section. Unless the chief approves a 730
modification, each assignee or transferee shall operate in 731
accordance with the plans and information filed by the permit 732
holder pursuant to section 1509.06 of the Revised Code. 733

(D) If a mortgaged property that is being foreclosed is 734
subject to an oil or gas lease, pipeline agreement, or other 735
instrument related to the production or sale of oil or natural gas 736
and the lease, agreement, or other instrument was recorded 737
subsequent to the mortgage, and if the lease, agreement, or other 738
instrument is not in default, the oil or gas lease, pipeline 739
agreement, or other instrument, as applicable, has priority over 740
all other liens, claims, or encumbrances on the property so that 741
the oil or gas lease, pipeline agreement, or other instrument is 742
not terminated or extinguished upon the foreclosure sale of the 743
mortgaged property. If the owner of the mortgaged property was 744
entitled to oil and gas royalties before the foreclosure sale, the 745

oil or gas royalties shall be paid to the purchaser of the 746
foreclosed property. 747

Section 2. That existing sections 1509.06, 1509.10, and 748
1509.31 of the Revised Code are hereby repealed. 749