

As Introduced

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Representative Leland

**Cosponsors: Representatives Rogers, Ashford, Smith, K., Boggs, Ingram,
Sheehy, Brown, Clyde, West**

A BILL

To amend section 1509.06 of the Revised Code to 1
prohibit the drilling of a horizontal well in 2
various state and local parks. 3

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

Section 1. That section 1509.06 of the Revised Code be 4
amended to read as follows: 5

Sec. 1509.06. (A) An application for a permit to drill a 6
new well, drill an existing well deeper, reopen a well, convert 7
a well to any use other than its original purpose, or plug back 8
a well to a different source of supply, including associated 9
production operations, shall be filed with the chief of the 10
division of oil and gas resources management upon such form as 11
the chief prescribes and shall contain each of the following 12
that is applicable: 13

(1) The name and address of the owner and, if a 14
corporation, the name and address of the statutory agent; 15

(2) The signature of the owner or the owner's authorized 16
agent. When an authorized agent signs an application, it shall 17

be accompanied by a certified copy of the appointment as such agent. 18
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(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; 20
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(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; 23
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(5) Designation of the well by name and number; 26

(6) (a) The geological formation to be tested or used and the proposed total depth of the well; 27
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(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. 29
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(7) The type of drilling equipment to be used; 32

(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 information that is required by division (A) (8) (a) of this section if any of that information changes before the chief issues a permit for the application. 33
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(b) Except as provided in division (A) (8) (c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner access to sample the water well. The sampling shall be conducted in accordance with the guidelines established in "Best Management Practices For Pre-drilling Water Sampling" in effect at the time that the application is submitted. The division shall furnish those guidelines upon request and shall make them available on the division's web site. If the chief determines that conditions at the proposed well site warrant a revision, the chief may revise the distance established in this division for purposes of pre-drilling water sampling.

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

drilling water sampling. 78

(9) For an application for a permit to drill a new well 79
within an urbanized area, a sworn statement that the applicant 80
has provided notice by regular mail of the application to the 81
owner of each parcel of real property that is located within 82
five hundred feet of the surface location of the well and to the 83
executive authority of the municipal corporation or the board of 84
township trustees of the township, as applicable, in which the 85
well is to be located. In addition, the notice shall contain a 86
statement that informs an owner of real property who is required 87
to receive the notice under division (A) (9) of this section that 88
within five days of receipt of the notice, the owner is required 89
to provide notice under section 1509.60 of the Revised Code to 90
each residence in an occupied dwelling that is located on the 91
owner's parcel of real property. The notice shall contain a 92
statement that an application has been filed with the division 93
of oil and gas resources management, identify the name of the 94
applicant and the proposed well location, include the name and 95
address of the division, and contain a statement that comments 96
regarding the application may be sent to the division. The 97
notice may be provided by hand delivery or regular mail. The 98
identity of the owners of parcels of real property shall be 99
determined using the tax records of the municipal corporation or 100
county in which a parcel of real property is located as of the 101
date of the notice. 102

(10) A plan for restoration of the land surface disturbed 103
by drilling operations. The plan shall provide for compliance 104
with the restoration requirements of division (A) of section 105
1509.072 of the Revised Code and any rules adopted by the chief 106
pertaining to that restoration. 107

(11) (a) A description by name or number of the county, 108
township, and municipal corporation roads, streets, and highways 109
that the applicant anticipates will be used for access to and 110
egress from the well site; 111

(b) For an application for a permit for a horizontal well, 112
a copy of an agreement concerning maintenance and safe use of 113
the roads, streets, and highways described in division (A) (11) 114
(a) of this section entered into on reasonable terms with the 115
public official that has the legal authority to enter into such 116
maintenance and use agreements for each county, township, and 117
municipal corporation, as applicable, in which any such road, 118
street, or highway is located or an affidavit on a form 119
prescribed by the chief attesting that the owner attempted in 120
good faith to enter into an agreement under division (A) (11) (b) 121
of this section with the applicable public official of each such 122
county, township, or municipal corporation, but that no 123
agreement was executed. 124

(12) Such other relevant information as the chief 125
prescribes by rule. 126

Each application shall be accompanied by a map, on a scale 127
not smaller than four hundred feet to the inch, prepared by an 128
Ohio registered surveyor, showing the location of the well and 129
containing such other data as may be prescribed by the chief. If 130
the well is or is to be located within the excavations and 131
workings of a mine, the map also shall include the location of 132
the mine, the name of the mine, and the name of the person 133
operating the mine. 134

(B) The chief shall cause a copy of the weekly circular 135
prepared by the division to be provided to the county engineer 136
of each county that contains active or proposed drilling 137

activity. The weekly circular shall contain, in the manner 138
prescribed by the chief, the names of all applicants for 139
permits, the location of each well or proposed well, the 140
information required by division (A) (11) of this section, and 141
any additional information the chief prescribes. In addition, 142
the chief promptly shall transfer an electronic copy or 143
facsimile, or if those methods are not available to a municipal 144
corporation or township, a copy via regular mail, of a drilling 145
permit application to the clerk of the legislative authority of 146
the municipal corporation or to the clerk of the township in 147
which the well or proposed well is or is to be located if the 148
legislative authority of the municipal corporation or the board 149
of township trustees has asked to receive copies of such 150
applications and the appropriate clerk has provided the chief an 151
accurate, current electronic mailing address or facsimile 152
number, as applicable. 153

(C) (1) Except as provided in division (C) (2) of this 154
section, the chief shall not issue a permit for at least ten 155
days after the date of filing of the application for the permit 156
unless, upon reasonable cause shown, the chief waives that 157
period or a request for expedited review is filed under this 158
section. However, the chief shall issue a permit within twenty- 159
one days of the filing of the application unless the chief 160
denies the application by order. 161

(2) If the location of a well or proposed well will be or 162
is within an urbanized area, the chief shall not issue a permit 163
for at least eighteen days after the date of filing of the 164
application for the permit unless, upon reasonable cause shown, 165
the chief waives that period or the chief at the chief's 166
discretion grants a request for an expedited review. However, 167
the chief shall issue a permit for a well or proposed well 168

within an urbanized area within thirty days of the filing of the application unless the chief denies the application by order.

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

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

(F) The chief shall issue an order denying a permit if the 200
chief finds that there is a substantial risk that the operation 201
will result in violations of this chapter or rules adopted under 202
it that will present an imminent danger to public health or 203
safety or damage to the environment, provided that where the 204
chief finds that terms or conditions to the permit can 205
reasonably be expected to prevent such violations, the chief 206
shall issue the permit subject to those terms or conditions, 207
including, if applicable, terms and conditions regarding 208
subjects identified in rules adopted under section 1509.03 of 209
the Revised Code. The issuance of a permit shall not be 210
considered an order of the chief. 211

The chief shall post notice of each permit that has been 212
approved under this section on the division's web site not later 213
than two business days after the application for a permit has 214
been approved. 215

(G) Each application for a permit required by section 216
1509.05 of the Revised Code, except an application for a well 217
drilled or reopened for purposes of section 1509.22 of the 218
Revised Code, also shall be accompanied by a nonrefundable fee 219
as follows: 220

(1) Five hundred dollars for a permit to conduct 221
activities in a township with a population of fewer than ten 222
thousand; 223

(2) Seven hundred fifty dollars for a permit to conduct 224
activities in a township with a population of ten thousand or 225
more, but fewer than fifteen thousand; 226

(3) One thousand dollars for a permit to conduct 227

activities in either of the following:	228
(a) A township with a population of fifteen thousand or more;	229 230
(b) A municipal corporation regardless of population.	231
(4) If the application is for a permit that requires mandatory pooling, an additional five thousand dollars.	232 233
For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.	234 235
Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.	236 237 238
(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.	239 240 241 242 243 244 245 246 247 248 249 250 251
(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	252 253 254 255 256

travel associated with a public drinking water supply.	257
(I) A permit shall be issued by the chief in accordance	258
with this chapter. A permit issued under this section for a well	259
that is or is to be located in an urbanized area shall be valid	260
for twelve months, and all other permits issued under this	261
section shall be valid for twenty-four months.	262
(J) An applicant or a permittee, as applicable, shall	263
submit to the chief an update of the information that is	264
required under division (A)(8)(a) of this section if any of that	265
information changes prior to commencement of production	266
operations.	267
(K) A permittee or a permittee's authorized representative	268
shall notify an inspector from the division at least twenty-four	269
hours, or another time period agreed to by the chief's	270
authorized representative, prior to the commencement of well pad	271
construction and of drilling, reopening, converting, well	272
stimulation, or plugback operations.	273
<u>(L) The chief shall not issue a permit to drill a new</u>	274
<u>horizontal well when the well pad is proposed to be located in</u>	275
<u>any of the following:</u>	276
<u>(1) A state park operated under Chapter 1541. of the</u>	277
<u>Revised Code;</u>	278
<u>(2) A state wildlife area established under Chapter 1531.</u>	279
<u>of the Revised Code;</u>	280
<u>(3) A state forest operated under Chapter 1503. of the</u>	281
<u>Revised Code;</u>	282
<u>(4) A nature preserve as defined in section 1517.01 of the</u>	283
<u>Revised Code;</u>	284

<u>(5) A park district created under Chapter 1545. of the</u>	285
<u>Revised Code;</u>	286
<u>(6) A county park operated by a board of county</u>	287
<u>commissioners under section 301.26 of the Revised Code;</u>	288
<u>(7) A township park district established under Chapter</u>	289
<u>511. of the Revised Code;</u>	290
<u>(8) A municipal park established under Chapter 755. of the</u>	291
<u>Revised Code.</u>	292
Section 2. That existing section 1509.06 of the Revised	293
Code is hereby repealed.	294