

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 166**

**Senator Gentile**

**Cosponsors: Senators Yuko, Thomas, Tavares, Schiavoni, Skindell, Jones,  
LaRose**

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**A BILL**

To enact sections 1509.39 and 1509.391 of the 1  
Revised Code to require the owner of a 2  
horizontal well to develop and implement an 3  
emergency response plan for the purpose of 4  
responding to emergencies at the surface 5  
location of the well and to specify what must be 6  
included in the plan and to whom and the manner 7  
in which it must be submitted. 8

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

**Section 1.** That sections 1509.39 and 1509.391 of the 9  
Revised Code be enacted to read as follows: 10

**Sec. 1509.39.** (A) The owner of a horizontal well shall 11  
develop and implement an emergency response plan for the purpose 12  
of responding to emergencies at the surface location of the well 13  
that threaten public health or safety. The plan shall establish 14  
response actions to be taken during each of the following: 15

(1) Construction of the well pad; 16

(2) Drilling; 17

<u>(3) Well stimulation;</u>	18
<u>(4) Production;</u>	19
<u>(5) Plugging;</u>	20
<u>(6) Restoration of the surface location.</u>	21
<u>(B) An emergency response plan shall incorporate national</u>	22
<u>incident management system planning standards, including the use</u>	23
<u>of the incident command system, incident action planning, and</u>	24
<u>common communications plans. The plan shall include all of the</u>	25
<u>following:</u>	26
<u>(1) Emergency contact information, including telephone</u>	27
<u>numbers, for the owner's local representative for the area in</u>	28
<u>which the well is located and the owner's twenty-four-hour</u>	29
<u>emergency telephone number;</u>	30
<u>(2) Emergency notification procedures to be used to</u>	31
<u>contact emergency responders during an emergency;</u>	32
<u>(3) A description of the actions to be taken by the</u>	33
<u>owner's employees at the well to respond to each of the</u>	34
<u>following:</u>	35
<u>(a) Fire;</u>	36
<u>(b) A medical emergency;</u>	37
<u>(c) An explosion or similar event;</u>	38
<u>(d) A spill;</u>	39
<u>(e) A security breach or other security event.</u>	40
<u>(4) A description of the procedure to be used to provide</u>	41
<u>current information to emergency responders in the event of an</u>	42
<u>emergency, including all of the following:</u>	43

<u>(a) Each safety data sheet;</u>	44
<u>(b) The location of each safety data sheet at the well site;</u>	45 46
<u>(c) The title or position of the owner's employee or employees responsible for providing the information specified in divisions (B) (4) (a) and (b) of this section.</u>	47 48 49
<u>(5) A list identifying the location and quantity of any fire suppression and spill control equipment maintained by the owner at the well site;</u>	50 51 52
<u>(6) A description of any emergency equipment available for use by the owner that is located off the well site;</u>	53 54
<u>(7) A list of occupied dwellings, schools, hospitals, and water treatment plants within one-half mile of the surface location of the well and the associated planning assumptions;</u>	55 56 57
<u>(8) A description of emergency response training that the owner's employees must complete;</u>	58 59
<u>(9) Identification of the location of an off-site area to be used temporarily for the coordination of response actions in the event of an emergency and a copy of any agreement entered into by the owner and the owner of the off-site area allowing for the use of the area for that purpose.</u>	60 61 62 63 64
<u>(C) The owner of two or more horizontal wells may develop both of the following:</u>	65 66
<u>(1) A base plan for use at the surface locations of all the owner's horizontal wells containing information specified in division (B) of this section that is applicable to all of those locations;</u>	67 68 69 70

<u>(2) A site-specific plan for each location containing the</u>	71
<u>remaining information specified in division (B) of this section.</u>	72
<u>(D) (1) An owner shall develop an emergency response plan</u>	73
<u>under this section in accordance with one of the following:</u>	74
<u>(a) Not later than ninety days after the effective date of</u>	75
<u>this section for each of the owner's horizontal wells for which</u>	76
<u>drilling has commenced or that is in operation on the effective</u>	77
<u>date of this section;</u>	78
<u>(b) Not later than thirty days after a permit is issued</u>	79
<u>under this chapter to the owner authorizing the drilling of a</u>	80
<u>new horizontal well.</u>	81
<u>(2) An owner annually shall review and update if necessary</u>	82
<u>each emergency response plan developed under this section.</u>	83
<u>(E) (1) Not later than thirty days after developing an</u>	84
<u>emergency response plan under this section, and annually</u>	85
<u>thereafter, an owner shall submit an electronic or hard copy of</u>	86
<u>the plan or of an updated plan to all of the following:</u>	87
<u>(a) The chief of the division of oil and gas resources</u>	88
<u>management;</u>	89
<u>(b) The emergency response commission created in section</u>	90
<u>3750.02 of the Revised Code;</u>	91
<u>(c) The applicable local emergency planning committee</u>	92
<u>appointed under section 3750.03 of the Revised Code;</u>	93
<u>(d) The emergency management agency established in section</u>	94
<u>5502.22 of the Revised Code;</u>	95
<u>(e) The applicable countywide emergency management agency</u>	96
<u>established under section 5502.26 of the Revised Code, if any;</u>	97

<u>(f) The applicable county sheriff's office;</u>	98
<u>(g) Each fire department having jurisdiction where the well is located.</u>	99 100
<u>(2) An owner that has developed a base plan and site-specific plans under division (C) of this section may submit one copy of the base plan and one copy of each applicable site-specific plan to each of the entities specified in division (E) (1) of this section.</u>	101 102 103 104 105
<u>(3) If, when reviewing a plan under division (D) (2) of this section, an owner determines that the plan does not need to be updated, the owner may submit to each of the entities specified in division (E) (1) of this section, in lieu of submitting another copy of the plan, a statement indicating that the review was completed and updates to the plan were not needed.</u>	106 107 108 109 110 111 112
<u>(4) An owner shall ensure that a copy of the current emergency response plan is available at the surface location of a horizontal well during construction of the well pad, drilling, well stimulation, production, plugging, and restoration of the surface location.</u>	113 114 115 116 117
<u>(F) No person shall fail to comply with this section.</u>	118
<u>Sec. 1509.391. The chief of the division of oil and gas resources management shall assess a civil penalty against a person that has violated or is violating division (F) of section 1509.39 of the Revised Code in an amount of one thousand dollars for the first week of violation and an additional five hundred dollars for each subsequent week during which the person is in violation of that division. Money collected from the assessment of a civil penalty shall be deposited in the state treasury to</u>	119 120 121 122 123 124 125 126

<u>the credit of the oil and gas well fund created in section</u>	127
<u>1509.02 of the Revised Code.</u>	128