

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 50**

**Senator Skindell**

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**A BILL**

To amend sections 1509.01, 1509.02, 1509.03, 1  
1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 2  
1509.222, 1509.223, 1509.224, and 1509.99, to 3  
enact section 1509.051, and to repeal section 4  
1509.226 of the Revised Code to to prohibit land 5  
application and deep well injection of brine, to 6  
prohibit the conversion of wells, and to 7  
eliminate the injection fee that is levied under 8  
the Oil and Gas Law. 9

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

**Section 1.** That sections 1509.01, 1509.02, 1509.03, 11  
1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222, 1509.223, 12  
1509.224, and 1509.99 be amended and section 1509.051 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 1509.01.** As used in this chapter: 15

(A) "Well" means any borehole, whether drilled or bored, 16  
within the state for production, extraction, or injection of any 17  
gas or liquid mineral, excluding potable water to be used as 18  
such, but including natural or artificial brines and oil field 19

waters.	20
(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.	21 22 23 24 25
(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.	26 27
(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.	28 29 30
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	31 32 33 34 35
(F) "Field" means the general area overlaid by one or more pools.	36 37
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	38 39 40
(H) "Waste" includes all of the following:	41
(1) Physical waste, as that term generally is understood in the oil and gas industry;	42 43
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	44 45
(3) Inefficient storing of oil or gas;	46

(4) Locating, drilling, equipping, operating, or producing 47  
an oil or gas well in a manner that reduces or tends to reduce 48  
the quantity of oil or gas ultimately recoverable under prudent 49  
and proper operations from the pool into which it is drilled or 50  
that causes or tends to cause unnecessary or excessive surface 51  
loss or destruction of oil or gas; 52

(5) Other underground or surface waste in the production 53  
or storage of oil, gas, or condensate, however caused. 54

(I) "Correlative rights" means the reasonable opportunity 55  
to every person entitled thereto to recover and receive the oil 56  
and gas in and under the person's tract or tracts, or the 57  
equivalent thereof, without having to drill unnecessary wells or 58  
incur other unnecessary expense. 59

(J) "Tract" means a single, individual parcel of land or a 60  
portion of a single, individual parcel of land. 61

(K) "Owner," unless referring to a mine, means the person 62  
who has the right to drill on a tract or drilling unit, to drill 63  
into and produce from a pool, and to appropriate the oil or gas 64  
produced therefrom either for the person or for others, except 65  
that a person ceases to be an owner with respect to a well when 66  
the well has been plugged in accordance with applicable rules 67  
adopted and orders issued under this chapter. "Owner" does not 68  
include a person who obtains a lease of the mineral rights for 69  
oil and gas on a parcel of land if the person does not attempt 70  
to produce or produce oil or gas from a well or obtain a permit 71  
under this chapter for a well or if the entire interest of a 72  
well is transferred to the person in accordance with division 73  
(B) of section 1509.31 of the Revised Code. 74

(L) "Royalty interest" means the fee holder's share in the 75

production from a well.	76
(M) "Discovery well" means the first well capable of producing oil or gas in commercial quantities from a pool.	77 78
(N) "Prepared clay" means a clay that is plastic and is thoroughly saturated with fresh water to a weight and consistency great enough to settle through saltwater in the well in which it is to be used, except as otherwise approved by the chief of the division of oil and gas resources management.	79 80 81 82 83
(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.	84 85
(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.	86 87
(Q) "Coal bearing township" means a township designated as such by the chief of the division of mineral resources management under section 1561.06 of the Revised Code.	88 89 90
(R) "Gas storage reservoir" means a continuous area of a subterranean porous sand or rock stratum or strata into which gas is or may be injected for the purpose of storing it therein and removing it therefrom and includes a gas storage reservoir as defined in section 1571.01 of the Revised Code.	91 92 93 94 95
(S) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and regulations adopted under those acts.	96 97 98 99 100 101 102
(T) "Person" includes any political subdivision,	103

department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; any legal entity defined as a person under section 1.59 of the Revised Code; and any other form of business organization or entity recognized by the laws of this state.

(U) "Brine" means all saline geological formation water resulting from, obtained from, or produced in connection with exploration, drilling, well stimulation, production of oil or gas, or plugging of a well.

(V) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and other bodies of water, surface or underground, natural or artificial, that are situated wholly or partially within this state or within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(W) "Exempt Mississippian well" means a well that meets all of the following criteria:

(1) Was drilled and completed before January 1, 1980;

(2) Is located in an unglaciated part of the state;

(3) Was completed in a reservoir no deeper than the Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;

(4) Is used primarily to provide oil or gas for domestic use.

(X) "Exempt domestic well" means a well that meets all of

the following criteria:	132
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	133 134
(2) Is used primarily to provide gas for the owner's domestic use;	135 136
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	137 138 139 140
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	141 142 143 144 145
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	146 147 148 149 150 151
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	152 153 154
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site	155 156 157 158 159 160

construction, access road construction, well drilling, well 161  
completion, well stimulation, well site activities, reclamation, 162  
and plugging. "Production operation" also includes all of the 163  
following: 164

(1) The piping, equipment, and facilities used for the 165  
production and preparation of hydrocarbon gas or liquids for 166  
transportation or delivery; 167

(2) The processes of extraction and recovery, lifting, 168  
stabilization, treatment, separation, production processing, 169  
storage, waste disposal, and measurement of hydrocarbon gas and 170  
liquids, including related equipment and facilities; 171

(3) The processes and related equipment and facilities 172  
associated with production compression, gas lift, gas injection, 173  
fuel gas supply, well drilling, well stimulation, and well 174  
completion activities, including dikes, pits, and earthen and 175  
other impoundments used for the temporary storage of fluids and 176  
waste substances associated with well drilling, well 177  
stimulation, and well completion activities; 178

(4) Equipment and facilities at a wellpad or other 179  
location that are used for the transportation, handling, 180  
recycling, temporary storage, management, processing, or 181  
treatment of any equipment, material, and by-products or other 182  
substances from an operation at a wellpad that may be used or 183  
reused at the same or another operation at a wellpad or that 184  
will be disposed of in accordance with applicable laws and rules 185  
adopted under them. 186

(BB) "Annular overpressurization" means the accumulation 187  
of fluids within an annulus with sufficient pressure to allow 188  
migration of annular fluids into underground sources of drinking 189

water.	190
(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.	191 192 193 194
(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.	195 196 197
(EE) "Material and substantial violation" means any of the following:	198 199
(1) Failure to obtain a permit to drill, reopen, <del>convert,</del> plugback, or plug a well under this chapter;	200 201
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	202 203
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	204 205
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	206 207 208 209 210 211
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	212 213
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	214 215 216

(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	217 218
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	219 220 221
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	222 223
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	224 225 226 227
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	228 229
<b>Sec. 1509.02.</b> There is hereby created in the department of natural resources the division of oil and gas resources management, which shall be administered by the chief of the division of oil and gas resources management. The division has sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells and production operations within the state, excepting only those activities regulated under federal laws for which oversight has been delegated to the environmental protection agency and activities regulated under sections 6111.02 to 6111.028 of the Revised Code. The regulation of oil and gas activities is a matter of general statewide interest that requires uniform statewide regulation, and this chapter and rules adopted under it constitute a comprehensive plan with respect to all aspects of the locating, drilling, well stimulation, completing, and operating of oil and gas wells within this state, including site	230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245

construction and restoration, permitting related to those 246  
activities, and the disposal of wastes from those wells. In 247  
order to assist the division in the furtherance of its sole and 248  
exclusive authority as established in this section, the chief 249  
may enter into cooperative agreements with other state agencies 250  
for advice and consultation, including visitations at the 251  
surface location of a well on behalf of the division. Such 252  
cooperative agreements do not confer on other state agencies any 253  
authority to administer or enforce this chapter and rules 254  
adopted under it. In addition, such cooperative agreements shall 255  
not be construed to dilute or diminish the division's sole and 256  
exclusive authority as established in this section. Nothing in 257  
this section affects the authority granted to the director of 258  
transportation and local authorities in section 723.01 or 259  
4513.34 of the Revised Code, provided that the authority granted 260  
under those sections shall not be exercised in a manner that 261  
discriminates against, unfairly impedes, or obstructs oil and 262  
gas activities and operations regulated under this chapter. 263

The chief shall not hold any other public office, nor 264  
shall the chief be engaged in any occupation or business that 265  
might interfere with or be inconsistent with the duties as 266  
chief. 267

All moneys collected by the chief pursuant to sections 268  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, ~~1509.22,~~ 269  
1509.222, 1509.28, 1509.34, and 1509.50 of the Revised Code, 270  
ninety per cent of moneys received by the treasurer of state 271  
from the tax levied in divisions (A) (5) and (6) of section 272  
5749.02 of the Revised Code, all civil penalties paid under 273  
section 1509.33 of the Revised Code, and, notwithstanding any 274  
section of the Revised Code relating to the distribution or 275  
crediting of fines for violations of the Revised Code, all fines 276

imposed under divisions (A) and (B) of section 1509.99 of the Revised Code and fines imposed under divisions (C) and (D) of section 1509.99 of the Revised Code for all violations prosecuted by the attorney general and for violations prosecuted by prosecuting attorneys that do not involve the transportation of brine by vehicle shall be deposited into the state treasury to the credit of the oil and gas well fund, which is hereby created. Fines imposed under divisions (C) and (D) of section 1509.99 of the Revised Code for violations prosecuted by prosecuting attorneys that involve the transportation of brine by vehicle and penalties associated with a compliance agreement entered into pursuant to this chapter shall be paid to the county treasury of the county where the violation occurred.

The fund shall be used solely and exclusively for the purposes enumerated in division (B) of section 1509.071 of the Revised Code, for the expenses of the division associated with the administration of this chapter and Chapter 1571. of the Revised Code and rules adopted under them, and for expenses that are critical and necessary for the protection of human health and safety and the environment related to oil and gas production in this state. The expenses of the division in excess of the moneys available in the fund shall be paid from general revenue fund appropriations to the department.

**Sec. 1509.03.** (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a permit with respect to a well and production facilities of a well that are located within an urbanized area or with respect

to a horizontal well and production facilities associated with a 308  
horizontal well. The subjects shall include all of the 309  
following: 310

(1) Safety concerning the drilling or operation of a well; 311

(2) Protection of the public and private water supply, 312  
including the amount of water used and the source or sources of 313  
the water; 314

(3) Fencing and screening of surface facilities of a well; 315

(4) Containment and disposal of drilling and production 316  
wastes; 317

(5) Construction of access roads for purposes of the 318  
drilling and operation of a well; 319

(6) Noise mitigation for purposes of the drilling of a 320  
well and the operation of a well, excluding safety and 321  
maintenance operations. 322

No person shall violate any rule of the chief adopted 323  
under this chapter. 324

(B) (1) Any order issuing, denying, or modifying a permit 325  
or notices required to be made by the chief pursuant to this 326  
chapter shall be made in compliance with Chapter 119. of the 327  
Revised Code, except that personal service may be used in lieu 328  
of service by mail. Every order issuing, denying, or modifying a 329  
permit under this chapter and described as such shall be 330  
considered an adjudication order for purposes of Chapter 119. of 331  
the Revised Code. Division (B) (1) of this section does not apply 332  
to a permit issued under section 1509.06 of the Revised Code. 333

(2) Where notice to the owners is required by this 334  
chapter, the notice shall be given as prescribed by a rule 335

adopted by the chief to govern the giving of notices. The rule 336  
shall provide for notice by publication except in those cases 337  
where other types of notice are necessary in order to meet the 338  
requirements of the law. 339

(C) The chief or the chief's authorized representative may 340  
at any time enter upon lands, public or private, for the purpose 341  
of administration or enforcement of this chapter, the rules 342  
adopted or orders made thereunder, or terms or conditions of 343  
permits or registration certificates issued thereunder and may 344  
examine and copy records pertaining to the drilling, conversion, 345  
or operation of a well for injection of fluids and logs required 346  
by division (C) of section 1509.223 of the Revised Code. No 347  
person shall prevent or hinder the chief or the chief's 348  
authorized representative in the performance of official duties. 349  
If entry is prevented or hindered, the chief or the chief's 350  
authorized representative may apply for, and the court of common 351  
pleas may issue, an appropriate inspection warrant necessary to 352  
achieve the purposes of this chapter within the court's 353  
territorial jurisdiction. 354

(D) The chief may issue orders to enforce this chapter, 355  
rules adopted thereunder, and terms or conditions of permits 356  
issued thereunder. Any such order shall be considered an 357  
adjudication order for the purposes of Chapter 119. of the 358  
Revised Code. No person shall violate any order of the chief 359  
issued under this chapter. No person shall violate a term or 360  
condition of a permit or registration certificate issued under 361  
this chapter. 362

(E) Orders of the chief denying, suspending, or revoking a 363  
registration certificate; approving or denying approval of an 364  
application for revision of a registered transporter's plan for 365

disposal; or to implement, administer, or enforce division (A) 366  
of section 1509.224 and sections 1509.22, 1509.222, 1509.223, 367  
and 1509.225, and 1509.226 of the Revised Code pertaining to the 368  
transportation of brine by vehicle and the disposal of brine so 369  
transported are not adjudication orders for purposes of Chapter 370  
119. of the Revised Code. The chief shall issue such orders 371  
under division (A) or (B) of section 1509.224 of the Revised 372  
Code, as appropriate. 373

**Sec. 1509.05.** No person shall drill a new well, drill an 374  
existing well any deeper, reopen a well, ~~convert a well to any~~ 375  
~~use other than its original purpose,~~ or plug back a well to a 376  
source of supply different from the existing pool, without 377  
having a permit to do so issued by the chief of the division of 378  
oil and gas resources management, and until the original permit 379  
or a photostatic copy thereof is posted or displayed in a 380  
conspicuous and easily accessible place at the well site, with 381  
the name, current address, and telephone number of the permit 382  
holder and the telephone numbers for fire and emergency medical 383  
services maintained on the posted permit or copy. The permit or 384  
a copy shall be continuously displayed in that manner at all 385  
times during the work authorized by the permit. 386

**Sec. 1509.051.** No person shall convert a well to a use 387  
other than its original purpose. 388

**Sec. 1509.06.** (A) An application for a permit to drill a 389  
new well, drill an existing well deeper, reopen a well, ~~convert~~ 390  
~~a well to any use other than its original purpose,~~ or plug back 391  
a well to a different source of supply, including associated 392  
production operations, shall be filed with the chief of the 393  
division of oil and gas resources management upon such form as 394  
the chief prescribes and shall contain each of the following 395

that is applicable:	396
(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	397 398
(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.	399 400 401 402
(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;	403 404 405
(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;	406 407 408
(5) Designation of the well by name and number;	409
(6) (a) The geological formation to be tested or used and the proposed total depth of the well;	410 411
(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.	412 413 414
(7) The type of drilling equipment to be used;	415
(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	416 417 418 419 420 421 422 423

the production operations. If recycled water will be used in the 424  
production operations, the owner shall provide the estimated 425  
volume of recycled water to be used. The owner shall submit to 426  
the chief an update of any of the information that is required 427  
by division (A) (8) (a) of this section if any of that information 428  
changes before the chief issues a permit for the application. 429

(b) Except as provided in division (A) (8) (c) of this 430  
section, for an application for a permit to drill a new well 431  
within an urbanized area, the results of sampling of water wells 432  
within three hundred feet of the proposed well prior to 433  
commencement of drilling. In addition, the owner shall include a 434  
list that identifies the location of each water well where the 435  
owner of the property on which the water well is located denied 436  
the owner access to sample the water well. The sampling shall be 437  
conducted in accordance with the guidelines established in "Best 438  
Management Practices For Pre-drilling Water Sampling" in effect 439  
at the time that the application is submitted. The division 440  
shall furnish those guidelines upon request and shall make them 441  
available on the division's web site. If the chief determines 442  
that conditions at the proposed well site warrant a revision, 443  
the chief may revise the distance established in this division 444  
for purposes of pre-drilling water sampling. 445

(c) For an application for a permit to drill a new 446  
horizontal well, the results of sampling of water wells within 447  
one thousand five hundred feet of the proposed horizontal 448  
wellhead prior to commencement of drilling. In addition, the 449  
owner shall include a list that identifies the location of each 450  
water well where the owner of the property on which the water 451  
well is located denied the owner access to sample the water 452  
well. The sampling shall be conducted in accordance with the 453  
guidelines established in "Best Management Practices For Pre- 454

drilling Water Sampling" in effect at the time that the 455  
application is submitted. The division shall furnish those 456  
guidelines upon request and shall make them available on the 457  
division's web site. If the chief determines that conditions at 458  
the proposed well site warrant a revision, the chief may revise 459  
the distance established in this division for purposes of pre- 460  
drilling water sampling. 461

(9) For an application for a permit to drill a new well 462  
within an urbanized area, a sworn statement that the applicant 463  
has provided notice by regular mail of the application to the 464  
owner of each parcel of real property that is located within 465  
five hundred feet of the surface location of the well and to the 466  
executive authority of the municipal corporation or the board of 467  
township trustees of the township, as applicable, in which the 468  
well is to be located. In addition, the notice shall contain a 469  
statement that informs an owner of real property who is required 470  
to receive the notice under division (A) (9) of this section that 471  
within five days of receipt of the notice, the owner is required 472  
to provide notice under section 1509.60 of the Revised Code to 473  
each residence in an occupied dwelling that is located on the 474  
owner's parcel of real property. The notice shall contain a 475  
statement that an application has been filed with the division 476  
of oil and gas resources management, identify the name of the 477  
applicant and the proposed well location, include the name and 478  
address of the division, and contain a statement that comments 479  
regarding the application may be sent to the division. The 480  
notice may be provided by hand delivery or regular mail. The 481  
identity of the owners of parcels of real property shall be 482  
determined using the tax records of the municipal corporation or 483  
county in which a parcel of real property is located as of the 484  
date of the notice. 485

(10) A plan for restoration of the land surface disturbed 486  
by drilling operations. The plan shall provide for compliance 487  
with the restoration requirements of division (A) of section 488  
1509.072 of the Revised Code and any rules adopted by the chief 489  
pertaining to that restoration. 490

(11) (a) A description by name or number of the county, 491  
township, and municipal corporation roads, streets, and highways 492  
that the applicant anticipates will be used for access to and 493  
egress from the well site; 494

(b) For an application for a permit for a horizontal well, 495  
a copy of an agreement concerning maintenance and safe use of 496  
the roads, streets, and highways described in division (A) (11) 497  
(a) of this section entered into on reasonable terms with the 498  
public official that has the legal authority to enter into such 499  
maintenance and use agreements for each county, township, and 500  
municipal corporation, as applicable, in which any such road, 501  
street, or highway is located or an affidavit on a form 502  
prescribed by the chief attesting that the owner attempted in 503  
good faith to enter into an agreement under division (A) (11) (b) 504  
of this section with the applicable public official of each such 505  
county, township, or municipal corporation, but that no 506  
agreement was executed. 507

(12) Such other relevant information as the chief 508  
prescribes by rule. 509

Each application shall be accompanied by a map, on a scale 510  
not smaller than four hundred feet to the inch, prepared by an 511  
Ohio registered surveyor, showing the location of the well and 512  
containing such other data as may be prescribed by the chief. If 513  
the well is or is to be located within the excavations and 514  
workings of a mine, the map also shall include the location of 515

the mine, the name of the mine, and the name of the person 516  
operating the mine. 517

(B) The chief shall cause a copy of the weekly circular 518  
prepared by the division to be provided to the county engineer 519  
of each county that contains active or proposed drilling 520  
activity. The weekly circular shall contain, in the manner 521  
prescribed by the chief, the names of all applicants for 522  
permits, the location of each well or proposed well, the 523  
information required by division (A) (11) of this section, and 524  
any additional information the chief prescribes. In addition, 525  
the chief promptly shall transfer an electronic copy or 526  
facsimile, or if those methods are not available to a municipal 527  
corporation or township, a copy via regular mail, of a drilling 528  
permit application to the clerk of the legislative authority of 529  
the municipal corporation or to the clerk of the township in 530  
which the well or proposed well is or is to be located if the 531  
legislative authority of the municipal corporation or the board 532  
of township trustees has asked to receive copies of such 533  
applications and the appropriate clerk has provided the chief an 534  
accurate, current electronic mailing address or facsimile 535  
number, as applicable. 536

(C) (1) Except as provided in division (C) (2) of this 537  
section, the chief shall not issue a permit for at least ten 538  
days after the date of filing of the application for the permit 539  
unless, upon reasonable cause shown, the chief waives that 540  
period or a request for expedited review is filed under this 541  
section. However, the chief shall issue a permit within twenty- 542  
one days of the filing of the application unless the chief 543  
denies the application by order. 544

(2) If the location of a well or proposed well will be or 545

is within an urbanized area, the chief shall not issue a permit 546  
for at least eighteen days after the date of filing of the 547  
application for the permit unless, upon reasonable cause shown, 548  
the chief waives that period or the chief at the chief's 549  
discretion grants a request for an expedited review. However, 550  
the chief shall issue a permit for a well or proposed well 551  
within an urbanized area within thirty days of the filing of the 552  
application unless the chief denies the application by order. 553

(D) An applicant may file a request with the chief for 554  
expedited review of a permit application if the well is not or 555  
is not to be located in a gas storage reservoir or reservoir 556  
protective area, as "reservoir protective area" is defined in 557  
section 1571.01 of the Revised Code. If the well is or is to be 558  
located in a coal bearing township, the application shall be 559  
accompanied by the affidavit of the landowner prescribed in 560  
section 1509.08 of the Revised Code. 561

In addition to a complete application for a permit that 562  
meets the requirements of this section and the permit fee 563  
prescribed by this section, a request for expedited review shall 564  
be accompanied by a separate nonrefundable filing fee of two 565  
hundred fifty dollars. Upon the filing of a request for 566  
expedited review, the chief shall cause the county engineer of 567  
the county in which the well is or is to be located to be 568  
notified of the filing of the permit application and the request 569  
for expedited review by telephone or other means that in the 570  
judgment of the chief will provide timely notice of the 571  
application and request. The chief shall issue a permit within 572  
seven days of the filing of the request unless the chief denies 573  
the application by order. Notwithstanding the provisions of this 574  
section governing expedited review of permit applications, the 575  
chief may refuse to accept requests for expedited review if, in 576

the chief's judgment, the acceptance of the requests would 577  
prevent the issuance, within twenty-one days of their filing, of 578  
permits for which applications are pending. 579

(E) A well shall be drilled and operated in accordance 580  
with the plans, sworn statements, and other information 581  
submitted in the approved application. 582

(F) The chief shall issue an order denying a permit if the 583  
chief finds that there is a substantial risk that the operation 584  
will result in violations of this chapter or rules adopted under 585  
it that will present an imminent danger to public health or 586  
safety or damage to the environment, provided that where the 587  
chief finds that terms or conditions to the permit can 588  
reasonably be expected to prevent such violations, the chief 589  
shall issue the permit subject to those terms or conditions, 590  
including, if applicable, terms and conditions regarding 591  
subjects identified in rules adopted under section 1509.03 of 592  
the Revised Code. The issuance of a permit shall not be 593  
considered an order of the chief. 594

The chief shall post notice of each permit that has been 595  
approved under this section on the division's web site not later 596  
than two business days after the application for a permit has 597  
been approved. 598

(G) Each application for a permit required by section 599  
1509.05 of the Revised Code, ~~except an application for a well-~~ 600  
~~drilled or reopened for purposes of section 1509.22 of the~~ 601  
~~Revised Code,~~ also shall be accompanied by a nonrefundable fee 602  
as follows: 603

(1) Five hundred dollars for a permit to conduct 604  
activities in a township with a population of fewer than ten 605

thousand; 606

(2) Seven hundred fifty dollars for a permit to conduct 607  
activities in a township with a population of ten thousand or 608  
more, but fewer than fifteen thousand; 609

(3) One thousand dollars for a permit to conduct 610  
activities in either of the following: 611

(a) A township with a population of fifteen thousand or 612  
more; 613

(b) A municipal corporation regardless of population. 614

(4) If the application is for a permit that requires 615  
mandatory pooling, an additional five thousand dollars. 616

For purposes of calculating fee amounts, populations shall 617  
be determined using the most recent federal decennial census. 618

Each application for the revision or reissuance of a 619  
permit shall be accompanied by a nonrefundable fee of two 620  
hundred fifty dollars. 621

(H) (1) Prior to the commencement of well pad construction 622  
and prior to the issuance of a permit to drill a proposed 623  
horizontal well or a proposed well that is to be located in an 624  
urbanized area, the division shall conduct a site review to 625  
identify and evaluate any site-specific terms and conditions 626  
that may be attached to the permit. At the site review, a 627  
representative of the division shall consider fencing, 628  
screening, and landscaping requirements, if any, for similar 629  
structures in the community in which the well is proposed to be 630  
located. The terms and conditions that are attached to the 631  
permit shall include the establishment of fencing, screening, 632  
and landscaping requirements for the surface facilities of the 633

proposed well, including a tank battery of the well. 634

(2) Prior to the issuance of a permit to drill a proposed 635  
well, the division shall conduct a review to identify and 636  
evaluate any site-specific terms and conditions that may be 637  
attached to the permit if the proposed well will be located in a 638  
one-hundred-year floodplain or within the five-year time of 639  
travel associated with a public drinking water supply. 640

(I) A permit shall be issued by the chief in accordance 641  
with this chapter. A permit issued under this section for a well 642  
that is or is to be located in an urbanized area shall be valid 643  
for twelve months, and all other permits issued under this 644  
section shall be valid for twenty-four months. 645

(J) An applicant or a permittee, as applicable, shall 646  
submit to the chief an update of the information that is 647  
required under division (A) (8) (a) of this section if any of that 648  
information changes prior to commencement of production 649  
operations. 650

(K) A permittee or a permittee's authorized representative 651  
shall notify an inspector from the division at least twenty-four 652  
hours, or another time period agreed to by the chief's 653  
authorized representative, prior to the commencement of well pad 654  
construction and of drilling, reopening, ~~converting,~~ well 655  
stimulation, or plugback operations. 656

**Sec. 1509.08.** Upon receipt of an application for a permit 657  
required by section 1509.05 of the Revised Code, or upon receipt 658  
of an application for a permit to plug and abandon under section 659  
1509.13 of the Revised Code, the chief of the division of oil 660  
and gas resources management shall determine whether the well is 661  
or is to be located in a coal bearing township. 662

Whether or not the well is or is to be located in a coal bearing township, the chief, by order, may refuse to issue a permit required by section 1509.05 of the Revised Code to any applicant who at the time of applying for the permit is in material or substantial violation of this chapter or rules adopted or orders issued under it. The chief shall refuse to issue a permit to any applicant who at the time of applying for the permit has been found liable by a final nonappealable order of a court of competent jurisdiction for damage to streets, roads, highways, bridges, culverts, or drainways pursuant to section 4513.34 or 5577.12 of the Revised Code until the applicant provides the chief with evidence of compliance with the order. No applicant shall attempt to circumvent this provision by applying for a permit under a different name or business organization name, by transferring responsibility to another person or entity, by abandoning the well or lease, or by any other similar act.

If the well is not or is not to be located in a coal bearing township, or if it is to be located in a coal bearing township, but the landowner submits an affidavit attesting to ownership of the property in fee simple, including the coal, and has no objection to the well, the chief shall issue the permit.

If the application to drill, ~~or reopen, or convert~~ concerns a well that is or is to be located in a coal bearing township, the chief shall transmit to the chief of the division of mineral resources management two copies of the application and three copies of the map required in section 1509.06 of the Revised Code, except that, when the affidavit with the waiver of objection described above is submitted, the chief of the division of oil and gas resources management shall not transmit the copies.

The chief of the division of mineral resources management 694  
immediately shall notify the owner or lessee of any affected 695  
mine that the application has been filed and send to the owner 696  
or lessee two copies of the map accompanying the application 697  
setting forth the location of the well. 698

If the owner or lessee objects to the location of the well 699  
or objects to any location within fifty feet of the original 700  
location as a possible site for relocation of the well, the 701  
owner or lessee shall notify the chief of the division of 702  
mineral resources management of the objection, giving the 703  
reasons for the objection and, if applicable, indicating on a 704  
copy of the map the particular location or locations within 705  
fifty feet of the original location to which the owner or lessee 706  
objects as a site for possible relocation of the well, within 707  
six days after the receipt of the notice. If the chief receives 708  
no objections from the owner or lessee of the mine within ten 709  
days after the receipt of the notice by the owner or lessee, or 710  
if in the opinion of the chief the objections offered by the 711  
owner or lessee are not sufficiently well founded, the chief 712  
immediately shall notify the owner or lessee of those findings. 713  
The owner or lessee may appeal the decision of the chief to the 714  
reclamation commission under section 1513.13 of the Revised 715  
Code. The appeal shall be filed within fifteen days, 716  
notwithstanding provisions in ~~divisions~~ division (A) (1) of 717  
section 1513.13 of the Revised Code to the contrary, from the 718  
date on which the owner or lessee receives the notice. If the 719  
appeal is not filed within that time, the chief immediately 720  
shall approve the application, retain a copy of the application 721  
and map, and return a copy of the application to the chief of 722  
the division of oil and gas resources management with the 723  
approval noted on it. The chief of the division of oil and gas 724

resources management then shall issue the permit if the 725  
provisions of this chapter pertaining to the issuance of such a 726  
permit have been complied with. 727

If the chief of the division of mineral resources 728  
management receives an objection from the owner or lessee of the 729  
mine as to the location of the well within ten days after 730  
receipt of the notice by the owner or lessee, and if in the 731  
opinion of the chief the objection is well founded, the chief 732  
shall disapprove the application and immediately return it to 733  
the chief of the division of oil and gas resources management 734  
together with the reasons for disapproval and a suggestion for a 735  
new location for the well, provided that the suggested new 736  
location shall not be a location within fifty feet of the 737  
original location to which the owner or lessee has objected as a 738  
site for possible relocation of the well if the chief of the 739  
division of mineral resources management has determined that the 740  
objection is well founded. The chief of the division of oil and 741  
gas resources management immediately shall notify the applicant 742  
for the permit of the disapproval and any suggestion made by the 743  
chief of the division of mineral resources management as to a 744  
new location for the well. The applicant may withdraw the 745  
application or amend the application to drill the well at the 746  
location suggested by the chief, or the applicant may appeal the 747  
disapproval of the application by the chief to the reclamation 748  
commission. 749

If the chief of the division of mineral resources 750  
management receives no objection from the owner or lessee of a 751  
mine as to the location of the well, but does receive an 752  
objection from the owner or lessee as to one or more locations 753  
within fifty feet of the original location as possible sites for 754  
relocation of the well within ten days after receipt of the 755

notice by the owner or lessee, and if in the opinion of the 756  
chief the objection is well founded, the chief nevertheless 757  
shall approve the application and shall return it immediately to 758  
the chief of the division of oil and gas resources management 759  
together with the reasons for disapproving any of the locations 760  
to which the owner or lessee objects as possible sites for the 761  
relocation of the well. The chief of the division of oil and gas 762  
resources management then shall issue a permit if the provisions 763  
of this chapter pertaining to the issuance of such a permit have 764  
been complied with, incorporating as a term or condition of the 765  
permit that the applicant is prohibited from commencing drilling 766  
at any location within fifty feet of the original location that 767  
has been disapproved by the chief of the division of mineral 768  
resources management. The applicant may appeal to the 769  
reclamation commission the terms and conditions of the permit 770  
prohibiting the commencement of drilling at any such location 771  
disapproved by the chief of the division of mineral resources 772  
management. 773

Any such appeal shall be filed within fifteen days, 774  
notwithstanding provisions in division (A)(1) of section 1513.13 775  
of the Revised Code to the contrary, from the date the applicant 776  
receives notice of the disapproval of the application, any other 777  
location within fifty feet of the original location, or terms or 778  
conditions of the permit, or the owner or lessee receives notice 779  
of the chief's decision. No approval or disapproval of an 780  
application shall be delayed by the chief of the division of 781  
mineral resources management for more than fifteen days from the 782  
date of sending the notice of the application to the mine owner 783  
or lessee as required by this section. 784

All appeals provided for in this section shall be treated 785  
as expedited appeals. The reclamation commission shall hear any 786

such appeal in accordance with section 1513.13 of the Revised Code and issue a decision within thirty days of the filing of the notice of appeal.

The chief of the division of oil and gas resources management shall not issue a permit to drill a new well or reopen a well that is or is to be located within three hundred feet of any opening of any mine used as a means of ingress, egress, or ventilation for persons employed in the mine, nor within one hundred feet of any building or inflammable structure connected with the mine and actually used as a part of the operating equipment of the mine, unless the chief of the division of mineral resources management determines that life or property will not be endangered by drilling and operating the well in that location.

The chief of the division of mineral resources management may suspend the drilling or reopening of a well in a coal bearing township after determining that the drilling or reopening activities present an imminent and substantial threat to public health or safety or to miners' health or safety and having been unable to contact the chief of the division of oil and gas resources management to request an order of suspension under section 1509.06 of the Revised Code. Before issuing a suspension order for that purpose, the chief of the division of mineral resources management shall notify the owner in a manner that in the chief's judgment would provide reasonable notification that the chief intends to issue a suspension order. The chief may issue such an order without prior notification if reasonable attempts to notify the owner have failed, but in that event notification shall be given as soon thereafter as practical. Within five calendar days after the issuance of the order, the chief shall provide the owner an opportunity to be

heard and to present evidence that the activities do not present 818  
an imminent and substantial threat to public health or safety or 819  
to miners' health or safety. If, after considering the evidence 820  
presented by the owner, the chief determines that the activities 821  
do not present such a threat, the chief shall revoke the 822  
suspension order. An owner may appeal a suspension order issued 823  
by the chief of the division of mineral resources management 824  
under this section to the reclamation commission in accordance 825  
with section 1513.13 of the Revised Code or may appeal the order 826  
directly to the court of common pleas of the county in which the 827  
well is located. 828

**Sec. 1509.21.** ~~No~~ (A) Except as provided in division (B) of 829  
this section, no person shall, without first having obtained a 830  
permit from the chief of the division of oil and gas resources 831  
management, conduct secondary or additional recovery operations, 832  
including any underground injection of fluids or carbon dioxide 833  
for the secondary or tertiary recovery of oil or natural gas or 834  
for the storage of hydrocarbons that are liquid at standard 835  
temperature or pressure, unless a rule of the chief expressly 836  
authorizes such operations without a permit. The permit shall be 837  
in addition to any permit required by section 1509.05 of the 838  
Revised Code. Secondary or additional recovery operations shall 839  
be conducted in accordance with rules and orders of the chief 840  
and any terms or conditions of the permit authorizing such 841  
operations. In addition, the chief may authorize tests to 842  
evaluate whether fluids or carbon dioxide may be injected in a 843  
reservoir and to determine the maximum allowable injection 844  
pressure. The tests shall be conducted in accordance with 845  
methods prescribed in rules of the chief or conditions of the 846  
permit. Rules adopted under this section shall include 847  
provisions regarding applications for and the issuance of 848

permits; the terms and conditions of permits; entry to conduct 849  
inspections and to examine records to ascertain compliance with 850  
this section and rules, orders, and terms and conditions of 851  
permits adopted or issued thereunder; the provision and 852  
maintenance of information through monitoring, recordkeeping, 853  
and reporting; and other provisions in furtherance of the goals 854  
of this section and the Safe Drinking Water Act. To implement 855  
the goals of the Safe Drinking Water Act, the chief shall not 856  
issue a permit for the underground injection of fluids for the 857  
secondary or tertiary recovery of oil or natural gas or for the 858  
storage of hydrocarbons that are liquid at standard temperature 859  
and pressure, unless the chief concludes that the applicant has 860  
demonstrated that the injection will not result in the presence 861  
of any contaminant in underground water that supplies or can be 862  
reasonably expected to supply any public water system, such that 863  
the presence of any such contaminant may result in the system's 864  
not complying with any national primary drinking water 865  
regulation or may otherwise adversely affect the health of 866  
persons. Rules, orders, and terms or conditions of permits 867  
adopted or issued under this section shall be construed to be no 868  
more stringent than required for compliance with the Safe 869  
Drinking Water Act, unless essential to ensure that underground 870  
sources of drinking water will not be endangered. 871

(B) No person shall dispose of brine in association with a 872  
method of enhanced recovery conducted pursuant to division (A) 873  
of this section. 874

**Sec. 1509.22.** (A) ~~Except when acting in accordance with~~ 875  
~~section 1509.226 of the Revised Code, no~~ (1) No person shall 876  
place or cause to be placed brine in or on the land or in 877  
surface or ground water. 878

(2) No person shall place or cause to be placed in ground 879  
water or in or on the land or discharge or cause to be 880  
discharged in surface water ~~brine,~~ crude oil, natural gas, or 881  
other fluids associated with the exploration, development, well 882  
stimulation, production operations, or plugging of oil and gas 883  
resources that ~~causes~~ cause or could reasonably be anticipated 884  
to cause damage or injury to public health or safety or the 885  
environment. 886

(3) Divisions (A) (1) and (2) of this section apply 887  
regardless of whether brine, crude oil, natural gas, or other 888  
fluids associated with the exploration or development of oil and 889  
gas resources have been treated in a public water system or 890  
other treatment system or process. 891

(B) (1) No person shall store or dispose of brine in 892  
violation of a plan approved under division (A) of section 893  
1509.222 ~~or section 1509.226~~ of the Revised Code, ~~in violation~~ 894  
~~of a resolution submitted under section 1509.226 of the Revised~~ 895  
~~Code,~~ or in violation of rules or orders applicable to those 896  
plans ~~or resolutions.~~ 897

(2) (a) On and after January 1, 2014, no person shall 898  
store, recycle, treat, process, or dispose of in this state 899  
brine or other waste substances associated with the exploration, 900  
development, well stimulation, production operations, or 901  
plugging of oil and gas resources without an order or a permit 902  
issued under this section or section 1509.06 or 1509.21 of the 903  
Revised Code or rules adopted under any of those sections. For 904  
purposes of division (B) (2) (a) of this section, a permit or 905  
other form of authorization issued by another agency of the 906  
state or a political subdivision of the state shall not be 907  
considered a permit or order issued by the chief of the division 908

of oil and gas resources management under this chapter. 909

(b) Division (B) (2) (a) of this section does not apply to a 910  
person that disposes of such waste substances other than brine 911  
in accordance with Chapter 3734. of the Revised Code and rules 912  
adopted under it. 913

(C) The chief shall adopt rules regarding storage, 914  
recycling, treatment, processing, and disposal of brine and 915  
other waste substances. The rules shall establish procedures and 916  
requirements in accordance with which a person shall apply for a 917  
permit or order for the storage, recycling, treatment, 918  
processing, or disposal of brine and other waste substances that 919  
are not subject to a permit issued under section 1509.06 or 920  
1509.21 of the Revised Code and in accordance with which the 921  
chief may issue such a permit or order. An application for such 922  
a permit shall be accompanied by a nonrefundable fee of two 923  
thousand five hundred dollars. 924

The storage, recycling, treatment, processing, and 925  
disposal of brine and other waste substances and the chief's 926  
rules relating to storage, recycling, treatment, processing, and 927  
disposal are subject to all of the following standards: 928

(1) Brine from any well ~~except an exempt Mississippian-~~ 929  
~~well shall be disposed of only as follows:~~ 930

~~(a) By injection into an underground formation, including~~ 931  
~~annular disposal if approved by rule of the chief, which~~ 932  
~~injection shall be subject to division (D) of this section;~~ 933

~~(b) By surface application in accordance with section~~ 934  
~~1509.226 of the Revised Code;~~ 935

~~(c) In association with a method of enhanced recovery as~~ 936  
~~provided in section 1509.21 of the Revised Code;~~ 937

~~(d) In any other manner not specified in divisions (C) (1)~~ 938  
~~(a) to (c) of this section that is by a method approved by a~~ 939  
~~permit or order issued by the chief for testing and implementing~~ 940  
~~a new technology or method of disposal. No person shall fail to~~ 941  
~~comply with this division.~~ 942

~~(2) Brine from exempt Mississippian wells shall not be~~ 943  
~~discharged directly into the waters of the state.~~ 944

~~(3) Muds, cuttings, and other waste substances shall not~~ 945  
be disposed of in violation of this chapter or any rule adopted 946  
under it. 947

~~(4) (3)~~ Pits or steel tanks shall be used as authorized by 948  
the chief for containing brine and other waste substances 949  
resulting from, obtained from, or produced in connection with 950  
drilling, well stimulation, reworking, reconditioning, plugging 951  
back, or plugging operations. The pits and steel tanks shall be 952  
constructed and maintained to prevent the escape of brine and 953  
other waste substances. 954

~~(5) (4)~~ A dike or pit may be used for spill prevention and 955  
control. A dike or pit so used shall be constructed and 956  
maintained to prevent the escape of brine and crude oil, and the 957  
reservoir within such a dike or pit shall be kept reasonably 958  
free of brine, crude oil, and other waste substances. 959

~~(6) (5)~~ Impoundments constructed utilizing a synthetic 960  
liner pursuant to the division's specifications may be used for 961  
the temporary storage of waste substances used in the 962  
construction, stimulation, or plugging of a well. 963

~~(7) (6)~~ No pit or dike shall be used for the temporary 964  
storage of brine or other waste substances except in accordance 965  
with divisions (C) ~~(4) (3)~~ and ~~(5) (4)~~ of this section. 966

~~(8)-(7)~~ No pit or dike shall be used for the ultimate disposal of brine or other liquid waste substances.

~~(D) (1) No~~ Except as provided in division (D) (2) of this section, no person, without first having obtained a permit from the chief, shall inject brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production into an underground formation unless a rule of the chief expressly authorizes the injection without a permit. The permit shall be in addition to any permit required by section 1509.05 of the Revised Code, and the permit application shall be accompanied by a permit fee of one thousand dollars. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the injection into wells of brine and other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production. The rules shall include provisions regarding all of the following:

~~(a) Applications for and issuance of the permits required by this division;~~

~~(b) Entry to conduct inspections and to examine and copy records to ascertain compliance with this division and rules, orders, and terms and conditions of permits adopted or issued under it;~~

~~(c) The provision and maintenance of information through monitoring, recordkeeping, and reporting. In addition, the rules shall require the owner of an injection well who has been issued a permit under division (D) of this section to quarterly submit electronically to the chief information concerning each shipment of brine or other waste substances received by the owner for~~

~~injection into the well.~~ 997

~~(d) The provision and electronic reporting quarterly of information concerning brine and other waste substances from a transporter that is registered under section 1509.222 of the Revised Code prior to the injection of the transported brine or other waste substances;~~ 998  
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1002

~~(e) Any other provisions in furtherance of the goals of this section and the Safe Drinking Water Act.~~ 1003  
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(2) The chief may adopt rules in accordance with Chapter 119. of the Revised Code authorizing tests to evaluate whether fluids other than brine or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of ~~the~~ a permit issued by the chief for that purpose. In addition, the chief may adopt rules that do both of the following: 1005  
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(a) Establish the total depth of a well for which a permit has been applied for or issued under this division; 1013  
1014

(b) Establish requirements and procedures to protect public health and safety. 1015  
1016

~~(3) To implement the goals of the Safe Drinking Water Act~~ 1017  
Except as provided in division (D) (2) of this section, the chief shall not issue a permit for the injection of brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production ~~unless the chief concludes that the applicant has demonstrated that the injection will not result in the presence of any contaminant in ground water that supplies or can reasonably be expected to supply any public water system, such that the~~ 1018  
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~~presence of the contaminant may result in the system's not~~ 1026  
~~complying with any national primary drinking water regulation or~~ 1027  
~~may otherwise adversely affect the health of persons.~~ 1028

(4) The chief may issue an order to the owner of a well in 1029  
existence on September 10, 2012, to make changes in the 1030  
operation of the well in order to correct problems or to address 1031  
safety concerns. 1032

~~(5) This division and rules, orders, and terms and~~ 1033  
~~conditions of permits adopted or issued under it shall be~~ 1034  
~~construed to be no more stringent than required for compliance~~ 1035  
~~with the Safe Drinking Water Act unless essential to ensure that~~ 1036  
~~underground sources of drinking water will not be endangered.~~ 1037

(E) The owner holding a permit, or an assignee or 1038  
transferee who has assumed the obligations and liabilities 1039  
imposed by this chapter and any rules adopted or orders issued 1040  
under it pursuant to section 1509.31 of the Revised Code, and 1041  
the operator of a well shall be liable for a violation of this 1042  
section or any rules adopted or orders or terms or conditions of 1043  
a permit issued under it. 1044

(F) An owner shall replace the water supply of the holder 1045  
of an interest in real property who obtains all or part of the 1046  
holder's supply of water for domestic, agricultural, industrial, 1047  
or other legitimate use from an underground or surface source 1048  
where the supply has been substantially disrupted by 1049  
contamination, diminution, or interruption proximately resulting 1050  
from the owner's oil or gas operation, or the owner may elect to 1051  
compensate the holder of the interest in real property for the 1052  
difference between the fair market value of the interest before 1053  
the damage occurred to the water supply and the fair market 1054  
value after the damage occurred if the cost of replacing the 1055

water supply exceeds this difference in fair market values. 1056  
However, during the pendency of any order issued under this 1057  
division, the owner shall obtain for the holder or shall 1058  
reimburse the holder for the reasonable cost of obtaining a 1059  
water supply from the time of the contamination, diminution, or 1060  
interruption by the operation until the owner has complied with 1061  
an order of the chief for compliance with this division or such 1062  
an order has been revoked or otherwise becomes not effective. If 1063  
the owner elects to pay the difference in fair market values, 1064  
but the owner and the holder have not agreed on the difference 1065  
within thirty days after the chief issues an order for 1066  
compliance with this division, within ten days after the 1067  
expiration of that thirty-day period, the owner and the chief 1068  
each shall appoint an appraiser to determine the difference in 1069  
fair market values, except that the holder of the interest in 1070  
real property may elect to appoint and compensate the holder's 1071  
own appraiser, in which case the chief shall not appoint an 1072  
appraiser. The two appraisers appointed shall appoint a third 1073  
appraiser, and within thirty days after the appointment of the 1074  
third appraiser, the three appraisers shall hold a hearing to 1075  
determine the difference in fair market values. Within ten days 1076  
after the hearing, the appraisers shall make their determination 1077  
by majority vote and issue their final determination of the 1078  
difference in fair market values. The chief shall accept a 1079  
determination of the difference in fair market values made by 1080  
agreement of the owner and holder or by appraisers under this 1081  
division and shall make and dissolve orders accordingly. This 1082  
division does not affect in any way the right of any person to 1083  
enforce or protect, under applicable law, the person's interest 1084  
in water resources affected by an oil or gas operation. 1085

(G) In any action brought by the state for a violation of 1086

division (A) of this section involving any well at which annular disposal is used, there shall be a rebuttable presumption available to the state that the annular disposal caused the violation if the well is located within a one-quarter-mile radius of the site of the violation.

~~(H) (1) There is levied on the owner of an injection well who has been issued a permit under division (D) of this section the following fees:~~

~~(a) Five cents per barrel of each substance that is delivered to a well to be injected in the well when the substance is produced within the division of oil and gas resources management regulatory district in which the well is located or within an adjoining oil and gas resources management regulatory district;~~

~~(b) Twenty cents per barrel of each substance that is delivered to a well to be injected in the well when the substance is not produced within the division of oil and gas resources management regulatory district in which the well is located or within an adjoining oil and gas resources management regulatory district.~~

~~(2) The maximum number of barrels of substance per injection well in a calendar year on which a fee may be levied under division (H) of this section is five hundred thousand. If in a calendar year the owner of an injection well receives more than five hundred thousand barrels of substance to be injected in the owner's well and if the owner receives at least one substance that is produced within the division's regulatory district in which the well is located or within an adjoining regulatory district and at least one substance that is not produced within the division's regulatory district in which the~~

~~well is located or within an adjoining regulatory district, the~~ 1117  
~~fee shall be calculated first on all of the barrels of substance~~ 1118  
~~that are not produced within the division's regulatory district~~ 1119  
~~in which the well is located or within an adjoining district at~~ 1120  
~~the rate established in division (H) (2) of this section. The fee~~ 1121  
~~then shall be calculated on the barrels of substance that are~~ 1122  
~~produced within the division's regulatory district in which the~~ 1123  
~~well is located or within an adjoining district at the rate~~ 1124  
~~established in division (H) (1) of this section until the maximum~~ 1125  
~~number of barrels established in division (H) (2) of this section~~ 1126  
~~has been attained.~~ 1127

~~(3) The owner of an injection well who is issued a permit~~ 1128  
~~under division (D) of this section shall collect the fee levied~~ 1129  
~~by division (H) of this section on behalf of the division of oil~~ 1130  
~~and gas resources management and forward the fee to the~~ 1131  
~~division. The chief shall transmit all money received under~~ 1132  
~~division (H) of this section to the treasurer of state who shall~~ 1133  
~~deposit the money in the state treasury to the credit of the oil~~ 1134  
~~and gas well fund created in section 1509.02 of the Revised~~ 1135  
~~Code. The owner of an injection well who collects the fee levied~~ 1136  
~~by this division may retain up to three per cent of the amount~~ 1137  
~~that is collected.~~ 1138

~~(4) The chief shall adopt rules in accordance with Chapter~~ 1139  
~~119. of the Revised Code establishing requirements and~~ 1140  
~~procedures for collection of the fee levied by division (H) of~~ 1141  
~~this section.~~ 1142

**Sec. 1509.222.** ~~(A) (1) Except as provided in section~~ 1143  
~~1509.226 of the Revised Code, no~~ No person shall transport brine 1144  
by vehicle in this state unless the business entity that employs 1145  
the person first registers with and obtains a registration 1146

certificate and identification number from the chief of the 1147  
division of oil and gas resources management. 1148

(2) No more than one registration certificate shall be 1149  
required of any business entity. Registration certificates 1150  
issued under this section are not transferable. An applicant 1151  
shall file an application with the chief, containing such 1152  
information in such form as the chief prescribes. The 1153  
application shall include at least all of the following: 1154

(a) A list that identifies each vehicle, vessel, railcar, 1155  
and container that will be used in the transportation of brine; 1156

(b) A plan for disposal that provides for compliance with 1157  
the requirements of this chapter and rules of the chief 1158  
pertaining to the transportation of brine by vehicle and the 1159  
disposal of brine so transported and that lists all disposal 1160  
sites that the applicant intends to use; 1161

(c) The bond required by section 1509.225 of the Revised 1162  
Code; 1163

(d) A certificate issued by an insurance company 1164  
authorized to do business in this state certifying that the 1165  
applicant has in force a liability insurance policy in an amount 1166  
not less than three hundred thousand dollars bodily injury 1167  
coverage and three hundred thousand dollars property damage 1168  
coverage to pay damages for injury to persons or property caused 1169  
by the collecting, handling, transportation, or disposal of 1170  
brine. 1171

The insurance policy required by division (A) (2) (d) of 1172  
this section shall be maintained in effect during the term of 1173  
the registration certificate. The policy or policies providing 1174  
the coverage shall require the insurance company to give notice 1175

to the chief if the policy or policies lapse for any reason. 1176  
Upon such termination of the policy, the chief may suspend the 1177  
registration certificate until proper insurance coverage is 1178  
obtained. 1179

(3) Each application for a registration certificate shall 1180  
be accompanied by a nonrefundable fee of five hundred dollars. 1181

(4) If a business entity that has been issued a 1182  
registration certificate under this section changes its name due 1183  
to a business reorganization or merger, the business entity 1184  
shall revise the bond or certificates of deposit required by 1185  
section 1509.225 of the Revised Code and obtain a new 1186  
certificate from an insurance company in accordance with 1187  
division (A)(2)(e) of this section to reflect the change in the 1188  
name of the business entity. 1189

(B) The chief shall issue an order denying an application 1190  
for a registration certificate if the chief finds that either of 1191  
the following applies: 1192

(1) The applicant, at the time of applying for the 1193  
registration certificate, has been found liable by a final 1194  
nonappealable order of a court of competent jurisdiction for 1195  
damage to streets, roads, highways, bridges, culverts, or 1196  
drainways pursuant to section 4513.34 or 5577.12 of the Revised 1197  
Code until the applicant provides the chief with evidence of 1198  
compliance with the order. 1199

(2) The applicant's plan for disposal does not provide for 1200  
compliance with the requirements of this chapter and rules of 1201  
the chief pertaining to the transportation of brine by vehicle 1202  
and the disposal of brine so transported. 1203

(C) No applicant shall attempt to circumvent division (B) 1204

of this section by applying for a registration certificate under 1205  
a different name or business organization name, by transferring 1206  
responsibility to another person or entity, or by any similar 1207  
act. 1208

(D) A registered transporter shall apply to revise a 1209  
disposal plan under procedures that the chief shall prescribe by 1210  
rule. However, at a minimum, an application for a revision shall 1211  
list all sources and disposal sites of brine currently 1212  
transported. The chief shall deny any application for a revision 1213  
of a plan under this division if the chief finds that the 1214  
proposed revised plan does not provide for compliance with the 1215  
requirements of this chapter and rules of the chief pertaining 1216  
to the transportation of brine by vehicle and the disposal of 1217  
brine so transported. Approvals and denials of revisions shall 1218  
be by order of the chief. 1219

(E) The chief may adopt rules, issue orders, and attach 1220  
terms and conditions to registration certificates as may be 1221  
necessary to administer, implement, and enforce sections 1222  
1509.222 to ~~1509.226~~ 1509.225 of the Revised Code for protection 1223  
of public health or safety or conservation of natural resources. 1224

**Sec. 1509.223.** (A) No permit holder or owner of a well 1225  
shall enter into an agreement with or permit any person to 1226  
transport brine produced from the well who is not registered 1227  
pursuant to section 1509.222 of the Revised Code ~~or exempt from~~ 1228  
~~registration under section 1509.226 of the Revised Code.~~ 1229

(B) Each registered transporter shall file with the chief 1230  
of the division of oil and gas resources management, on or 1231  
before the fifteenth day of April, a statement concerning brine 1232  
transported, including quantities transported and source and 1233  
delivery points, during the last preceding calendar year, and 1234

such other information in such form as the chief may prescribe. 1235

(C) Each registered transporter shall keep on each vehicle 1236  
used to transport brine a daily log and have it available upon 1237  
the request of the chief or an authorized representative of the 1238  
chief or a peace officer. The log shall, at a minimum, include 1239  
all of the following information: 1240

(1) The name of the owner or owners of the well or wells 1241  
producing the brine to be transported; 1242

(2) The date and time the brine is loaded; 1243

(3) The name of the driver; 1244

(4) The amount of brine loaded at each collection point; 1245

(5) The disposal location; 1246

(6) The date and time the brine is disposed of and the 1247  
amount of brine disposed of at each location. 1248

The chief, by rule, may establish procedures for the 1249  
electronic submission to the chief of the information that is 1250  
required to be included in the daily log. No registered 1251  
transporter shall falsify or fail to keep or submit the log 1252  
required by this division. 1253

(D) Each registered transporter shall legibly identify 1254  
with reflective paints all vehicles employed in transporting or 1255  
disposing of brine. Letters shall be no less than four inches in 1256  
height and shall indicate the identification number issued by 1257  
the chief, the word "brine," and the name and telephone number 1258  
of the transporter. 1259

(E) The chief shall maintain and keep a current list of 1260  
persons registered to transport brine under section 1509.222 of 1261

the Revised Code. The list shall be open to public inspection. 1262  
It is an affirmative defense to a charge under division (A) of 1263  
this section that at the time the permit holder or owner of a 1264  
well entered into an agreement with or permitted a person to 1265  
transport brine, the person was shown on the list as currently 1266  
registered to transport brine. 1267

**Sec. 1509.224.** (A) In addition to any other remedies 1268  
provided in this chapter, if the chief of the division of oil 1269  
and gas resources management has reason to believe that a 1270  
pattern of the same or similar violations of any requirements of 1271  
section 1509.22, 1509.222, or 1509.223 of the Revised Code, or 1272  
any rule adopted thereunder or term or condition of the 1273  
registration certificate issued thereunder exists or has 1274  
existed, and the violations are caused by the transporter's 1275  
indifference, lack of diligence, or lack of reasonable care, or 1276  
are willfully caused by the transporter, the chief shall 1277  
immediately issue an order to the transporter to show cause why 1278  
the certificate should not be suspended or revoked. After the 1279  
issuance of the order, the chief shall provide the transporter 1280  
an opportunity to be heard and to present evidence at an 1281  
informal hearing conducted by the chief. If, at the conclusion 1282  
of the hearing, the chief finds that such a pattern of 1283  
violations exists or has existed, the chief shall issue an order 1284  
suspending or revoking the transporter's registration 1285  
certificate. An order suspending or revoking a certificate under 1286  
this section may be appealed under sections 1509.36 and 1509.37 1287  
of the Revised Code, or notwithstanding any other provision of 1288  
this chapter, may be appealed directly to the court of common 1289  
pleas of Franklin county. 1290

(B) Before issuing an order denying a registration 1291  
certificate; approving or denying approval of an application for 1292

revision of a registered transporter's plan for disposal; or to 1293  
implement, administer, or enforce section 1509.22, 1509.222, 1294  
1509.223, or 1509.225, ~~or 1509.226~~ of the Revised Code and rules 1295  
and terms and conditions of registration certificates adopted or 1296  
issued thereunder pertaining to the transportation of brine by 1297  
vehicle and the disposal of brine so transported, the chief 1298  
shall issue a preliminary order indicating the chief's intent to 1299  
issue a final order. The preliminary order shall clearly state 1300  
the nature of the chief's proposed action and the findings on 1301  
which it is based and shall state that the preliminary order 1302  
becomes a final order thirty days after its issuance unless the 1303  
person to whom the preliminary order is directed submits to the 1304  
chief a written request for an informal hearing before the chief 1305  
within that thirty-day period. At the hearing the person may 1306  
present evidence as to why the preliminary order should be 1307  
revoked or modified. Based upon the findings from the informal 1308  
hearing, the chief shall revoke, issue, or modify and issue the 1309  
preliminary order as a final order. A final order may be 1310  
appealed under sections 1509.36 and 1509.37 of the Revised Code. 1311

**Sec. 1509.99.** (A) Whoever violates sections 1509.01 to 1312  
1509.31 of the Revised Code or any rules adopted or orders or 1313  
terms or conditions of a permit issued pursuant to these 1314  
sections for which no specific penalty is provided in this 1315  
section shall be fined not less than one hundred nor more than 1316  
one thousand dollars for a first offense; for each subsequent 1317  
offense the person shall be fined not less than two hundred nor 1318  
more than two thousand dollars. 1319

(B) Whoever violates section 1509.221 of the Revised Code 1320  
or any rules adopted or orders or terms or conditions of a 1321  
permit issued thereunder shall be fined not more than five 1322  
thousand dollars for each violation. 1323

(C) Whoever knowingly violates section 1509.072, division 1324  
(A), (B), or (D) of section 1509.22, division (A)(1) or (C) of 1325  
section 1509.222, or division (A) or (D) of section 1509.223 of 1326  
the Revised Code or any rules adopted or orders issued under 1327  
division (C) of section 1509.22 or rules adopted or orders or 1328  
terms or conditions of a registration certificate issued under 1329  
division (E) of section 1509.222 of the Revised Code shall be 1330  
fined ten thousand dollars or imprisoned for six months, or both 1331  
for a first offense; for each subsequent offense the person 1332  
shall be fined twenty thousand dollars or imprisoned for two 1333  
years, or both. Whoever negligently violates those divisions, 1334  
sections, rules, orders, or terms or conditions of a 1335  
registration certificate shall be fined not more than five 1336  
thousand dollars. 1337

(D) Whoever violates division (C) of section 1509.223 of 1338  
the Revised Code shall be fined not more than five hundred 1339  
dollars for a first offense and not more than one thousand 1340  
dollars for a subsequent offense. 1341

(E) Whoever negligently violates section 1509.051, 1342  
division (B) of section 1509.21, or division (C)(1) of section 1343  
1509.22 of the Revised Code shall be fined not less than one 1344  
hundred nor more than one thousand dollars for a first offense; 1345  
for each subsequent offense the person shall be fined not less 1346  
than two hundred nor more than two thousand dollars. 1347

(F) The prosecuting attorney of the county in which the 1348  
offense was committed or the attorney general may prosecute an 1349  
action under this section. 1350

~~(F)~~ (G) For purposes of this section, each day of 1351  
violation constitutes a separate offense. 1352

<b>Section 2.</b> That existing sections 1509.01, 1509.02,	1353
1509.03, 1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222,	1354
1509.223, 1509.224, and 1509.99 and section 1509.226 of the	1355
Revised Code are hereby repealed.	1356