

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 522**

**Representative Phillips**

**Cosponsors: Representatives Rogers, Smith, K.**

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**A BILL**

To amend sections 1509.01, 1509.02, 1509.05, 1  
1509.06, 1509.072, 1509.074, 1509.08, 1509.21, 2  
1509.22, 1509.227, 6111.043, and 6111.046 and to 3  
enact section 1509.051 of the Revised Code to 4  
prohibit injection of brine and other waste 5  
substances except in class I injection wells, to 6  
prohibit the conversion of oil and gas wells, to 7  
require municipal or township approval prior to 8  
the issuance of an oil or gas well permit, and 9  
to levy a fee on the injection of brine and 10  
other waste substances into a class I injection 11  
well. 12

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

**Section 1.** That sections 1509.01, 1509.02, 1509.05, 13  
1509.06, 1509.072, 1509.074, 1509.08, 1509.21, 1509.22, 14  
1509.227, 6111.043, and 6111.046 be amended and section 1509.051 15  
of the Revised Code be enacted to read as follows: 16

**Sec. 1509.01.** As used in this chapter: 17

(A) "Well" means any borehole, whether drilled or bored, 18

within the state for production, extraction, or injection of any 19  
gas or liquid mineral, excluding potable water to be used as 20  
such, but including natural or artificial brines and oil field 21  
waters. 22

(B) "Oil" means crude petroleum oil and all other 23  
hydrocarbons, regardless of gravity, that are produced in liquid 24  
form by ordinary production methods, but does not include 25  
hydrocarbons that were originally in a gaseous phase in the 26  
reservoir. 27

(C) "Gas" means all natural gas and all other fluid 28  
hydrocarbons that are not oil, including condensate. 29

(D) "Condensate" means liquid hydrocarbons separated at or 30  
near the well pad or along the gas production or gathering 31  
system prior to gas processing. 32

(E) "Pool" means an underground reservoir containing a 33  
common accumulation of oil or gas, or both, but does not include 34  
a gas storage reservoir. Each zone of a geological structure 35  
that is completely separated from any other zone in the same 36  
structure may contain a separate pool. 37

(F) "Field" means the general area underlaid by one or 38  
more pools. 39

(G) "Drilling unit" means the minimum acreage on which one 40  
well may be drilled, but does not apply to a well for injecting 41  
gas into or removing gas from a gas storage reservoir. 42

(H) "Waste" includes all of the following: 43

(1) Physical waste, as that term generally is understood 44  
in the oil and gas industry; 45

(2) Inefficient, excessive, or improper use, or the 46

unnecessary dissipation, of reservoir energy;	47
(3) Inefficient storing of oil or gas;	48
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	49 50 51 52 53 54
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	55 56
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	57 58 59 60 61
(J) "Tract" means a single, individual parcel of land or a portion of a single, individual parcel of land.	62 63
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not include a person who obtains a lease of the mineral rights for oil and gas on a parcel of land if the person does not attempt to produce or produce oil or gas from a well or obtain a permit under this chapter for a well or if the entire interest of a well is transferred to the person in accordance with division	64 65 66 67 68 69 70 71 72 73 74 75

(B) of section 1509.31 of the Revised Code.	76
(L) "Royalty interest" means the fee holder's share in the production from a well.	77 78
(M) "Discovery well" means the first well capable of producing oil or gas in commercial quantities from a pool.	79 80
(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.	81 82 83 84 85
(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.	86 87
(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.	88 89
(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.	90 91 92
(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.	93 94 95 96 97
(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.	98 99 100 101 102 103

300(f), and regulations adopted under those acts.	104
(T) "Person" includes any political subdivision,	105
department, agency, or instrumentality of this state; the United	106
States and any department, agency, or instrumentality thereof;	107
any legal entity defined as a person under section 1.59 of the	108
Revised Code; and any other form of business organization or	109
entity recognized by the laws of this state.	110
(U) "Brine" means all saline geological formation water	111
resulting from, obtained from, or produced in connection with	112
exploration, drilling, well stimulation, production of oil or	113
gas, or plugging of a well.	114
(V) "Waters of the state" means all streams, lakes, ponds,	115
marshes, watercourses, waterways, springs, irrigation systems,	116
drainage systems, and other bodies of water, surface or	117
underground, natural or artificial, that are situated wholly or	118
partially within this state or within its jurisdiction, except	119
those private waters that do not combine or effect a junction	120
with natural surface or underground waters.	121
(W) "Exempt Mississippian well" means a well that meets	122
all of the following criteria:	123
(1) Was drilled and completed before January 1, 1980;	124
(2) Is located in an unglaciated part of the state;	125
(3) Was completed in a reservoir no deeper than the	126
Mississippian Big Injun sandstone in areas underlain by	127
Pennsylvanian or Permian stratigraphy, or the Mississippian	128
Berea sandstone in areas directly underlain by Permian	129
stratigraphy;	130
(4) Is used primarily to provide oil or gas for domestic	131

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

exploration and production of oil, gas, or other mineral	160
resources that are regulated under this chapter, including	161
operations and activities associated with site preparation, site	162
construction, access road construction, well drilling, well	163
completion, well stimulation, well site activities, reclamation,	164
and plugging. "Production operation" also includes all of the	165
following:	166
(1) The piping, equipment, and facilities used for the	167
production and preparation of hydrocarbon gas or liquids for	168
transportation or delivery;	169
(2) The processes of extraction and recovery, lifting,	170
stabilization, treatment, separation, production processing,	171
storage, waste disposal, and measurement of hydrocarbon gas and	172
liquids, including related equipment and facilities;	173
(3) The processes and related equipment and facilities	174
associated with production compression, gas lift, gas injection,	175
fuel gas supply, well drilling, well stimulation, and well	176
completion activities, including dikes, pits, and earthen and	177
other impoundments used for the temporary storage of fluids and	178
waste substances associated with well drilling, well	179
stimulation, and well completion activities;	180
(4) Equipment and facilities at a wellpad or other	181
location that are used for the transportation, handling,	182
recycling, temporary storage, management, processing, or	183
treatment of any equipment, material, and by-products or other	184
substances from an operation at a wellpad that may be used or	185
reused at the same or another operation at a wellpad or that	186
will be disposed of in accordance with applicable laws and rules	187
adopted under them.	188

(BB) "Annular overpressurization" means the accumulation	189
of fluids within an annulus with sufficient pressure to allow	190
migration of annular fluids into underground sources of drinking	191
water.	192
(CC) "Idle and orphaned well" means a well for which a	193
bond has been forfeited or an abandoned well for which no money	194
is available to plug the well in accordance with this chapter	195
and rules adopted under it.	196
(DD) "Temporarily inactive well" means a well that has	197
been granted temporary inactive status under section 1509.062 of	198
the Revised Code.	199
(EE) "Material and substantial violation" means any of the	200
following:	201
(1) Failure to obtain a permit to drill, reopen, <del>convert,</del>	202
plugback, or plug a well under this chapter;	203
(2) Failure to obtain, maintain, update, or submit proof	204
of insurance coverage that is required under this chapter;	205
(3) Failure to obtain, maintain, update, or submit proof	206
of a surety bond that is required under this chapter;	207
(4) Failure to plug an abandoned well or idle and orphaned	208
well unless the well has been granted temporary inactive status	209
under section 1509.062 of the Revised Code or the chief of the	210
division of oil and gas resources management has approved	211
another option concerning the abandoned well or idle and	212
orphaned well;	213
(5) Failure to restore a disturbed land surface as	214
required by section 1509.072 of the Revised Code;	215
(6) Failure to reimburse the oil and gas well fund	216

pursuant to a final order issued under section 1509.071 of the Revised Code;	217 218
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	219 220
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	221 222 223
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	224 225
(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.	226 227 228 229
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	230 231
<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. <u>The Except as otherwise provided in section 1509.06 of the Revised Code, the</u> 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. <del>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</del>	232 233 234 235 236 237 238 239 240 241 242 243 244 245

~~it constitute a comprehensive plan with respect to all aspects~~ 246  
~~of the locating, drilling, well stimulation, completing, and~~ 247  
~~operating of oil and gas wells within this state, including site~~ 248  
~~construction and restoration, permitting related to those~~ 249  
~~activities, and the disposal of wastes from those wells.~~ 250  
In order to assist the division in the furtherance of its sole and 251  
exclusive authority as established in this section, the chief 252  
may enter into cooperative agreements with other state agencies 253  
for advice and consultation, including visitations at the 254  
surface location of a well on behalf of the division. Such 255  
cooperative agreements do not confer on other state agencies any 256  
authority to administer or enforce this chapter and rules 257  
adopted under it. In addition, such cooperative agreements shall 258  
not be construed to dilute or diminish the division's sole and 259  
exclusive authority as established in this section. Nothing in 260  
this section affects the authority granted to the director of 261  
transportation and local authorities in section 723.01 or 262  
4513.34 of the Revised Code, provided that the authority granted 263  
under those sections shall not be exercised in a manner that 264  
discriminates against, unfairly impedes, or obstructs oil and 265  
gas activities and operations regulated under this chapter. 266

The chief shall not hold any other public office, nor 267  
shall the chief be engaged in any occupation or business that 268  
might interfere with or be inconsistent with the duties as 269  
chief. 270

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

section 1509.33 of the Revised Code, and, notwithstanding any 277  
section of the Revised Code relating to the distribution or 278  
crediting of fines for violations of the Revised Code, all fines 279  
imposed under divisions (A) and (B) of section 1509.99 of the 280  
Revised Code and fines imposed under divisions (C) and (D) of 281  
section 1509.99 of the Revised Code for all violations 282  
prosecuted by the attorney general and for violations prosecuted 283  
by prosecuting attorneys that do not involve the transportation 284  
of brine by vehicle shall be deposited into the state treasury 285  
to the credit of the oil and gas well fund, which is hereby 286  
created. Fines imposed under divisions (C) and (D) of section 287  
1509.99 of the Revised Code for violations prosecuted by 288  
prosecuting attorneys that involve the transportation of brine 289  
by vehicle and penalties associated with a compliance agreement 290  
entered into pursuant to this chapter shall be paid to the 291  
county treasury of the county where the violation occurred. 292

The fund shall be used solely and exclusively for the 293  
purposes enumerated in division (B) of section 1509.071 of the 294  
Revised Code, for the expenses of the division associated with 295  
the administration of this chapter and Chapter 1571. of the 296  
Revised Code and rules adopted under them, and for expenses that 297  
are critical and necessary for the protection of human health 298  
and safety and the environment related to oil and gas production 299  
in this state. The expenses of the division in excess of the 300  
moneys available in the fund shall be paid from general revenue 301  
fund appropriations to the department. 302

**Sec. 1509.05.** No person shall drill a new well, drill an 303  
existing well any deeper, reopen a well, ~~convert a well to any~~ 304  
~~use other than its original purpose,~~ or plug back a well to a 305  
source of supply different from the existing pool, without 306  
having a permit to do so issued by the chief of the division of 307

oil and gas resources management, and until the original permit 308  
or a photostatic copy thereof is posted or displayed in a 309  
conspicuous and easily accessible place at the well site, with 310  
the name, current address, and telephone number of the permit 311  
holder and the telephone numbers for fire and emergency medical 312  
services maintained on the posted permit or copy. The permit or 313  
a copy shall be continuously displayed in that manner at all 314  
times during the work authorized by the permit. 315

Sec. 1509.051. No person shall negligently convert a well 316  
to a use other than its original purpose. 317

**Sec. 1509.06.** (A) An application for a permit to drill a 318  
new well, drill an existing well deeper, reopen a well, ~~convert~~ 319  
~~a well to any use other than its original purpose,~~ or plug back 320  
a well to a different source of supply, including associated 321  
production operations, shall be filed with the chief of the 322  
division of oil and gas resources management upon such form as 323  
the chief prescribes and shall contain each of the following 324  
that is applicable: 325

(1) The name and address of the owner and, if a 326  
corporation, the name and address of the statutory agent; 327

(2) The signature of the owner or the owner's authorized 328  
agent. When an authorized agent signs an application, it shall 329  
be accompanied by a certified copy of the appointment as such 330  
agent. 331

(3) The names and addresses of all persons holding the 332  
royalty interest in the tract upon which the well is located or 333  
is to be drilled or within a proposed drilling unit; 334

(4) The location of the tract or drilling unit on which 335  
the well is located or is to be drilled identified by section or 336

lot number, city, village, township, and county;	337
(5) Designation of the well by name and number;	338
(6) (a) The geological formation to be tested or used and the proposed total depth of the well;	339 340
(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.	341 342 343
(7) The type of drilling equipment to be used;	344
(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.	345 346 347 348 349 350 351 352 353 354 355 356 357 358
(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	359 360 361 362 363 364 365

the owner access to sample the water well. The sampling shall be 366  
conducted in accordance with the guidelines established in "Best 367  
Management Practices For Pre-drilling Water Sampling" in effect 368  
at the time that the application is submitted. The division 369  
shall furnish those guidelines upon request and shall make them 370  
available on the division's web site. If the chief determines 371  
that conditions at the proposed well site warrant a revision, 372  
the chief may revise the distance established in this division 373  
for purposes of pre-drilling water sampling. 374

(c) For an application for a permit to drill a new 375  
horizontal well, the results of sampling of water wells within 376  
one thousand five hundred feet of the proposed horizontal 377  
wellhead prior to commencement of drilling. In addition, the 378  
owner shall include a list that identifies the location of each 379  
water well where the owner of the property on which the water 380  
well is located denied the owner access to sample the water 381  
well. The sampling shall be conducted in accordance with the 382  
guidelines established in "Best Management Practices For Pre- 383  
drilling Water Sampling" in effect at the time that the 384  
application is submitted. The division shall furnish those 385  
guidelines upon request and shall make them available on the 386  
division's web site. If the chief determines that conditions at 387  
the proposed well site warrant a revision, the chief may revise 388  
the distance established in this division for purposes of pre- 389  
drilling water sampling. 390

(9) For an application for a permit to drill a new well 391  
within an urbanized area, a sworn statement that the applicant 392  
has provided notice by regular mail of the application to the 393  
owner of each parcel of real property that is located within 394  
five hundred feet of the surface location of the well and to the 395  
executive authority of the municipal corporation or the board of 396

township trustees of the township, as applicable, in which the 397  
well is to be located. In addition, the notice shall contain a 398  
statement that informs an owner of real property who is required 399  
to receive the notice under division (A) (9) of this section that 400  
within five days of receipt of the notice, the owner is required 401  
to provide notice under section 1509.60 of the Revised Code to 402  
each residence in an occupied dwelling that is located on the 403  
owner's parcel of real property. The notice shall contain a 404  
statement that an application has been filed with the division 405  
of oil and gas resources management, identify the name of the 406  
applicant and the proposed well location, include the name and 407  
address of the division, and contain a statement that comments 408  
regarding the application may be sent to the division. The 409  
notice may be provided by hand delivery or regular mail. The 410  
identity of the owners of parcels of real property shall be 411  
determined using the tax records of the municipal corporation or 412  
county in which a parcel of real property is located as of the 413  
date of the notice. 414

(10) A plan for restoration of the land surface disturbed 415  
by drilling operations. The plan shall provide for compliance 416  
with the restoration requirements of division (A) of section 417  
1509.072 of the Revised Code and any rules adopted by the chief 418  
pertaining to that restoration. 419

(11) (a) A description by name or number of the county, 420  
township, and municipal corporation roads, streets, and highways 421  
that the applicant anticipates will be used for access to and 422  
egress from the well site; 423

(b) For an application for a permit for a horizontal well, 424  
a copy of an agreement concerning maintenance and safe use of 425  
the roads, streets, and highways described in division (A) (11) 426

(a) of this section entered into on reasonable terms with the 427  
public official that has the legal authority to enter into such 428  
maintenance and use agreements for each county, township, and 429  
municipal corporation, as applicable, in which any such road, 430  
street, or highway is located or an affidavit on a form 431  
prescribed by the chief attesting that the owner attempted in 432  
good faith to enter into an agreement under division (A)(11)(b) 433  
of this section with the applicable public official of each such 434  
county, township, or municipal corporation, but that no 435  
agreement was executed. 436

(12) Such other relevant information as the chief 437  
prescribes by rule. 438

Each application shall be accompanied by a map, on a scale 439  
not smaller than four hundred feet to the inch, prepared by an 440  
Ohio registered surveyor, showing the location of the well and 441  
containing such other data as may be prescribed by the chief. If 442  
the well is or is to be located within the excavations and 443  
workings of a mine, the map also shall include the location of 444  
the mine, the name of the mine, and the name of the person 445  
operating the mine. 446

(B) (1) The chief shall cause a copy of the weekly circular 447  
prepared by the division to be provided to the county engineer 448  
of each county that contains active or proposed drilling 449  
activity. The weekly circular shall contain, in the manner 450  
prescribed by the chief, the names of all applicants for 451  
permits, the location of each well or proposed well, the 452  
information required by division (A)(11) of this section, and 453  
any additional information the chief prescribes. In addition, 454  
the chief promptly shall transfer an electronic copy or 455  
facsimile, or if those methods are not available to a municipal 456

corporation or township, a copy via regular mail, of a drilling 457  
permit application to the clerk of the legislative authority of 458  
the municipal corporation or to the clerk of the township in 459  
which the well or proposed well is or is to be located ~~if the~~ 460  
~~legislative authority of the municipal corporation or the board~~ 461  
~~of township trustees has asked to receive copies of such~~ 462  
~~applications and the appropriate clerk has provided the chief an~~ 463  
~~accurate, current electronic mailing address or facsimile~~ 464  
~~number, as applicable within ten days of receipt of the permit~~ 465  
application. 466

(2) (a) Except as provided in divisions (D) (2) (b) and (c) 467  
of this section, the legislative authority of a municipal 468  
corporation or township, within thirty days of receipt of the 469  
copy of the permit application, shall consider the application 470  
and by resolution either approve or disapprove the application 471  
for the permit and provide a copy of the resolution approving or 472  
disapproving the permit application to the chief. 473

(b) If the legislative authority adopts a resolution 474  
approving the permit application and provides a copy of the 475  
resolution to the chief within thirty days of receipt of the 476  
copy of the permit application, the chief shall continue to 477  
review the permit application and shall issue or deny the permit 478  
in accordance with this section. 479

(c) If the legislative authority adopts a resolution 480  
disapproving the permit application and provides a copy of the 481  
resolution to the chief within thirty days of receipt of the 482  
copy of the permit application, the chief shall deny the permit. 483

(d) If the legislative authority does not adopt a 484  
resolution and provide it to the chief within the specified 485  
thirty-day period, the chief may proceed to either issue or deny 486

the permit as provided in this section. 487

(C) (1) Except as provided in division (C) (2) of this 488  
section, the chief shall not issue a permit for at least ~~ten~~ 489  
forty days after the date of filing of the application for the 490  
permit unless, upon reasonable cause shown, the chief waives 491  
that period or a request for expedited review is filed under 492  
this section. However, the chief shall issue a permit or deny an 493  
application by order within ~~twenty-one-fifty-one~~ days of the 494  
filing of the application ~~unless the chief denies the~~ 495  
~~application by order.~~ 496

(2) If the location of a well or proposed well will be or 497  
is within an urbanized area, the chief shall not issue a permit 498  
for at least ~~eighteen-forty-eight~~ days after the date of filing 499  
of the application for the permit unless, upon reasonable cause 500  
shown, the chief waives that period or the chief at the chief's 501  
discretion grants a request for an expedited review. However, 502  
the chief shall issue a permit or deny an application by order 503  
for a well or proposed well within an urbanized area within 504  
~~thirty-sixty~~ days of the filing of the application ~~unless the~~ 505  
~~chief denies the application by order.~~ 506

(D) (1) An applicant may file a request with the chief for 507  
expedited review of a permit application if the well is not or 508  
is not to be located in a gas storage reservoir or reservoir 509  
protective area, as "reservoir protective area" is defined in 510  
section 1571.01 of the Revised Code. If the well is or is to be 511  
located in a coal bearing township, the application shall be 512  
accompanied by the affidavit of the landowner prescribed in 513  
section 1509.08 of the Revised Code. 514

(2) In addition to a complete application for a permit 515  
that meets the requirements of this section and the permit fee 516

prescribed by this section, a request for expedited review shall 517  
be accompanied by a separate nonrefundable filing fee of two 518  
hundred fifty dollars. Upon the filing of a request for 519  
expedited review, the chief shall cause the county engineer of 520  
the county in which the well is or is to be located and the 521  
legislative authority of the municipal corporation or township 522  
in which the well is or is to be located to be notified of the 523  
filing of the permit application and the request for expedited 524  
review by telephone or other means that in the judgment of the 525  
chief will provide timely notice of the application and request. 526  
The legislative authority of the municipal corporation or 527  
township, as applicable, shall approve or disapprove the request 528  
for expedited review by resolution and provide the chief a copy 529  
of the resolution within seven days of receipt of the notice 530  
from the chief of the request for expedited review. 531

(a) If the legislative authority adopts a resolution 532  
disapproving the request for expedited review and provides a 533  
copy of the resolution to the chief within seven days of receipt 534  
of the notice, the chief shall not grant the request for 535  
expedited review for that application and shall review the 536  
permit application and issue or deny the permit in accordance 537  
with division (B)(2) of this section. 538

(b) If the legislative authority adopts a resolution 539  
approving the request for expedited review and provides a copy 540  
of the resolution to the chief within seven days of receipt of 541  
the notice, the chief may proceed to issue or deny the permit as 542  
provided in this section without the approval of the legislative 543  
authority required by division (B)(2) of this section. 544

(c) If the legislative authority does not adopt a 545  
resolution and provide a copy of the resolution to the chief 546

within seven days of receipt of the notice, the chief may 547  
proceed to issue or deny the permit as provided in this section 548  
without the approval of the legislative authority required by 549  
division (B) (2) of this section. 550

(d) The chief shall issue a permit within ~~seven~~fourteen 551  
days of the filing of the request for expedited review unless 552  
the chief denies the application by order or the legislative 553  
authority of a municipal corporation or township, as applicable, 554  
disapproves the request for expedited review by resolution. 555  
Notwithstanding the provisions of this section governing 556  
expedited review of permit applications, the chief may refuse to 557  
accept requests for expedited review if, in the chief's 558  
judgment, the acceptance of the requests would prevent the 559  
issuance, within ~~twenty-one~~fifty-one days of their filing, of 560  
permits for which applications are pending. 561

(E) A well shall be drilled and operated in accordance 562  
with the plans, sworn statements, and other information 563  
submitted in the approved application. 564

(F) The chief shall issue an order denying a permit if the 565  
chief finds that there is a substantial risk that the operation 566  
will result in violations of this chapter or rules adopted under 567  
it that will present an imminent danger to public health or 568  
safety or damage to the environment, provided that where the 569  
chief finds that terms or conditions to the permit can 570  
reasonably be expected to prevent such violations, the chief 571  
shall issue the permit subject to those terms or conditions, 572  
including, if applicable, terms and conditions regarding 573  
subjects identified in rules adopted under section 1509.03 of 574  
the Revised Code. The issuance of a permit shall not be 575  
considered an order of the chief. 576

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

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

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

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

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

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

(b) A municipal corporation regardless of population.

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

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

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

(H) (1) Prior to the commencement of well pad construction 604  
and prior to the issuance of a permit to drill a proposed 605  
horizontal well or a proposed well that is to be located in an 606  
urbanized area, the division shall conduct a site review to 607  
identify and evaluate any site-specific terms and conditions 608  
that may be attached to the permit. At the site review, a 609  
representative of the division shall consider fencing, 610  
screening, and landscaping requirements, if any, for similar 611  
structures in the community in which the well is proposed to be 612  
located. The terms and conditions that are attached to the 613  
permit shall include the establishment of fencing, screening, 614  
and landscaping requirements for the surface facilities of the 615  
proposed well, including a tank battery of the well. 616

(2) Prior to the issuance of a permit to drill a proposed 617  
well, the division shall conduct a review to identify and 618  
evaluate any site-specific terms and conditions that may be 619  
attached to the permit if the proposed well will be located in a 620  
one-hundred-year floodplain or within the five-year time of 621  
travel associated with a public drinking water supply. 622

(I) A permit shall be issued by the chief in accordance 623  
with this chapter. A permit issued under this section for a well 624  
that is or is to be located in an urbanized area shall be valid 625  
for twelve months, and all other permits issued under this 626  
section shall be valid for twenty-four months. 627

(J) An applicant or a permittee, as applicable, shall 628  
submit to the chief an update of the information that is 629  
required under division (A) (8) (a) of this section if any of that 630  
information changes prior to commencement of production 631  
operations. 632

(K) A permittee or a permittee's authorized representative 633

shall notify an inspector from the division at least twenty-four 634  
hours, or another time period agreed to by the chief's 635  
authorized representative, prior to the commencement of well pad 636  
construction and of drilling, reopening, ~~converting,~~ well 637  
stimulation, or plugback operations. 638

**Sec. 1509.072.** No oil or gas well owner or agent of an oil 639  
or gas well owner shall fail to restore the land surface within 640  
the area disturbed in siting, drilling, completing, and 641  
producing the well as required in this section. 642

~~(A) Within fourteen days after the date upon which the 643  
drilling of a well is completed to total depth in an urbanized 644  
area and within two months after the date upon which the 645  
drilling of a well is completed in all other areas, the owner or 646  
the owner's agent, in accordance with the restoration plan filed 647  
under division (A)(10) of section 1509.06 of the Revised Code, 648  
shall fill all the pits for containing brine and other waste 649  
substances resulting, obtained, or produced in connection with 650  
exploration or drilling for oil or gas that are not required by 651  
other state or federal law or regulation, and remove all 652  
drilling supplies and drilling equipment. Unless the chief of 653  
the division of oil and gas resources management approves a 654  
longer time period, within three months after the date upon 655  
which the surface drilling of a well is commenced in an 656  
urbanized area and within six months after the date upon which 657  
the surface drilling of a well is commenced in all other areas, 658  
the owner or the owner's agent shall grade or terrace and plant, 659  
seed, or sod the area disturbed that is not required in 660  
production of the well where necessary to bind the soil and 661  
prevent substantial erosion and sedimentation. If the chief 662  
finds that a pit used for containing brine, other waste 663  
substances, or oil is in violation of section 1509.22 of the 664~~

~~Revised Code or rules adopted or orders issued under it, the~~ 665  
~~chief may require the pit to be emptied and closed before~~ 666  
~~expiration of the fourteen day or three month restoration~~ 667  
~~period.~~ 668

(B) Within three months after a well that has produced oil 669  
or gas is plugged in an urbanized area and within six months 670  
after a well that has produced oil or gas is plugged in all 671  
other areas, or after the plugging of a dry hole, unless the 672  
chief approves a longer time period, the owner or the owner's 673  
agent shall remove all production and storage structures, 674  
supplies, and equipment, and any oil, salt water, and debris, 675  
and fill any remaining excavations. Within that period the owner 676  
or the owner's agent shall grade or terrace and plant, seed, or 677  
sod the area disturbed where necessary to bind the soil and 678  
prevent substantial erosion and sedimentation. 679

The owner shall be released from responsibility to perform 680  
any or all restoration requirements of this section on any part 681  
or all of the area disturbed upon the filing of a request for a 682  
waiver with and obtaining the written approval of the chief, 683  
which request shall be signed by the surface owner to certify 684  
the approval of the surface owner of the release sought. The 685  
chief shall approve the request unless the chief finds upon 686  
inspection that the waiver would be likely to result in 687  
substantial damage to adjoining property, substantial 688  
contamination of surface or underground water, or substantial 689  
erosion or sedimentation. 690

The chief, by order, may shorten the time periods provided 691  
for under division (A) or (B) of this section if failure to 692  
shorten the periods would be likely to result in damage to 693  
public health or the waters or natural resources of the state. 694

The chief, upon written application by an owner or an owner's agent showing reasonable cause, may extend the period within which restoration shall be completed under divisions (A) and (B) of this section, but not to exceed a further six-month period, except under extraordinarily adverse weather conditions or when essential equipment, fuel, or labor is unavailable to the owner or the owner's agent.

If the chief refuses to approve a request for waiver or extension, the chief shall do so by order.

**Sec. 1509.074.** (A) With regard to material that results from the construction, operation, or plugging of a horizontal well, all of the following apply:

(1) Except as provided in division (A)(2) of this section, the owner shall determine the concentration of radium-226 and of radium-228 in representative samples of the material if the material is technologically enhanced naturally occurring radioactive material. The owner shall provide for the collection and analysis of the representative samples of the material. The collection and analysis of the representative samples shall be performed in accordance with requirements approved by the chief of the division of oil and gas resources management. The owner shall not remove the material from the location associated with the production operation of the horizontal well until the analysis is complete and the results are available. However, the owner may do one of the following:

(a) Temporarily store the material in an area adjacent to the location associated with the production operation of the well while the results from the analysis of the representative samples are pending if the material is located in an area that is designated by the division of oil and gas resources

management and the owner complies with all conditions imposed by 725  
the chief; 726

(b) Prior to the collection of representative samples 727  
under division (A) (1) of this section, transport the material to 728  
a location for which a permit or order has been issued under 729  
division (C) of section 1509.22 of the Revised Code. The owner 730  
shall provide for the collection of representative samples of 731  
the material at that location in accordance with that division 732  
and shall temporarily store the material at that location while 733  
the results from the analysis are pending. 734

(2) The owner is not required to determine the 735  
concentration of radium-226 and of radium-228 of the material 736  
that is technologically enhanced naturally occurring radioactive 737  
material if any of the following applies: 738

(a) The material is reused in the horizontal well from 739  
where it originated or is transferred to another site for reuse 740  
in a horizontal well. For purposes of division (A) (2) (a) of this 741  
section, a material is reused if the material is used in a 742  
substantially similar manner as it was originally used. 743

(b) The owner disposes of the material at an injection 744  
well for which a class I injection well permit has been issued 745  
under section ~~1509.22~~ 6111.044 of the Revised Code. 746

(c) The owner uses the material in association with a 747  
method of enhanced recovery for which a permit has been issued 748  
under section 1509.21 of the Revised Code. 749

(d) The material is transported out of the state for 750  
lawful disposal. The owner shall retain records that 751  
substantiate the lawful disposal and provide them to the chief 752  
upon request. 753

(3) Except as provided in division (A)(2) of this section, 754  
the owner shall transport and dispose of material that is 755  
technologically enhanced naturally occurring radioactive 756  
material in accordance with all applicable laws. 757

(4) If the material is not technologically enhanced 758  
naturally occurring radioactive material and the material has 759  
come in contact with a refined oil-based substance, the owner 760  
shall do one of the following: 761

(a) If the material is removed from the location 762  
associated with the production operation of the well or from a 763  
location specified in a permit or order issued under division 764  
(C) of section 1509.22 of the Revised Code, dispose of the 765  
material at a solid waste facility that is authorized to accept 766  
the material in accordance with Chapter 3734. of the Revised 767  
Code and rules adopted under it; 768

(b) If the material is removed from the location 769  
associated with the production operation of the well or from a 770  
location specified in a permit or order issued under division 771  
(C) of section 1509.22 of the Revised Code, beneficially use the 772  
material in accordance with rules adopted by the director of 773  
environmental protection under section 3734.125 of the Revised 774  
Code; 775

(c) If the material is not removed from the location 776  
associated with the production operation of the well, recycle or 777  
reuse the material with the approval of the chief. 778

(5) If the material is not technologically enhanced 779  
naturally occurring radioactive material and the material has 780  
not come in contact with a refined oil-based substance, the 781  
material may be used at the location associated with the 782

production operation of the horizontal well or at another 783  
location associated with a production operation. 784

(B) An owner who has obtained results under division (A) 785  
(1) of this section shall keep and maintain the results for a 786  
period of three years. In addition, the owner shall provide a 787  
copy of the results to the chief upon request. 788

(C) As used in this section: 789

(1) "Technologically enhanced naturally occurring 790  
radioactive material" has the same meaning as in section 3748.01 791  
of the Revised Code. 792

(2) "Owner" includes a person that is an authorized agent 793  
of an owner. 794

**Sec. 1509.08.** Upon receipt of an application for a permit 795  
required by section 1509.05 of the Revised Code, or upon receipt 796  
of an application for a permit to plug and abandon under section 797  
1509.13 of the Revised Code, the chief of the division of oil 798  
and gas resources management shall determine whether the well is 799  
or is to be located in a coal bearing township. 800

Whether or not the well is or is to be located in a coal 801  
bearing township, the chief, by order, may refuse to issue a 802  
permit required by section 1509.05 of the Revised Code to any 803  
applicant who at the time of applying for the permit is in 804  
material or substantial violation of this chapter or rules 805  
adopted or orders issued under it. The chief shall refuse to 806  
issue a permit to any applicant who at the time of applying for 807  
the permit has been found liable by a final nonappealable order 808  
of a court of competent jurisdiction for damage to streets, 809  
roads, highways, bridges, culverts, or drainways pursuant to 810  
section 4513.34 or 5577.12 of the Revised Code until the 811

applicant provides the chief with evidence of compliance with 812  
the order. No applicant shall attempt to circumvent this 813  
provision by applying for a permit under a different name or 814  
business organization name, by transferring responsibility to 815  
another person or entity, by abandoning the well or lease, or by 816  
any other similar act. 817

If the well is not or is not to be located in a coal 818  
bearing township, or if it is to be located in a coal bearing 819  
township, but the landowner submits an affidavit attesting to 820  
ownership of the property in fee simple, including the coal, and 821  
has no objection to the well, the chief shall issue the permit. 822

If the application to drill, or reopen, ~~or convert~~ 823  
concerns a well that is or is to be located in a coal bearing 824  
township, the chief shall transmit to the chief of the division 825  
of mineral resources management two copies of the application 826  
and three copies of the map required in section 1509.06 of the 827  
Revised Code, except that, when the affidavit with the waiver of 828  
objection described above is submitted, the chief of the 829  
division of oil and gas resources management shall not transmit 830  
the copies. 831

The chief of the division of mineral resources management 832  
immediately shall notify the owner or lessee of any affected 833  
mine that the application has been filed and send to the owner 834  
or lessee two copies of the map accompanying the application 835  
setting forth the location of the well. 836

If the owner or lessee objects to the location of the well 837  
or objects to any location within fifty feet of the original 838  
location as a possible site for relocation of the well, the 839  
owner or lessee shall notify the chief of the division of 840  
mineral resources management of the objection, giving the 841

reasons for the objection and, if applicable, indicating on a 842  
copy of the map the particular location or locations within 843  
fifty feet of the original location to which the owner or lessee 844  
objects as a site for possible relocation of the well, within 845  
six days after the receipt of the notice. If the chief receives 846  
no objections from the owner or lessee of the mine within ten 847  
days after the receipt of the notice by the owner or lessee, or 848  
if in the opinion of the chief the objections offered by the 849  
owner or lessee are not sufficiently well founded, the chief 850  
immediately shall notify the owner or lessee of those findings. 851  
The owner or lessee may appeal the decision of the chief to the 852  
reclamation commission under section 1513.13 of the Revised 853  
Code. The appeal shall be filed within fifteen days, 854  
notwithstanding provisions in ~~divisions~~ division (A) (1) of 855  
section 1513.13 of the Revised Code to the contrary, from the 856  
date on which the owner or lessee receives the notice. If the 857  
appeal is not filed within that time, the chief immediately 858  
shall approve the application, retain a copy of the application 859  
and map, and return a copy of the application to the chief of 860  
the division of oil and gas resources management with the 861  
approval noted on it. The chief of the division of oil and gas 862  
resources management then shall issue the permit if the 863  
provisions of this chapter pertaining to the issuance of such a 864  
permit have been complied with. 865

If the chief of the division of mineral resources 866  
management receives an objection from the owner or lessee of the 867  
mine as to the location of the well within ten days after 868  
receipt of the notice by the owner or lessee, and if in the 869  
opinion of the chief the objection is well founded, the chief 870  
shall disapprove the application and immediately return it to 871  
the chief of the division of oil and gas resources management 872

together with the reasons for disapproval and a suggestion for a 873  
new location for the well, provided that the suggested new 874  
location shall not be a location within fifty feet of the 875  
original location to which the owner or lessee has objected as a 876  
site for possible relocation of the well if the chief of the 877  
division of mineral resources management has determined that the 878  
objection is well founded. The chief of the division of oil and 879  
gas resources management immediately shall notify the applicant 880  
for the permit of the disapproval and any suggestion made by the 881  
chief of the division of mineral resources management as to a 882  
new location for the well. The applicant may withdraw the 883  
application or amend the application to drill the well at the 884  
location suggested by the chief, or the applicant may appeal the 885  
disapproval of the application by the chief to the reclamation 886  
commission. 887

If the chief of the division of mineral resources 888  
management receives no objection from the owner or lessee of a 889  
mine as to the location of the well, but does receive an 890  
objection from the owner or lessee as to one or more locations 891  
within fifty feet of the original location as possible sites for 892  
relocation of the well within ten days after receipt of the 893  
notice by the owner or lessee, and if in the opinion of the 894  
chief the objection is well founded, the chief nevertheless 895  
shall approve the application and shall return it immediately to 896  
the chief of the division of oil and gas resources management 897  
together with the reasons for disapproving any of the locations 898  
to which the owner or lessee objects as possible sites for the 899  
relocation of the well. The chief of the division of oil and gas 900  
resources management then shall issue a permit if the provisions 901  
of this chapter pertaining to the issuance of such a permit have 902  
been complied with, incorporating as a term or condition of the 903

permit that the applicant is prohibited from commencing drilling 904  
at any location within fifty feet of the original location that 905  
has been disapproved by the chief of the division of mineral 906  
resources management. The applicant may appeal to the 907  
reclamation commission the terms and conditions of the permit 908  
prohibiting the commencement of drilling at any such location 909  
disapproved by the chief of the division of mineral resources 910  
management. 911

Any such appeal shall be filed within fifteen days, 912  
notwithstanding provisions in division (A) (1) of section 1513.13 913  
of the Revised Code to the contrary, from the date the applicant 914  
receives notice of the disapproval of the application, any other 915  
location within fifty feet of the original location, or terms or 916  
conditions of the permit, or the owner or lessee receives notice 917  
of the chief's decision. No approval or disapproval of an 918  
application shall be delayed by the chief of the division of 919  
mineral resources management for more than fifteen days from the 920  
date of sending the notice of the application to the mine owner 921  
or lessee as required by this section. 922

All appeals provided for in this section shall be treated 923  
as expedited appeals. The reclamation commission shall hear any 924  
such appeal in accordance with section 1513.13 of the Revised 925  
Code and issue a decision within thirty days of the filing of 926  
the notice of appeal. 927

The chief of the division of oil and gas resources 928  
management shall not issue a permit to drill a new well or 929  
reopen a well that is or is to be located within three hundred 930  
feet of any opening of any mine used as a means of ingress, 931  
egress, or ventilation for persons employed in the mine, nor 932  
within one hundred feet of any building or inflammable structure 933

connected with the mine and actually used as a part of the 934  
operating equipment of the mine, unless the chief of the 935  
division of mineral resources management determines that life or 936  
property will not be endangered by drilling and operating the 937  
well in that location. 938

The chief of the division of mineral resources management 939  
may suspend the drilling or reopening of a well in a coal 940  
bearing township after determining that the drilling or 941  
reopening activities present an imminent and substantial threat 942  
to public health or safety or to miners' health or safety and 943  
having been unable to contact the chief of the division of oil 944  
and gas resources management to request an order of suspension 945  
under section 1509.06 of the Revised Code. Before issuing a 946  
suspension order for that purpose, the chief of the division of 947  
mineral resources management shall notify the owner in a manner 948  
that in the chief's judgment would provide reasonable 949  
notification that the chief intends to issue a suspension order. 950  
The chief may issue such an order without prior notification if 951  
reasonable attempts to notify the owner have failed, but in that 952  
event notification shall be given as soon thereafter as 953  
practical. Within five calendar days after the issuance of the 954  
order, the chief shall provide the owner an opportunity to be 955  
heard and to present evidence that the activities do not present 956  
an imminent and substantial threat to public health or safety or 957  
to miners' health or safety. If, after considering the evidence 958  
presented by the owner, the chief determines that the activities 959  
do not present such a threat, the chief shall revoke the 960  
suspension order. An owner may appeal a suspension order issued 961  
by the chief of the division of mineral resources management 962  
under this section to the reclamation commission in accordance 963  
with section 1513.13 of the Revised Code or may appeal the order 964

directly to the court of common pleas of the county in which the 965  
well is located. 966

**Sec. 1509.21.** (A) No person shall, without first having 967  
obtained a permit from the chief of the division of oil and gas 968  
resources management, conduct secondary or additional recovery 969  
operations, including any underground injection of fluids or 970  
carbon dioxide for the secondary or tertiary recovery of oil or 971  
natural gas or for the storage of hydrocarbons that are liquid 972  
at standard temperature or pressure, unless a rule of the chief 973  
expressly authorizes such operations without a permit. The 974  
permit shall be in addition to any permit required by section 975  
1509.05 of the Revised Code. Secondary or additional recovery 976  
operations shall be conducted in accordance with rules and 977  
orders of the chief and any terms or conditions of the permit 978  
authorizing such operations. In addition, the chief may 979  
authorize tests to evaluate whether fluids or carbon dioxide may 980  
be injected in a reservoir and to determine the maximum 981  
allowable injection pressure. The tests shall be conducted in 982  
accordance with methods prescribed in rules of the chief or 983  
conditions of the permit. Rules adopted under this section shall 984  
include provisions regarding applications for and the issuance 985  
of permits; the terms and conditions of permits; entry to 986  
conduct inspections and to examine records to ascertain 987  
compliance with this section and rules, orders, and terms and 988  
conditions of permits adopted or issued thereunder; the 989  
provision and maintenance of information through monitoring, 990  
recordkeeping, and reporting; and other provisions in 991  
furtherance of the goals of this section and the Safe Drinking 992  
Water Act. To implement the goals of the Safe Drinking Water 993  
Act, the chief shall not issue a permit for the underground 994  
injection of fluids for the secondary or tertiary recovery of 995

oil or natural gas or for the storage of hydrocarbons that are 996  
liquid at standard temperature and pressure, unless the chief 997  
concludes that the applicant has demonstrated that the injection 998  
will not result in the presence of any contaminant in 999  
underground water that supplies or can be reasonably expected to 1000  
supply any public water system, such that the presence of any 1001  
such contaminant may result in the system's not complying with 1002  
any national primary drinking water regulation or may otherwise 1003  
adversely affect the health of persons. Rules, orders, and terms 1004  
or conditions of permits adopted or issued under this section 1005  
shall be construed to be no more stringent than required for 1006  
compliance with the Safe Drinking Water Act, unless essential to 1007  
ensure that underground sources of drinking water will not be 1008  
endangered. 1009

(B) Notwithstanding division (A) of this section, no 1010  
person shall negligently dispose of brine or other waste 1011  
substances in association with secondary or additional recovery 1012  
operations conducted pursuant to that division. 1013

**Sec. 1509.22.** (A) Except when acting in accordance with 1014  
section 1509.226 of the Revised Code, no person shall place or 1015  
cause to be placed in ground water or in or on the land or 1016  
discharge or cause to be discharged in surface water brine, 1017  
crude oil, natural gas, or other fluids associated with the 1018  
exploration, development, well stimulation, production 1019  
operations, or plugging of oil and gas resources that causes or 1020  
could reasonably be anticipated to cause damage or injury to 1021  
public health or safety or the environment. 1022

(B) (1) No person shall store or dispose of brine in 1023  
violation of a plan approved under division (A) of section 1024  
1509.222 or section 1509.226 of the Revised Code, in violation 1025

of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to those plans or resolutions.

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

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

(C) (1) The chief shall adopt rules regarding storage, recycling, treatment, and processing, ~~and disposal~~ of brine and other waste substances. The rules shall establish procedures and requirements in accordance with which a person shall apply for a permit or order for the storage, recycling, treatment, or processing, ~~or disposal~~ of brine and other waste substances that are not subject to a permit issued under section 1509.06 or 1509.21 of the Revised Code and in accordance with which the chief may issue such a permit or order. An application for such a permit shall be accompanied by a nonrefundable fee of two thousand five hundred dollars.

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

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

~~(a) By (i)~~ On and after January 1, 2016, by injection into an underground formation a class I injection well, including annular disposal if approved by rule of the chief, which injection shall be subject to division (D) of this section in accordance with a class I injection well permit issued under sections 6111.043 to 6111.049 of the Revised Code and rules adopted under them;

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

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

~~(d) In any other manner not specified in divisions (C)(1)(a) to (c) of this section that is approved by a permit or order issued by the chief.~~

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

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

~~(4) Pits or steel~~ (d) Steel tanks shall be used as authorized by the chief for containing brine and other waste substances resulting from, obtained from, or produced in

connection with drilling, well stimulation, reworking, 1084  
reconditioning, plugging back, or plugging operations. The pits- 1085  
and steel tanks shall be constructed and maintained to prevent 1086  
the escape of brine and other waste substances. 1087

~~(5) A dike or pit may be used for spill prevention and 1088  
control. A dike or pit so used shall be constructed and 1089  
maintained to prevent the escape of brine and crude oil, and the 1090  
reservoir within such a dike or pit shall be kept reasonably 1091  
free of brine, crude oil, and other waste substances. 1092~~

~~(6) Impoundments constructed utilizing a synthetic liner 1093  
pursuant to the division's specifications may be used for the 1094  
temporary storage of waste substances used in the construction, 1095  
stimulation, or plugging of a well. 1096~~

~~(7) (e) No pit or dike shall be used for the temporary 1097  
storage of brine or other waste substances except in accordance 1098  
with divisions (C) (4) and (5) of this section. 1099~~

~~(8) (f) No pit or dike shall be used for the ultimate 1100  
disposal of brine or other liquid waste substances. 1101~~

(2) A person using a pit or dike shall comply with 1102  
divisions (C) (1) (e) and (f) of this section not later than one 1103  
year after the effective date of this amendment. 1104

(D) (1) No On and after January 1, 2016, no person, without 1105  
first having obtained a permit from the chief, shall inject 1106  
brine or other waste substances resulting from, obtained from, 1107  
or produced in connection with oil or gas drilling, exploration, 1108  
or production into an underground formation unless a rule of the 1109  
chief expressly authorizes the injection without a permit except 1110  
in accordance with a class I injection well permit issued under 1111  
sections 6111.043 to 6111.049 of the Revised Code and rules 1112

~~adopted under them. The permit shall be in addition to any~~ 1113  
~~permit required by section 1509.05 of the Revised Code, and the~~ 1114  
~~permit application shall be accompanied by a permit fee of one~~ 1115  
~~thousand dollars. The chief shall adopt rules in accordance with~~ 1116  
~~Chapter 119. of the Revised Code regarding the injection into~~ 1117  
~~wells of brine and other waste substances resulting from,~~ 1118  
~~obtained from, or produced in connection with oil or gas~~ 1119  
~~drilling, exploration, or production. The rules shall include~~ 1120  
~~provisions regarding all of the following:~~ 1121

~~(a) Applications for and issuance of the permits required~~ 1122  
~~by this division;~~ 1123

~~(b) Entry to conduct inspections and to examine and copy~~ 1124  
~~records to ascertain compliance with this division and rules,~~ 1125  
~~orders, and terms and conditions of permits adopted or issued~~ 1126  
~~under it;~~ 1127

~~(c) The provision and maintenance of information through~~ 1128  
~~monitoring, recordkeeping, and reporting. In addition, the rules~~ 1129  
~~shall require the owner of an injection well who has been issued~~ 1130  
~~a permit under division (D) of this section to quarterly submit~~ 1131  
~~electronically to the chief information concerning each shipment~~ 1132  
~~of brine or other waste substances received by the owner for~~ 1133  
~~injection into the well.~~ 1134

~~(d) The provision and electronic reporting quarterly of~~ 1135  
~~information concerning brine and other waste substances from a~~ 1136  
~~transporter that is registered under section 1509.222 of the~~ 1137  
~~Revised Code prior to the injection of the transported brine or~~ 1138  
~~other waste substances;~~ 1139

~~(e) Any other provisions in furtherance of the goals of~~ 1140  
~~this section and the Safe Drinking Water Act.~~ 1141

(2) The chief may adopt rules in accordance with Chapter 1142  
119. of the Revised Code authorizing tests to evaluate whether 1143  
fluids, other than brine or other waste substances, or carbon 1144  
dioxide may be injected in a reservoir and to determine the 1145  
maximum allowable injection pressure, which shall be conducted 1146  
in accordance with methods prescribed in the rules or in 1147  
accordance with conditions of the a permit issued by the chief 1148  
for that purpose. ~~In addition, the chief may adopt rules that do~~ 1149  
~~both of the following:~~ 1150

~~(a) Establish the total depth of a well for which a permit~~ 1151  
~~has been applied for or issued under this division;~~ 1152

~~(b) Establish requirements and procedures to protect~~ 1153  
~~public health and safety.~~ 1154

(3) ~~To implement the goals of the Safe Drinking Water Act,~~ 1155  
~~the chief shall not issue a permit for the injection of brine or~~ 1156  
~~other waste substances resulting from, obtained from, or~~ 1157  
~~produced in connection with oil or gas drilling, exploration, or~~ 1158  
~~production unless the chief concludes that the applicant has~~ 1159  
~~demonstrated that the injection will not result in the presence~~ 1160  
~~of any contaminant in ground water that supplies or can~~ 1161  
~~reasonably be expected to supply any public water system, such~~ 1162  
~~that the presence of the contaminant may result in the system's~~ 1163  
~~not complying with any national primary drinking water~~ 1164  
~~regulation or may otherwise adversely affect the health of~~ 1165  
~~persons.~~ 1166

~~(4) The chief may issue an order to the owner of a well in~~ 1167  
~~existence on September 10, 2012, to make changes in the~~ 1168  
~~operation of the well in order to correct problems or to address~~ 1169  
~~safety concerns.~~ 1170

~~(5)~~—This division and rules, orders, and terms and 1171  
conditions of permits adopted or issued under it shall be 1172  
construed to be no more stringent than required for compliance 1173  
with the Safe Drinking Water Act unless essential to ensure that 1174  
underground sources of drinking water will not be endangered. 1175

(E) The owner holding a permit, or an assignee or 1176  
transferee who has assumed the obligations and liabilities 1177  
imposed by this chapter and any rules adopted or orders issued 1178  
under it pursuant to section 1509.31 of the Revised Code, and 1179  
the operator of a well shall be liable for a violation of this 1180  
section or any rules adopted or orders or terms or conditions of 1181  
a permit issued under it. 1182

(F) An owner shall replace the water supply of the holder 1183  
of an interest in real property who obtains all or part of the 1184  
holder's supply of water for domestic, agricultural, industrial, 1185  
or other legitimate use from an underground or surface source 1186  
where the supply has been substantially disrupted by 1187  
contamination, diminution, or interruption proximately resulting 1188  
from the owner's oil or gas operation, or the owner may elect to 1189  
compensate the holder of the interest in real property for the 1190  
difference between the fair market value of the interest before 1191  
the damage occurred to the water supply and the fair market 1192  
value after the damage occurred if the cost of replacing the 1193  
water supply exceeds this difference in fair market values. 1194  
However, during the pendency of any order issued under this 1195  
division, the owner shall obtain for the holder or shall 1196  
reimburse the holder for the reasonable cost of obtaining a 1197  
water supply from the time of the contamination, diminution, or 1198  
interruption by the operation until the owner has complied with 1199  
an order of the chief for compliance with this division or such 1200  
an order has been revoked or otherwise becomes not effective. If 1201

the owner elects to pay the difference in fair market values, 1202  
but the owner and the holder have not agreed on the difference 1203  
within thirty days after the chief issues an order for 1204  
compliance with this division, within ten days after the 1205  
expiration of that thirty-day period, the owner and the chief 1206  
each shall appoint an appraiser to determine the difference in 1207  
fair market values, except that the holder of the interest in 1208  
real property may elect to appoint and compensate the holder's 1209  
own appraiser, in which case the chief shall not appoint an 1210  
appraiser. The two appraisers appointed shall appoint a third 1211  
appraiser, and within thirty days after the appointment of the 1212  
third appraiser, the three appraisers shall hold a hearing to 1213  
determine the difference in fair market values. Within ten days 1214  
after the hearing, the appraisers shall make their determination 1215  
by majority vote and issue their final determination of the 1216  
difference in fair market values. The chief shall accept a 1217  
determination of the difference in fair market values made by 1218  
agreement of the owner and holder or by appraisers under this 1219  
division and shall make and dissolve orders accordingly. This 1220  
division does not affect in any way the right of any person to 1221  
enforce or protect, under applicable law, the person's interest 1222  
in water resources affected by an oil or gas operation. 1223

(G) In any action brought by the state for a violation of 1224  
division (A) of this section involving any well at which annular 1225  
disposal is used, there shall be a rebuttable presumption 1226  
available to the state that the annular disposal caused the 1227  
violation if the well is located within a one-quarter-mile 1228  
radius of the site of the violation. 1229

~~(H) (1) There is levied on the owner of an injection well 1230  
who has been issued a permit under division (D) of this section 1231  
the following fees: 1232~~

~~(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  
fee shall be calculated first on all of the barrels of substance  
that are not produced within the division's regulatory district  
in which the well is located or within an adjoining district at  
the rate established in division (H) (2) of this section. The fee  
then shall be calculated on the barrels of substance that are  
produced within the division's regulatory district in which the  
well is located or within an adjoining district at the rate  
established in division (H) (1) of this section until the maximum~~

~~number of barrels established in division (H) (2) of this section-~~ 1264  
~~has been attained.~~ 1265

~~(3) The owner of an injection well who is issued a permit-~~ 1266  
~~under division (D) of this section shall collect the fee levied-~~ 1267  
~~by division (H) of this section on behalf of the division of oil-~~ 1268  
~~and gas resources management and forward the fee to the-~~ 1269  
~~division. The chief shall transmit all money received under-~~ 1270  
~~division (H) of this section to the treasurer of state who shall-~~ 1271  
~~deposit the money in the state treasury to the credit of the oil-~~ 1272  
~~and gas well fund created in section 1509.02 of the Revised-~~ 1273  
~~Code. The owner of an injection well who collects the fee levied-~~ 1274  
~~by this division may retain up to three per cent of the amount-~~ 1275  
~~that is collected.~~ 1276

~~(4) The chief shall adopt rules in accordance with Chapter-~~ 1277  
~~119. of the Revised Code establishing requirements and-~~ 1278  
~~procedures for collection of the fee levied by division (H) of-~~ 1279  
~~this section.~~ 1280

**Sec. 1509.227.** Notwithstanding division (B) (2) (a) of 1281  
section 1509.22 of the Revised Code, on and after January 1, 1282  
2014, a person that is in operation prior to the date may store, 1283  
recycle, treat, or process, ~~or dispose of~~ in this state brine or 1284  
other waste substances associated with the exploration, 1285  
development, well stimulation, production operations, or 1286  
plugging of oil and gas resources without an order or a permit 1287  
issued under section 1509.06, 1509.21, or 1509.22 of the Revised 1288  
Code or rules adopted under any of those sections, provided that 1289  
the chief of the division of oil and gas resources management 1290  
has approved the operation and any required permit or other form 1291  
of authorization has been issued by the environmental protection 1292  
agency. 1293

**Sec. 6111.043.** (A) As used in this section and sections 1294  
6111.044 to 6111.047 of the Revised Code, "area of review" means 1295  
the area of review of an injection well as determined under 1296  
regulations adopted under the "Safe Drinking Water Act," 88 1297  
Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended, or under 1298  
rules adopted under this section. 1299

(B) This section and sections 6111.044 to 6111.049 of the 1300  
Revised Code establish a program for regulation of the injection 1301  
of sewage, industrial waste, hazardous waste, and other wastes 1302  
into wells in order to control pollution of the waters of the 1303  
state, to prevent contamination of underground sources of 1304  
drinking water, and to satisfy all requirements of the "Safe 1305  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), 1306  
as amended, regarding injection wells as defined in regulations 1307  
adopted under that act. ~~This~~ 1308

The director of environmental protection shall issue 1309  
permits for class I injection wells for the disposal of brine or 1310  
other waste substances associated with the exploration, 1311  
development, well stimulation, production operations, or 1312  
plugging of oil and gas resources under Chapter 1509. of the 1313  
Revised Code. This section and sections 6111.044 to 6111.049 of 1314  
the Revised Code do not apply to the drilling, ~~conversion,~~ and 1315  
operation of other wells that are subject to ~~Chapter 1509. of~~ 1316  
~~the Revised Code that chapter.~~ 1317

~~The director of environmental protection,~~ in consultation 1318  
with the director of natural resources, shall adopt rules in 1319  
accordance with Chapter 119. of the Revised Code governing the 1320  
injection of sewage, industrial waste, hazardous waste, and 1321  
other wastes into wells. The rules shall include provisions 1322  
regarding all of the following: 1323

(1) Applications for and issuance and renewal of injection well drilling and injection well operating permits. The term of an injection well operating permit shall be five years, except that in the case of the injection well drilling permit or renewal of an injection well operating permit, as appropriate, that is first issued on or after the effective date of this amendment for a class I injection well that is in operation on that date, the term of the permit shall be not less than four nor more than six years as determined by the director.

(2) Terms and conditions of such permits;

(3) Entry to conduct inspections to ascertain compliance with this section, sections 6111.044, 6111.045, and 6111.047 of the Revised Code, and rules adopted and orders and terms and conditions of permits issued thereunder;

(4) Contingencies involving the mechanical integrity of class I injection wells, including requirements for the automatic shutdown of an injection well if pressures or the temperature or specific gravity of the sewage, industrial waste, hazardous waste, or other wastes differs from prescribed allowances;

(5) A requirement that a seismic reflection data survey be conducted at each injection site where a class I injection well is located or proposed to be located in order to determine the presence or absence of such geologic faults or fractures as may be identified by seismic reflection survey data within or near the area around the well where formation pressures may be increased due to the operation of the well. If, prior to the effective date of division (B) (5) of this section, a seismic reflection data survey was conducted at an injection site in accordance with a work plan approved by the director or a

seismic reflection data survey was conducted at an injection 1354  
site and the results were approved in writing by the director, 1355  
the rules adopted under that division shall not require that a 1356  
new survey be conducted. If there is a change in the area of 1357  
review of an injection well that is located at an injection site 1358  
for which a seismic reflection data survey has been conducted, 1359  
or if a new injection well is proposed to be located at such an 1360  
injection site, the rules shall require that the owner or 1361  
operator of the injection site reevaluate the data obtained from 1362  
the survey. The rules shall require that if, after a 1363  
reevaluation of the existing survey data, the director 1364  
determines that the existing data are inadequate to determine 1365  
the presence or absence of geologic faults or fractures within 1366  
the altered area of review or to determine the presence or 1367  
absence of geologic faults or fractures within the area of 1368  
pressure buildup of the new well, the director may require the 1369  
owner or operator to submit such additional seismic reflection 1370  
data as the director considers necessary or appropriate. All 1371  
seismic reflection data surveys shall be conducted in accordance 1372  
with the standards established in rules adopted by the director. 1373

(6) A requirement that when the director has reason to 1374  
believe that the operation of a class I injection well may cause 1375  
seismic disturbances, a passive seismicity monitoring program be 1376  
maintained at or near the injection site. The rules adopted 1377  
under division (B) (6) of this section may require that a 1378  
microseismicity monitoring program be maintained at an injection 1379  
site when determined to be necessary or appropriate by the 1380  
director. All seismicity monitoring programs shall be conducted 1381  
in accordance with standards established in rules adopted by the 1382  
director. 1383

(7) Definitions of the various classes of injection wells; 1384

(8) A determination of the areas of review of injection wells; 1385  
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(9) Other provisions in furtherance of the goals of this section and the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended. The rules adopted under this section shall be consistent with that act and the regulations adopted under it, except that the director may adopt rules under this section that are more stringent than that act and the regulations adopted under it when ~~he~~ the director determines that they are inadequate to protect human health or the environment; 1387  
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(10) A requirement that an applicant for a permit for a class I injection well for the injection of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources under Chapter 1509. of the Revised Code submit a general description of the contents of the waste substances to be injected into the well to the director of environmental protection, the owners and operators of local public water systems, and local emergency responders. The rules shall define "local" for purposes of this division. 1396  
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(C) Unless otherwise authorized by rule of the director, no person shall drill a new well or convert an existing well for the purpose of injecting sewage, industrial waste, hazardous waste, or other wastes, without having obtained an injection well drilling permit issued by the director of environmental protection. The original permit or a true copy thereof shall be displayed in a conspicuous and easily accessible place at the well site. An application for an injection well drilling permit shall be filed with the director upon such form as the director 1406  
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prescribes and shall contain such information as the director 1415  
requires by rule, including all of the following information: 1416

(1) The name and address of the owner and, if a 1417  
corporation, the name and address of the statutory agent; 1418

(2) In the case of an applicant for a permit to drill a 1419  
class I injection well who, at the time of submitting the 1420  
application, does not hold an injection well operating permit or 1421  
renewal of such a permit issued under section 6111.044 of the 1422  
Revised Code, a statement of all relevant expertise of the owner 1423  
or, if the well is to be operated by a person other than the 1424  
owner, of the operator, in the operation of class I injection 1425  
wells and a listing of all class I injection wells that the 1426  
owner or operator has operated and is operating; the date that 1427  
each such well was first placed in service or, if the well was 1428  
first placed in service before the applicant acquired the well, 1429  
the date that the applicant acquired the well; and the date of 1430  
issuance, identification number, and expiration date of the 1431  
permits issued for each such well by the United States or the 1432  
state in which the injection well is located and, for each such 1433  
permit, the name and address of the federal or state agency that 1434  
issued the permit; 1435

(3) The signature of the owner or ~~his~~ the owner's 1436  
authorized agent. When an authorized agent signs an application, 1437  
it shall be accompanied by a certified copy of ~~his~~ the 1438  
appointment as such agent. 1439

(4) The proposed well location identified by latitude and 1440  
longitude, and the location of the tract on which the well is to 1441  
be drilled identified by latitudes and longitudes, section or 1442  
lot number, city, village, or township, as applicable, and 1443  
county; 1444

- (5) Designation of the well by name and number; 1445
- (6) The name of the geological formation and the 1446  
approximate depth interval to be tested or used and the proposed 1447  
total depth of the well; 1448
- (7) The type of drilling, completion, and injection 1449  
equipment proposed to be used; 1450
- (8) The plan for disposal of water and other waste 1451  
substances resulting from or obtained or produced in connection 1452  
with the drilling, conversion, or testing of the well; 1453
- (9) The chemical composition and physical properties of 1454  
the substance proposed to be injected. 1455
- (D) Based upon conditions observed by the director or ~~his~~ 1456  
the director's authorized representative during drilling or 1457  
completion of a class I injection well, the director may request 1458  
the holder of an injection well drilling permit issued under 1459  
section 6111.044 of the Revised Code to submit to the director 1460  
such information and test results in addition to those submitted 1461  
with the application as the director considers necessary to more 1462  
adequately define hydrogeologic conditions at the site of the 1463  
well and to protect the lowermost underground source of drinking 1464  
water near the injection well. The director shall include in 1465  
each injection well drilling permit issued under section 1466  
6111.044 of the Revised Code the condition that, upon receiving 1467  
such a request from the director, the permit holder promptly 1468  
submit the additional information or test results to the 1469  
director. 1470
- (E) Unless otherwise authorized by rule of the director, 1471  
no person shall use a well for the injection of sewage, 1472  
industrial waste, hazardous waste, or other wastes without first 1473

obtaining an injection well operating permit issued by the 1474  
director. An application for an injection well operating permit 1475  
or a renewal of such a permit shall be filed on such form as the 1476  
director prescribes and shall contain the information prescribed 1477  
in the applicable provisions of divisions (C)(1) to (9) of this 1478  
section. In addition, an application for an injection well 1479  
operating permit or renewal of such a permit for a class I 1480  
injection well shall contain such information as the director 1481  
requires by rule, including all of the following: 1482

(1) The results of such seismic reflection data surveys, 1483  
seismic monitoring, and geophysical testing surveys in and 1484  
surrounding the injection area as are required pursuant to rules 1485  
adopted under divisions (B)(5) and (6) of this section; 1486

(2) A plan for ensuring the annual review and testing of 1487  
the integrity of the well casing and associated well features 1488  
and, if the application is for a renewal, the results of all 1489  
such testing since the issuance of the current permit or renewal 1490  
permit. If this information has been submitted to the director 1491  
previously as required by rule or applicable technical guidance, 1492  
it may be included in the application by reference. 1493

(3) A plan for monitoring the lowermost underground source 1494  
of drinking water near the injection well. When determined to be 1495  
necessary by the director, the application also shall include a 1496  
plan for monitoring conditions of other formations within the 1497  
area of review of the well, including formation pressures, 1498  
formation transmissivity, or the vertical or horizontal 1499  
migration of the injected fluids. If the application is for the 1500  
renewal of an injection well operating permit, it shall be 1501  
accompanied by all of the results from the monitoring of the 1502  
lowermost underground source of drinking water near the well, 1503

and from other formation monitoring activities, conducted during 1504  
the term of the current permit or renewal that had not been 1505  
submitted to the director previously in accordance with rules 1506  
adopted under this section, the terms and conditions of the 1507  
current permit or renewal, or applicable technical guidance. 1508

(4) A plan for conducting a seismicity monitoring program 1509  
at the injection site when such a monitoring program is required 1510  
pursuant to rules adopted under division (B)(6) of this section; 1511

(5) The results of downhole monitoring; geophysical logs; 1512  
core samples, to the extent that they are available; results of 1513  
laboratory tests of core samples, to the extent that they are 1514  
available; results of laboratory tests of formation fluids from 1515  
the injection zone; and such other data or samples as the 1516  
director may require to be submitted. If any such information, 1517  
test results, or samples have been submitted to the director 1518  
previously upon the request of the director or as required by 1519  
rule, the terms and conditions of the injection well drilling 1520  
permit or injection well operating permit or renewal of that 1521  
operating permit for the well, or applicable technical guidance, 1522  
the information, test results, or results of the analysis or 1523  
evaluation of the samples may be included in the application by 1524  
reference. 1525

(6) A determination accompanied by supporting 1526  
documentation describing all areas around the well where 1527  
formation pressures are predicted by the applicant to be 1528  
increased due to the operation of the well and an evaluation of 1529  
whether any resulting potential exists for contamination of any 1530  
underground source of drinking water or migration of substances 1531  
injected into the well outside of the anticipated injection 1532  
zone. The determination shall be made through the use of an 1533

hydraulic model acceptable to the director. 1534

(7) An evaluation of all artificial penetrations through 1535  
the base of any underground source of drinking water within the 1536  
area of review of the well and a determination of whether the 1537  
wells are completed or plugged in accordance with the applicable 1538  
rules adopted under this section or section 1509.15 of the 1539  
Revised Code; 1540

(8) Such additional information as the director determines 1541  
to be necessary to carry out his responsibilities under this 1542  
section and section 6111.044 of the Revised Code. 1543

(F) Unless otherwise authorized by rule of the director, 1544  
each application for an injection well drilling or operating 1545  
permit or renewal of an injection well operating permit shall be 1546  
accompanied by a map, on a scale not smaller than four hundred 1547  
feet to the inch, prepared by an Ohio registered surveyor, 1548  
showing the location of the well and containing such other data 1549  
as may be prescribed by the director. If the well is or is to be 1550  
located within the excavations and workings of an active mine, 1551  
the map also shall include the location of the mine, the name of 1552  
the mine, and the name of the person operating the mine. If the 1553  
well is or is to be located within the excavations of an 1554  
abandoned mine, the map also shall include the location of the 1555  
mine and, to the extent that the information is available, the 1556  
name of the mine and approximate dates when mining activities 1557  
occurred at the mine. 1558

(G) Each application for an injection well drilling 1559  
permit, an injection well operating permit, a renewal of an 1560  
injection well operating permit, or a modification of an 1561  
injection well drilling or operating permit or renewal permit 1562  
shall be accompanied by a nonrefundable fee prescribed by the 1563

director by rule as necessary to defray the cost of processing 1564  
the application. 1565

(H) As used in this section: 1566

(1) "Emergency responder" means both of the following: 1567

(a) A representative of a fire department as defined in 1568  
section 3750.01 of the Revised Code; 1569

(b) The director or coordinator of a countywide emergency 1570  
management agency established under section 5502.26 of the 1571  
Revised Code. 1572

(2) "Public water system" has the same meaning as in 1573  
section 6109.01 of the Revised Code. 1574

**Sec. 6111.046.** (A) (1) Each person who is issued an 1575  
injection well operating permit or a renewal of an injection 1576  
well operating permit for a class I injection well shall pay an 1577  
annual permit fee of twelve thousand five hundred dollars, 1578  
except that a person who is issued such a permit or renewal of 1579  
such a permit for a class I injection well that disposes of any 1580  
hazardous waste identified or listed in rules adopted under 1581  
section 3734.12 of the Revised Code and that is located on the 1582  
premises where the hazardous waste injected into the well is 1583  
generated shall pay an annual permit fee of thirty thousand 1584  
dollars. The appropriate permit fee shall be paid to the 1585  
director of environmental protection within thirty days after 1586  
the issuance of the injection well operating permit or renewal 1587  
of such a permit. Annually thereafter during the term of the 1588  
permit or renewal, the appropriate annual permit fee shall be 1589  
paid to the director on or before the anniversary of the date of 1590  
issuance of the injection well operating permit or renewal of 1591  
such a permit. The director, by rules adopted in accordance with 1592

Chapter 119. of the Revised Code, shall prescribe the procedures 1593  
for collecting the annual permit fees established in this 1594  
section and may prescribe other requirements necessary to carry 1595  
out this section. 1596

~~No~~ (2) On and after January 1, 2016, there is levied on a 1597  
person who is issued a permit for a class I injection well for 1598  
the disposal of brine or other waste substances associated with 1599  
the exploration, development, well stimulation, production 1600  
operations, or plugging of oil and gas resources under Chapter 1601  
1509. of the Revised Code a fee of one cent per barrel of each 1602  
substance that is delivered to a well to be injected into the 1603  
well. The director shall adopt rules in accordance with Chapter 1604  
119. of the Revised Code establishing requirements and 1605  
procedures for the collection of the fee. 1606

(3) No person shall fail to comply with this division. 1607

(B) All moneys received by the director under division (A) 1608  
of this section shall be credited to the underground injection 1609  
control fund, which is hereby created in the state treasury. 1610  
Beginning July 1, 1992, and annually thereafter, the director 1611  
shall request the office of budget and management to, and the 1612  
office shall, transfer fifteen per cent of the moneys in the 1613  
fund to the injection well review fund created in section 1614  
1501.022 of the Revised Code for the purpose of paying the 1615  
expenses of the department of natural resources incurred in 1616  
executing its duties under sections 6111.043 to 6111.047 of the 1617  
Revised Code. The director shall use the remainder of the moneys 1618  
credited to the underground injection control fund solely to 1619  
administer and enforce the requirements of sections 6111.043 to 1620  
6111.047 of the Revised Code and rules adopted under them 1621  
pertaining to class I injection wells. 1622

<b>Section 2.</b> That existing sections 1509.01, 1509.02,	1623
1509.05, 1509.06, 1509.072, 1509.074, 1509.08, 1509.21, 1509.22,	1624
1509.227, 6111.043, and 6111.046 of the Revised Code are hereby	1625
repealed.	1626