



Save Ohio Parks

End Fracking Of Public Lands

**Ohio Senate Energy Committee
Opposition Testimony
Second Sub Senate Bill 219
Cathy Becker, Save Ohio Parks**

Chair Chavez, Vice Chair Landis, Ranking Member Smith, and Members of the Senate Energy Committee,

Thank you for the opportunity to submit testimony regarding the second Sub Senate Bill 219, sent out last week. My name is Cathy Becker, and I am a board member of Save Ohio Parks, a citizens group that seeks to protect Ohio state parks, wildlife areas, and public lands from oil and gas extraction.

I testified in opposition to the original SB 219 but am submitting additional testimony because this Sub Bill is even worse. In sum, this sub bill:

- Sets unreasonable timelines for decisions about fracking public lands.
- Contains multiple provisions regarding fracking public lands that Gov. Mike DeWine vetoed when they were inserted into the budget bill last spring.
- Curtails the ability of the Division of Oil and Gas Resources Management to do its job of regulating oil and gas wells in Ohio.
- Contains all the provisions we objected to in our previous testimony on SB 219.

Going through these objections:

1. Unreasonable limits on timelines for decisions about fracking public lands

This is something Save Ohio Parks follows closely. Currently Ohio law states that the Oil and Gas Land Management Commission must meet to discuss a nomination to frack public land within 120 days of receiving it, and must make a decision on the nomination within 180 days. If they approve the nomination, it goes out for bid the following quarter.

Sub SB 219 would require the commission to make a decision on a nomination within 90 days of receiving it, then if approved, post it for bid immediately and award the bid within 60 days. Then ODNR would have just 30 days to fully execute the lease.

We view these timelines as unreasonably short for the following reasons:

- The people have 45 days to submit comments about fracking nominations – however, we are often not informed of such nominations until days, even weeks,

after they have been received. We should also be able to speak in public meetings about the fate of these precious lands that we pay for and use.

- ODNR should have discretion on when to award bids to frack public land, especially if the system is working as it should and multiple companies are bidding on a single nomination. It takes time to evaluate these bids to pick the best one for the state.
- 30 days is rushed to fully execute a lease regarding fracking our state parks and wildlife areas. ODNR has rightfully placed 20 to 25 addendums on these leases to frack land that the public pays for and uses, and the agency should have enough time to ensure these stipulations are incorporated into any lease.

For example, here are the addendums for 23-DNR-0007 to frack Salt Fork State Park:

1. No vertical well pad may be located within 500ft from any facility, calculated from edge of well pad.
2. No horizontal well pad may be located within 1000ft from any facility, calculated from edge or well pad.
3. Before starting well pad construction, Lesse must submit a plan to the ODNR and Office of Real Estate and Land Management addressing the aesthetic impacts of the well site visible from the boundaries.
4. The lessee must test all water sources within 3,000 feet of any well before drilling and again 60–90 days after completion.
5. Lesse is responsible for damage, disturbance, contamination, or injury to any groundwater on the premise, and shall correct any damage at their own costs.
6. The lease includes environmental protections for freshwater impoundments and liners. The lessee cannot dig pits on the leased land.
7. Secondary containment must be used during all operational phases to contain harmful substances and prevent environmental contamination. Stormwater must be removed before reducing containment volume by 10%. Materials used must be impervious and chemically compatible.
8. Volume of secondary containment: 110% of largest single primary containment capacity or total capacity of multiple primary containments piped together (whichever is greater)
9. Lessee shall provide ODNR with the plan for secondary containment prior to start of construction.
10. Lessee and their contracts, successors, assigns, etc. are prohibited from using any roadways within the limits of Salt Fork State Park as specifically designated by ODNR.
11. Lessee will provide the ODNR maps identifying its anticipated access to well pads prior to commencement of drilling for units in which at least a portion of the Leased Premises are included.

12. Must conduct a third-party sound study if the pad is located less than 2000ft from any boundary.
13. Lessee shall use best efforts to limit sound pollution during drilling and completion activities.
14. Once a well is in the production phase, lessee shall use best efforts to limit light pollution.
15. ODNR shall have the right to approve plans for permanent lighting at the production pad, which approval may not be unreasonably withheld or delayed.
16. Lessee shall consult ODNR, Office of Real Estate and Land Management, and the State Historic Preservation Office to mitigate impacts on cemeteries when they are within the viewshed of the proposed well site.
17. Lessee shall use all efforts/practices to minimize the impact on the viewshed of the areas in and around Salt Fork State Park.
18. Lessee shall not conduct any construction, drilling or completion during April 20-May 1 and November 15-December 1.
19. Lessee shall provide ODNR, Office of Real Estate and Land Management with a monthly construction/operation schedule during construction, drilling, and completion phase.
20. Lessee must provide written emergency response plan.
21. Lessee shall provide ODNR, Office of Real Estate and Land Management with specific plans for notification in the event of an emergency.
22. New steel shall be used in well casings to isolate fracking zones from aquifers at shallower depths.
23. Must pay 5.5% of Oil and Gas produced from Leased Premise.

2. Provisions regarding fracking public lands that Gov. DeWine previously vetoed

Multiple provisions regarding fracking public lands in Sub SB 219 were inserted into HB 96, the state operating budget bill, last spring. Save Ohio Parks testified against some of these provisions during hearings on the budget bill, and Gov. Mike DeWine vetoed all these provisions in the budget bill on June 30, 2025. Now they show up in Sub SB 219.

These provisions include:

- Language mentioned above that requires ODNR to fully execute a lease for fracking public land within 30 days of awarding the bid. This unnecessarily rushes the leasing process, putting the many provisions to protect our parks and wildlife areas at risk.

- Language that prohibits ODNR from charging an oil and gas company anything beyond what is specifically authorized in the lease. This means the state potentially could not levy fines on companies that do not follow the rules or make them pay to clean up after a spill, leak, explosion, or accident.
- Language that gives an oil and gas company the option to extend a lease to frack public land for five years instead of three years under existing law.
- Language that allows an oil and gas company to negotiate “surface use” of state land – meaning they can frack IN our parks and public lands. Most Ohioans would be horrified to find a fracking pad as they hike, hunt, or birdwatch in our state parks and wildlife areas. No surface use is the bare minimum of protection they deserve.
- Language that allows an oil and gas company to retain surface use of public land even if they temporarily shut down a well due to market conditions (the shut-in royalty provision).
- Language that gives oil and gas companies that got a lease to frack public lands up to 60 days to pay any advance royalties or bonuses owed, instead of 10 days under existing law. This is the people’s land, and royalties should be paid promptly.
- Language that suspends the time limit on oil and gas leases to frack public land if the land goes through a federal approval process. Such a process applies to Zepernick and Leesville wildlife areas. Currently these processes are part of the time limits on leases to frack public land, which the industry seeks to increase.
- Language that allows oil and gas companies that are fracking public land to defer all payments to the state if litigation of any kind is filed, until a final non-appealable order is issued by a court. This means the case would have to go through months if not years of litigation in multiple courts before the company had to start paying the royalties and bonuses promised to the state. For example, a lawsuit brought by several environmental groups against HB 507 in 2023 **still** has not been ruled on in Franklin County Court. Allowing companies not to pay royalties during this time is basically letting them take oil and gas from public land for years for free.

Gov. DeWine vetoed all of these provisions in HB 96, the state budget bill. It’s unclear why the legislature would send them all back to him again in a standalone bill.

In addition, Gov. DeWine vetoed the Oil and Gas Resolution and Remediation Fund, which is a major part of both SB 219 and Sub SB 219. While Save Ohio Parks is neutral on this part of the bill, it’s again unclear why the legislature would send this program back to DeWine.

3. Curtails the ability of the Division of Oil and Gas Resources Management to regulate oil and gas wells in Ohio

Multiple provisions in Sub SB 219 unreasonably restrict the ability of DOGRM within ODNR to do its job of regulating oil and gas operations in Ohio. Most people agree that such operations are complicated and hazardous and need to be regulated for the health and safety of our communities. Some of these restrictive provisions include:

- Language removing the DOGRM's authority to issue an adjudication order under Chapter 119, which establishes the Ohio Administrative Procedure Act that governs how state agencies make rules and conduct adjudication hearings. Without the ability to conduct adjudication hearings, how can ODNR determine the facts of a situation and enforce state laws and administrative rules?
- Language revoking DOGRM's authority to deny requests for expedited review of permit applications for production wells or to cap orphan wells. ODNR should have discretion to manage its workload and decide whether or not to expedite permit applications based on the facts of each situation.
- Language prohibiting DOGRM's authority to require a well owner to stop or limit production from one well if they want to engage in simultaneous operations of other wells on the same well pad. Again, DOGRM's job is to regulate oil and gas operations in Ohio, and this capriciously intervenes in its ability to do this job.

4. Provisions we objected to in our previous testimony on SB 219.

Several provisions in SB 219 that we objected to in our previous testimony because they hurt local communities are still in Sub SB 219. These provisions include:

- Eliminating the requirement that a horizontal well permit applicant enter into road maintenance agreements with local governments, instead making these voluntary agreements that would expire after three years.
- Exempting the requirement for a horizontal well permit holder to obtain a special regional heavy hauling permit if the load size or weight exceeds legal limits.
- Relieving the owner of a well from obligations and liabilities upon transfer of the well if the owner files required information with the DOGRM, instead of maintaining those obligations and liabilities until the transferee takes control of the well.

These are four major reasons why, despite the clear need to plug orphan wells in Ohio, Save Ohio Parks stands adamantly against Sub SB 219. Thank you again for the opportunity to testify about our concerns. I can try to answer any questions you may have.