

**Testimony SB 219**  
**November 12, 2025**

Chairman Chavez and members of the Senate Energy Committee, my name is Roxanne Groff and I live in Athens County. As a former Athens County Commissioner and Bern Township trustee, I have had the opportunity to testify to many bills throughout the years. While SB 219 appears to elevate and improve laws governing oil and gas operations in Ohio, the bill does just the opposite.

I will begin by saying for the first time in decades of testifying before the general assembly, attended more public hearings than I can count, read and tried to understand legislation, I am here today to defend ODNR's DOGRM. The general assembly has for years, since 2010 when horizontal drilling, started in Ohio, touted its oil and gas laws as being some of the most stringent in the country. This bill once again ties the hands of DOGRM even more tightly behind their backs. By removing discretionary authority, adjudication abilities and removing more funds from the oil and gas fund, you the lawmakers have once again given a gift to the industry.

**Oil and Gas Resolution and Remediation Fund**

The bill creates the Oil and Gas Resolution and Remediation Fund (OGRRF) as a custodial fund. It requires the Chief of the Division of Oil and Gas Resources Management to use money in the OGRRF to plug orphaned wells in accordance with current law. The OGRRF was vetoed in HB 96, the budget bill by Governor DeWine. Testimony on this bill fails to elaborate on why the governor did so. Governor DeWine's veto:

*This item creates the Oil and Gas Resolution and Remediation Fund for the purposes of plugging orphaned oil and gas wells in the state; requires that each fiscal year, excess money in the Oil and Gas Well Fund be transferred to the Oil and Gas Resolution and Remediation Fund; requires the Treasurer of State to make quarterly disbursements to the Ohio Department of Natural Resources (ODNR) Division of Oil and Gas; and prohibits the Ohio Budget and Management (OBM) Director or Controlling Board from transferring any money out of the fund to any other fund. There are more than 20,000 known orphaned wells in Ohio, with hundreds more discovered each year. ODNR has been a good steward of the Oil and Gas Well Fund during this administration and significantly increased well plugging from 51 in 2018 to more than 450 in 2024. The bureaucratic process created in this item will significantly hamper Ohio's progress in plugging orphan wells and ensuring the safety of Ohioans by inefficiently moving around funding and unnecessarily complicating ODNR's current effective process to plug orphaned wells. Additionally, the director of OBM has had long-standing authority and flexibility to maintain the balance of the state's general revenue fund. Prohibiting transfers from the Oil and Gas Resolution and Remediation Fund erodes OBM's ability to balance the budget in the case of a potential economic downturn. The De Wine-Tressel Administration will continue working with key stakeholders to utilize the Oil and Gas Well Fund to plug abandoned gas wells, while also efficiently and appropriately managing tax resources and serving Ohioans. Therefore, a veto of this item is in the public interest.*

While it is true that the orphan well program needs as much attention as possible to expedite and insure funding for the many years to come to find and plug over 20,000 wells in Ohio, it is clear that increased funding for the program has been made available and it is commendable that the general assembly wishes to ensure the longevity of the program, this section of the bill only states there is money in the current budget and there will likely be funding leftover. While I do agree that the oil and gas well fund should not be "raided" to make up budget deficits, is it prudent to tie funds to the industry's desire without examining the needs of the agency and the director's approval? There are only so many companies that can perform plugging operations. It is a specialized operation, and the state wants to ensure that companies are qualified to perform the plugging service. Legislators must be duly informed and educated as to why this fund must be created. Additionally, interest funds can also be dispersed by the director, with the advice of the Technical Advisory Committee for Oil and Gas made up of 8 members, six of whom are oil and gas production companies. The bill does not explain its impact. Therefore, I object to this part of the bill.

### **Expedited drilling permit review**

*The bill eliminates the Chief's authority to refuse to accept requests for expedited reviews of applications for drilling permits (to drill, reopen, convert, or plug back a well). Under current law, if, in the Chief's judgment, the acceptance of expedited review requests would prevent the issuance, within 21 days of their filing, of permits for which applications are pending, the Chief may refuse to accept the requests. The bill eliminates this authority. However, the bill also limits the number of expedited review requests that a well owner may submit to the Chief to no more than ten times within a calendar year. Accordingly, the bill prohibits the Chief from issuing more than ten expedited permits to an owner within a calendar year unless an emergency requires that an expedited permit be issued, as determined by the Chief.*

What is **NOT** in this bill is the fact that it includes Class II injection well permits. ORC 1509.01 clearly states (A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters. "Well" includes a stratigraphic well.

Therefore, if Class II drilling permits are expedited, the public process is eliminated. New rules were written to increase the public participation for injection well permitting and this bill would eliminate that if a company requested an expedited permit. It is true that the drilling permit is only part of the process, however, the injection permit is not a public process. Therefore, I object to this section of the bill.

### **Statute of limitations – oil and gas lease termination action**

The bill requires an action alleging that an oil and gas lease has terminated or is no longer in effect or expired to be brought within six years after the cause of the action accrued.

This clearly reduces liability to an operator or company and puts a greater burden on the landowner. The reasoning of it makes good business sense without looking at the effects of a landowner is an egregious attempt by industry to nullify the importance of leases in good faith. In Ohio, the statute of limitations for an oil and gas lease depends on the claim: a **21-year** limit applies to claims that a lease has expired due to lack of production, while the statute of limitations for other claims, such as a breach of the lease regarding royalties, is **six years** for written contracts. The Ohio Supreme Court ruled in *Browne v. Artex Oil Company* that a claim to terminate a lease for lack of production is a real property action, not a breach of contract claim. This issue has been controversial for years and many settlements in court have taken place because of breach of contracts by oil and gas companies. Has this important issue been considered by at least the Farm Bureau and the Royalty Landowners Association.?

I object to this portion of the bill.

### **Royalty Fund**

This amendment to current law is not a surprise and clearly would be supported by counties within the Wayne National Forest . All counties need more funding since the budget cuts for the Local Government Funds reduced tax sharing to local governments by millions of dollars. However, if the distribution of these royalty funds is only limited to what the bill proposes, planning, public services, and construction and maintenance of public facilities; this appears to eliminate schools from receiving any additional funds. I understand the economic development notion here but not at the expense of schools.

### **Sec. 1509.23 What does this mean??**

New language: (B) The chief shall not require an owner of a well to cease producing from, or limit production from, the well in order to engage in simultaneous operations on a well pad.

### **What does this mean?**

Is a well owner who does not comply with the new language concerning bond payments, not get fined or be required to plug a well? Lines 1086-1111:

If the order is not complied with, all wells of the owner that are specified in the order and for which no bond is filed or cash, certificates of deposit, or letters of credit are deposited shall be plugged. No owner shall fail or refuse to plug such a well. Each day on which such a well remains unplugged thereafter constitutes a separate offense.

### **Why take more money away from the management of DOGRM?**

The chief shall transmit all money received under division (H) of this section to the treasurer of state who shall deposit the money {in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code }*disburse the money to the county treasurer of the county in which the injection well is located. If the injection well is located in more than one county, the treasurer of state shall disburse the money equally to the county treasurer of each such county. The county treasurer shall deposit such money in the county's general fund.*

The agency is already underfunded and cannot hire enough inspectors, or conduct the necessary studies and investigations to prevent accidents or bring operators into compliance. Look at the problems in Washington County with injection wells.

<https://ohiocapitaljournal.com/2025/10/02/odnr-using-old-rules-on-new-injection-wells-tied-to-state-senator/>

<https://www.farmanddairy.com/news/marietta-city-council-declares-emergency-over-class-ii-injection-wells/891924.html>

<https://signalohio.org/ohio-landowners-say-fracking-wastewater-is-leaking-underground-threatening-drinking-water/>

**1509.03 Why is this a necessary change in the law? Why eliminate Chapter 119?  
Is this not the elimination of due process under the State and federal constitution?**

If the chief adopts broad rules that authorize certain injection/disposal methods without individual permitting, or issues orders administratively (non-adjudicative), affected residents and local governments may have fewer formal opportunities to request hearings or participate before disposal begins.

If the chief uses the “order without prior adjudication” authority in emergency/expedited contexts, companies could obtain disposal authorizations faster and with less public notice.

**Finally**

**Has the mandatory RUMA been restored or not?**

This bill is wrought with favoritism to the oil and gas industry and pretends to ensure safety to communities with throwing money at strapped Appalachian communities holding out hope for lasting and meaningful industry and economic development.

Respectfully submitted,

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