

List of Oil and Gas rules being prepared for filing with JCARR (not including the well construction rules)

22 rules with amendments
7 rescissions
14 No-Change rules

Rules with amendments

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1501:9-1-02 Amendment
1501:9-1-03 Amendment
1501:9-1-04 Amendment
1501:9-1-06 Amendment
1501:9-1-07 Amendment

1501:9-3-01 Amendment
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1501:9-5-01 Amendment
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1501:9-7-01 Amendment
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1501:9-10-05 Amendment
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List of Oil and Gas rules being prepared for filing with JCARR (not including the well construction rules)

Rules to be rescinded

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1501:9-7-13 To be rescinded
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No-Change rules

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Draft Rule 1501:9-1-01, dated 11/17/2011

This is a summary of the changes made to this rule.

Title of rule revised to clarify that this rule applies to all of the Oil and Gas rules in Division 1501:9 of the Administrative Code

Definitions from rules 1501:9-10-01 and 1501:9-11-01 moved to this rule. Rules 1501:9-10-01 and 1501:9-11-01 will be rescinded. Note that the definition "exempt from burial" from 1501:9-10-01 has not been added to the definitions rule but has instead been incorporated as a pipeline requirement in 1501:9-10-05 (A)(5).

Typos, grammatical errors, and other small errors corrected throughout rule.

Division of Mineral Resources Management corrected to Division of Oil and Gas Resources Management throughout rule.

(A). Phrase added to clarify that the definitions in this rule apply to all the oil and gas rules in Chapters 1501:9-1 to 1501:9-11 of the Administrative Code.

(A)(2). Definition for "applicant" amended to mean "any person who applies for a permit pursuant to Chapter 1509. of the Revised Code." Definition for "person" amended and moved to new paragraph (A)().

(A)(3). Definition of "authorized representative" revised to clarify that it is the definition for "authorized representative of the owner" and "authorized agent of the owner" because both terms are used in the oil and gas rules.

(A)(4). Definition of "barrel" moved from rules 1501:9-3-01 and 1501:9-5-01.

(A)(5) and (6). Websites corrected.

(A)(7) to (9), (11), (12) and (15). Definitions from rule 1501:9-11-01.

(A)(17). Small changes to clarify the meaning of definition.

(A)(19). Definition from rule 1501:9-11-01.

(A)(21). Definition of "existing well" moved from rules 1501:9-3-01 and 1501:9-5-01.

(A)(23), (27), (29), (30), and (33). Definitions from rule 1501:9-11-01.

(A)(34). Definition of "Mg/L" moved from rules 1501:9-3-01 and 1501:9-5-01.

(A)(35) and (36). Definitions from rule 1501:9-11-01.

(A)(38). The second sentence of this definition is proposed to be removed because it is not needed and not clear.

(A)(39). Definition of "owner" revised to be the same as the definition in the law, section 1509.01 of the Revised Code.

(A)(40). Definition of "person" separated from the definition of "applicant" and amended to add .

(A)(41) to (44). Definitions from rule 1501:9-10-01.

(A)(46), (47), (50) and (51). Definitions from rule 1501:9-11-01.

(A)(52). New definition that explains the meaning of the many references to the rules in Chapters 1501:9-1 to 1501:9-11 of the Administrative Code.

(A)(53). Definition of "saltwater" moved from rules 1501:9-3-01 and 1501:9-5-01.

(A)(55). Definition from rule 1501:9-11-01.

(A)(56). Definition of "Subject tract or drilling unit" revised to encompass all the ways this term is used in the oil and gas rules.

(A)(57) and (58). Definitions from rule 1501:9-11-01.

(A)(64). Definition of "well" changed to remove the words "sewage, and any liquid used in or resulting from any process of industry, manufacture, trade, business, or agriculture" because the definition of "well" in the law (section 1509.01) does not include these items.

(A)(65). Small changes to clarify the meaning of definition.

(B) and (B)(1) and (2). Updated to reflect current language and requirements of Chapter 119. of the Revised Code. Website for Register of Ohio added.

(C). Language moved up to form a single paragraph.

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Dated 11/17/2011

1501:9-1-01 **General provisions applicable to all of Division 1501:9 of the Administrative Code.**

(A) Definitions: As used in Chapters 1501:9-1 to 1501:9-11 of the Administrative Code:

- (1) "Access road" means any road used as primary ingress and egress to the wellhead, tank battery, and associated equipment used in the production of a well.
- (2) "Applicant" ~~or "person"~~ means ~~a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any government or a political subdivision or agency thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders~~any person who applies for a permit pursuant to Chapter 1509. of the Revised Code.
- (3) "Authorized representative of the owner" and "authorized agent of the owner" - means any contractor, sub-contractor or person directed by an owner or owner holding a permit, to complete any aspect of well site construction, drilling, production, and restoration.
- (4) "Barrel" means a quantity of liquid equal to forty-two U.S. gallons.
- ~~(4)~~(5) "Best Management Practices (~~BMP's~~BMPs) ~~-For~~ Oil and Gas Well Site Construction Manual" means practices, procedures and structures used to minimize accelerated erosion from oil and gas well site construction and well site restoration outlined in the manual, dated April 30, 2005, which can be located at <http://www.dnr.state.oh.us/mineral/oil/index.html> - http://www.dnr.state.oh.us/Portals/11/oil/pdf/BMP_OIL_GAS_WELL_SITE_C_ONST.pdf or by contacting the division of ~~mineral~~oil and gas resources management.
- ~~(5)~~(6) "~~BMP's~~Best Management Practices (BMPs) ~~For~~ Pre-drilling Water Sampling Manual" means methods for ground water sampling from private or public supplies using practices, processes and procedures outlined in the manual, dated April 30, 2005, which can be located at - <http://www.dnr.state.oh.us/mineral/oil/index.html> - http://www.ohiodnr.com/Portals/11/oil/pdf/BMP_PRE-DRILLING_WATER_SAMPLING.pdf or by contacting the division of ~~mineral~~oil and gas resources management..

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- (7) "Big lime" means all rock units above the Silurian Rochester shale and below the Devonian Olentangy shale.
- (8) "Brine" means all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling, or production of oil or gas.
- (9) "Brush and stone bridge" means an obstruction, made of timber and stone, and placed in a well bore to form an effective base for plugging material.
- ~~(6)~~(10) "Cage" means a wire, wood, metal or similar material surrounding a wellhead.
- (11) "Casing" means lengths of steel pipe, coupled or connected together to form a continuous conduit in the well bore.
- (12) "Cement" means a complex, finely-ground kiln-fired calcium silicate which, when mixed with water, forms a slurry which will harden in the borehole to form an effective seal between the well bore and casing or tubing, or to effectively seal formations penetrated by the well bore.
- ~~(7)~~(13) "Chief" means chief, division of ~~mineral~~oil and gas resources management.
- ~~(8)~~(14) "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.
- (15) "Conductor pipe" means steel casing, either driven or set through the soil and/or unconsolidated rock materials and into bedrock, for the purpose of isolating near surface water and such unconsolidated rock materials from the well bore.
- ~~(9)~~(16) "Contractor" means any third party engaged by an owner to conduct drilling, producing, and other operations.
- ~~(10)~~(17) "Direct notification" means, person to person or phone contact between a well owner, an owner holding a permit, or ~~their~~an owner's authorized representative, and a division inspector and/or division field office staff. Voice mail messages are not considered direct notification.
- ~~(11)~~(18) "Division" means division of ~~mineral~~oil and gas resources management, department of natural resources.
- (19) "Drilling mud" means any mixture of water, bentonite, and/or clay to form a slurry as commonly used in the oil and gas industry.
- ~~(12)~~(20) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

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- (21) "Existing well" means any well for which a drilling permit was issued by the division prior to June 1, 1982.
- ~~(13)~~(22) "Field" means the general area underlaid by one or more pools.
- (23) "Fresh water strata" means all unconsolidated rock material or sedimentary rock containing water with less than ten thousand milligrams per liter total of dissolved solids.
- ~~(14)~~(24) "Gas" means all natural gas and all other fluid hydrocarbons not defined - above~~below~~ as oil, including condensate.
- ~~(15)~~(25) "GPS" (means global positioning system), which is a global satellite-based system for determining precise location on Earth.
- ~~(16)~~(26) "Inhabited structure" means any inhabited private dwelling house and any public building which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.
- (27) "Identification tag" means brass or steel plate with the initials ODNR and the permit number legibly braised, burned or stamped in the surface, and affixed on top of the casing.
- ~~(17)~~(28) "Inspector" means the person who has been designated by the chief under section 1509.03 of the Revised Code, to administer and enforce provisions of Chapter 1509. of the Revised Code or rules adopted thereunder.
- (29) "Intermediate string" means any casing placed in the well bore after the surface casing but before the long string for operational reasons.
- (30) "Long string" means any casing placed in the well bore for the purpose of protecting the producing zones.
- ~~(18)~~(31) "Manager" means the operator, whether the owner or not, of a well or wells.
- ~~(19)~~(32) "Map" means a graphic representation of the location and size of the existing or proposed objects it is made to represent, accurately drawn to a scale no smaller than four hundred feet to the inch.
- (33) "Mechanical bridge" means a manufactured device designed to seal the well bore or inside diameter of various sizes of casing that may be used as a base for approved plugging material.
- (34) "Mg/L" means milligrams per liter.

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- (35) "Mineable coal seam" means any underground coal seam, of sufficient thickness, that may be economically mined by current mining methods.
- (36) "Mouse hole" means a shallow hole into which a length of drill pipe is placed temporarily for later connection to drill string.
- ~~(20)~~(37) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.
- ~~(21)~~(38) "Oil and gas" means oil or gas or both. ~~The use of the plural includes the singular, and the use of the singular includes the plural.~~
- ~~(22)~~(39) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, ~~and~~ to drill into and produce from a pool, and to appropriate the oil or gas that he produces ~~there ffrom~~therefrom either for ~~himself~~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 (B) of section 1509.31 of the Revised Code.
- (40) "Person" means an individual, partnership, corporation, business trust, estate, trust, association, receiver, trustee, executor, administrator, guardian, fiduciary or other legal entity, or any political subdivision, department, agency, or instrumentality of this state or the United States. The masculine gender, in referring to a person, includes the feminine and the neuter genders.
- (41) "Pipelines used in the producing of oil and/or natural gas wells" means any pipeline used to produce oil and/or natural gas for sale or to transport to storage tanks or a point of delivery for the purpose of sale.
- (42) "Pipelines used to transport leasehold gas" means any pipeline used solely for the purpose of transporting gas from the leasehold facilities, to points or places where said gas may be utilized on said premises.
- (43) "Pipelines utilized in the actual drilling of oil and/or natural gas wells" means any pipeline used solely for the temporary purpose of supplying fuel to drilling or servicing rigs and their auxiliary equipment while engaged in the process of drilling, completing or servicing an oil and/or natural gas well.

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(44) "Pipelines utilized in the operation of oil and/or natural gas wells" means any pipeline used solely for the purpose of supplying fuel to pump engines, tank or mechanical heaters or other devices necessary to the mechanical operation of an oil and/or natural gas well.

~~(23)~~(45) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure and each zone of a geological feature that is completely separated from any other zone in the same structure or feature may contain a separate pool.

(46) "Precast concrete plug" means a tapered plug, constructed of concrete and precast in various sizes, expressly for creating a bridge on a casing seat or ripped casing.

(47) "Prepared clay" means a commercially processed, finely ground composite extracted from a Pennsylvanian underclay, Pleistocene glacial clay or other materials as approved by the chief. The chief shall establish standards and conduct tests as necessary to identify approved sources of prepared clay.

~~(24)~~(48) "Producer" means the owner of a well capable of or producing oil or gas or both.

~~(25)~~(49) "Protection of correlative rights" means administration and enforcement of these rules and regulations by the chief in such a manner as to afford reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under his tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or to incur other unnecessary expense.

(50) "Rat hole" means a shallow hole into which the kelly and swivel are placed when hoisting operations are in progress.

(51) "Reservoir rock" means a body of rock sufficiently porous to permit the accumulation of water, petroleum, natural gas or other fluids.

(52) "Rules adopted or promulgated by the chief," rules adopted thereunder," rules herein, "applicable rules," "these rules and regulations," or "these rules" means all rules contained in Chapters 1501:9-1 to 1501:9-11 of the Administrative Code.

(53) "Saltwater" means any and all nonpotable water resulting, obtained, or produced from the exploration, drilling, or production of oil or gas.

~~(26)~~(54) "Spudding" means to begin drilling, to start the hole.

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(55) "Squeeze" means the pumping of a cement slurry under pressure through perforations to seal the back side of casing.

~~(27)~~(56) "Subject tract or drilling unit" means a tract upon which a person proposes to drill, reopen, deepen, plug back, or re-work a well for: producing oil and natural gas; the injection of saltwater; the injection of fluids; or the solution mining of minerals.

(57) "Sulfate resistant cement" means a cement-additive blend that resists deterioration in the presence of hydrogen sulfide.

(58) "Surface casing" means any casing placed in the well bore for the purpose of protecting fresh water strata and other reservoir rock, and/or for the prevention of the invasion of fresh water into the well bore.

~~(28)~~(59) "Tank battery" means any combination of oil collection tanks, brine collection tanks, and associated equipment within a containment dike.

~~(29)~~(60) "Tract" means a single, individually taxed parcel of land appearing on the tax list.

~~(30)~~(61) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.

~~(31)~~(62) "Vault" means a structure normally made of concrete surrounding the wellhead, recessed into the ground, of which all or a portion ~~that~~ is placed below ground surfaces.

~~(32)~~(63) "Waste" means and includes:

- (a) Physical waste, such as the term is understood generally in the oil and gas industry;
- (b) Inefficient, excessive, or improper use, or the unnecessary dissipation of reservoir energy;
- (c) Inefficient storing of oil or gas;
- (d) 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 operation 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; and

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(e) Other underground or surface waste in the production, transportation, or storage of oil, gas, or condensate, however caused.

~~(33)~~(64) "Well" means any borehole, whether drilled or bored, for stratigraphic exploration or for the 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, ~~sewage, and any liquid used in or resulting from any process of industry, manufacture, trade, business, or agriculture.~~

~~(34)~~(65) "Well site construction" means any activity by an owner holding a permit, a well owner, ~~or the owners~~an owner's authorized representative, to build the access roads, prepare the drill site location for the drilling rig or tank battery and associated equipment, ~~and restoration of~~or restore the well site.

(B) ~~Rules for giving public notice—adoption, amendment, or rescission of~~Public notice of hearing to adopt, amend, or rescind rules.

(1) Public ~~notice~~notices of hearings to adopt, amend, or rescind rules, to be conducted by the division of ~~mineral oil and gas~~ resources management, department of natural resources, state of Ohio, shall be ~~published with the register of Ohio~~given in the register of Ohio as required by Chapter 119. of the Revised Code. The website for the register of Ohio is <http://www.registerofohio.state.oh.us/>.

(2) ~~At~~Public notice of a hearing to adopt, amend, or rescind a rule shall be given at least thirty days, but not more than sixty days, prior to the notice of the time and place of a public hearing. The shall be given by said notice which shall state: the division's intention to consider adopting, amending, or rescinding a rule; a synopsis or the full text of the proposed rule, amendment, or rule to be rescinded, or a general statement of the subject matter to which such proposed rule, amendment, or rescission relates; and the date, time, and place of the hearing on said the proposed action, which shall not be earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment or rule to be rescinded is filed. The notice shall also state the place from which a copy of the proposed rule, amendment, or rule to be rescinded may be obtained. The chief shall provide a copy of the public notice to anyone who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(C) Forms:

The division shall prescribe forms required under ~~the~~these rules and regulations ~~herein~~ and, upon request, furnish such forms to any interested person requiring use of same.

Draft Rule 1501:9-1-02, dated 11/16/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule. Note that "Division" means Division of Oil and Gas Resources Management and "Chief" means Chief of the Division of Oil and Gas Resources Management, as defined in rule 1501:9-1-01 (A).

(A). Revised to clarify that the permitting requirements of paragraph (A) are in addition to those of ORC section 1509.06 (A).

(A)(2). Removed because this requirement is now covered in the law, see ORC section 1509.06 (A)(5).

(A)(3). Removed because this requirement was removed from the law in the mid-1990's.

(A)(3)(c), (h) and (i). New sub-paragraphs created for these currently existing provisions to improve organization of the rule.

(A)(3)(d). "producing wells" changed to "other wells" to clarify that all wells must be shown on the map.

(A)(3)(e). Additional requirements for showing on map due to new provisions of section 1509.021 (L) per Sub HB 153 of the 129th General Assembly, effective 9/29/2011.

(B)(1). Revised to include different timeframes for review of permits within non-urbanized areas and urbanized areas, per section 1509.06 (C)(1) and (2).

(N)(1)(a). (b) and (d). Revised to specify that notification may be by e-mail.

(C). Revised to correct the timeframe for a permittee to notify the Division prior to commencement of certain activities, per ORC section 1509.06 (J).

(C)(1) to (4). Revised to include the activities listed in 1509.06 (J).

(D)(1) and (F). Revised to refer to the definitions rule, 1501:9-1-01, where all the details regarding these BMP manuals can be found.

(H). "or horizontal" added.

(I). Revised per ORC section 1509.06 (I), which was amended by SB 165 of the 128th General Assembly. Language moved up so that (I) forms a single paragraph.

(K). The order of the phrases in this sentence revised to clarify that both the application and revised map must comply with the rule and the referenced sections of law.

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Dated 11/16/2011

1501:9-1-02 **Permits.**

(A) ~~Application for permit—supplementary statutory requirements:~~In addition to the requirements of division (A) of section 1509.06 of the Revised Code, an application for a permit shall include the following:

(1) The date of application;

~~(2) Designation of the well by name and number;~~

~~(3) The plan for disposal of water and other waste substances resulting from, obtained, or produced in connection with exploration, drilling, or production of oil or gas. The plan for disposal of salt water shall include identification of any disposal well or disposal wells to be used. A statement that one of the named disposal wells on the application shall be used, is sufficient. Where the applicant finds that the disposal well to be used is different from that indicated on the permit, the applicant shall so notify the division immediately in writing. The plan for disposal may include such other methods as are approved by the chief. Such plan shall include the name of the person or company disposing of the salt water and the ultimate location of its disposal. Any change in the plan for disposal shall be timely submitted to the chief.~~

~~(4)~~(2) An affidavit that the applicant is the owner as defined in section 1509.01 of the Revised Code; ~~and~~

~~(5)~~(3) A map showing:

(a) The subject tract of land or drilling unit upon which the well is to be drilled and property lines with surface and mineral owner name(s) within;

(b) The location of the proposed well on the subject tract of land or drilling unit established by a field survey showing the distances in feet from the proposed well site to the boundary lines of the subject tract or drilling unit, and to the nearest permanent geographic subdivision boundaries;

~~The~~ proposed well location also shall be designated by plane coordinates as provided by Chapter 157. of the Revised Code (Ohio coordinate system. Indicate if the coordinates are NAD 27 or NAD 83). Coordinates may be established by map scale to the nearest fifty feet or by GPS.

(c) The proposed well location also shall be designated by plane coordinates as provided by Chapter 157. of the Revised Code (Ohio coordinate system. Indicate if the coordinates are NAD 27 or NAD 83).

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Coordinates may be established by map scale to the nearest fifty feet or by GPS.;

~~(e)~~(d) Location of drilling or ~~producing~~other wells, which are within the distances required according to depth of drilling as set forth in rule 1501:9-1-04 of the Administrative Code, and a showing of the distances between such drilling or ~~producing~~other wells and the proposed well;

~~(d)~~(e) The location of all buildings, public roads, railroads, ~~and~~—streams, rivers, watercourses, water wells, ponds, lakes and other bodies of water within two hundred feet of the proposed well site, and their distances from the proposed ~~well~~ site.;

~~(e)~~(f) A title block to the map certifying the above information and including the applicants name, well name, county, civil township, permanent geographic subdivisions (section, lot and/or tract) and surface elevation for the well location, USGS quadrangle name, date map prepared, name of surveyor preparing the map and phone number, and map scale;

~~(f)~~(g) If the proposed well is to be in an urbanized area, the map shall include the name of the urbanized area in addition to the original civil township name;

~~An additional color map (three copies) based on aerial photography, where available, at a scale of one inch to one hundred feet or one inch to two hundred feet showing the location of the tank battery, access road, and gas sales line and a five hundred foot radius around the well location;~~

~~As~~ an overlay on the base aerial map, include three additional copies of the map including topographic contours (where available).

(h) An additional color map (three copies) based on aerial photography, where available, at a scale of one inch to one hundred feet or one inch to two hundred feet showing the location of the tank battery, access road, and gas sales line and a five hundred foot radius around the well location; and

(i) As an overlay on the base aerial map, include three additional copies of the map including topographic contours (where available).;

(B) Procedure for review of an application for a permit.;

- (1) All complete applications shall be date-stamped upon receipt by the division. Within twenty-one days of the filing of ~~the~~an application for a permit within a non-urbanized area, and within thirty days of the filing of an application for a permit within an urbanized area, the chief shall either issue the permit or notify the applicant of objections to the application.

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- (a) Notice of objections by the division to the application may be given [to the applicant](#) in person, by telephone, [by electronic mail](#), or by mail to the address on the application at the discretion of the division.
 - (b) Any record of telephoning, [electronic mailing](#), or mailing the notice, made in the normal course of business by the division, shall constitute notice of objection to the applicant.
 - (c) Applicants will be given a reasonable opportunity to correct any objections to the application and to request an informal hearing with the chief. Except as otherwise required, amendments to applications need not be separately signed by the applicant.
 - (d) If an application does not contain required information, the division shall notify the applicant of the omitted data by mail, [electronic mail](#), or telephone. If the omissions are substantial, the division may return the application by mail with the omitted items indicated.
- (2) When the chief finds that efforts to cure objections to an application will be unavailing and that the application is not in accordance with the requirements of Chapter 1509. of the Revised Code and applicable rules, or that the applicant failed to respond to objections within thirty days of notice, the chief shall issue an order denying the application for [a](#) permit.
- (a) The applicant has a right to an informal meeting with the chief within fifteen days after such order is issued. If, as a result of this meeting, the chief believes the application meets, or if the application is amended to meet, the requirements of Chapter 1509. of the Revised Code and applicable rules, he shall within ten days vacate or modify his order as appropriate.
 - (b) The applicant need not exercise his right to an informal meeting with the chief, but may treat the order issued as final and appealable pursuant to Chapter 1509. of the Revised Code.
- (C) Notification:

Each drilling permit issued ~~in an urbanized area~~ will be conditioned on the division inspector and/or the respective division regional office receiving direct notification a minimum of ~~forty-eight~~ [twenty-four](#) hours prior to:

- (1) Commencement of site construction;
- (2) Pit construction and closure;
- (3) ~~Spudding of the well~~ [Blow-out preventor \(BOP\) testing](#);

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- (4) ~~Placement of the surface casing~~ Installation and cementing of all casing strings;

A ~~twenty-four hour (or less)~~ direct notification of less than twenty-four hours may be approved if prior communications have been initiated with the division inspector and/or respective division regional office.

- (D) Commencement:

No well site construction shall commence in an urbanized area until a permit is issued, received by the applicant and is available on-site unless the chief waives this requirement.

- (1) Site construction shall comply with the division's best management practices (BMPs) for oil and gas well site construction manual, ~~dated April 30, 2005 that can be located at <http://www.dnr.state.oh.us/mineral/oil/index.html> or by contacting the division of mineral resources management, as provided by the chief~~ as defined in paragraph (A) of rule 1501:9-1-01 of the Administrative Code. Site clearing and surface affectment shall be minimized.

- (E) For wells permitted after September 15, 2004, in urbanized areas or where there is no reasonable emergency response access to the wellhead or tank battery at the ingress point to the access road, an apron of durable material shall be placed. The apron shall be sufficient in width and length to enable unobstructed access to the access road.

- (1) The access road shall be constructed and maintained in a manner to permit the ingress and egress for fire and emergency response.
- (2) Mud and debris deposited on public roads from the well site during drilling, production, and restoration operations shall be immediately removed by the well owner or their authorized representative.
- (3) Where the well head/tank battery is in excess of one hundred fifty feet from the ingress point to the access road, the access road to the well head/tank battery shall be reasonably passable by any equipment expected to access the well head/tank battery. It is recommended that a durable surface be maintained on the lease road. The durable surface may include, gravel, crushed stone, crushed concrete, slag (when approved by the chief), crushed brick, asphalt, or concrete.
- (4) Where the access road is in excess of one hundred fifty feet in length, turnaround areas shall be located as practical based on the existing site conditions (topography, land use, forest cover, and natural drainage - perennial/intermittent streams). Turnarounds located prior to any natural drainage area not having a constructed crossing sufficient to handle equipment expected to access the site may be needed.

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- (5) All equipment and vehicles used in the site construction, drilling, production and restoration shall not be parked on public roads without the approval of the local road authority.

(F) Water sampling.

The well owner shall sample all water wells within three hundred feet of the proposed well location in urbanized areas prior to drilling under the guidelines provided in the ~~divisions BMPs~~ division's best management practices (BMPs) for pre-drilling water sampling manual, ~~dated April 30, 2005 that can be located at <http://www.dnr.state.oh.us/mineral/oil/index.html> or by contacting the division of mineral resources management~~ as defined in paragraph (A) of rule 1501:9-1-01 of the Administrative Code. The chief may require modification of this distance if ~~determined~~ he determines it is necessary to protect water supplies or that site conditions may warrant it.

(G) Permit not transferable.

A permit issued pursuant to these rules and regulations shall not be transferable. It may be reissued as a new permit to a successor owner.

(H) Well deviation.

The maximum point at which a well penetrates the producing formation shall not vary unreasonably from the vertical drawn from the center of the hole at the surface, with the exception of approved directional or horizontal drilling. Such approval must be in writing from the chief.

- (I) Expiration of permit: Once a permit to drill has been issued pursuant to this rule, actual drilling of the well authorized by the permit shall be commenced within twelve months of the date of issuance of such permit for a permit in an urban area, and within twenty-four months of the date of issuance of such permit for a permit in a non-urban area, or the permit shall expire; if drilling is commenced but not completed within said twelve month period for a permit in an urban area, and within said twenty-four month period for a permit in a non-urban area, drilling shall be continued with due diligence following the twelve month period or the permit shall expire.

~~Once a permit to drill has been issued pursuant to this rule, actual drilling of the well authorized by the permit shall be commenced within twelve months of the date of issuance of such permit or the permit shall expire; if drilling is commenced but not completed within said twelve month period, drilling shall be continued with due diligence following the twelve month period or the permit shall expire.~~

(J) Revising subject tract or drilling unit.

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A subject tract or drilling unit of a well or proposed well, previously approved by the division, may be revised by the owner with the filing of a revised map complying with this rule and section 1509.06 of the Revised Code and a non-refundable fifty dollar fee. One fee is required if revising a subject tract with multiple wells; however, an original revised map is required for each well within the subject tract.

(K) Revising location:

The location of a proposed well may be changed only if the owner submits an application, ~~non-refundable two hundred fifty dollar fee~~ and a revised map complying with this rule, ~~section and sections~~ 1509.06 and ~~section~~ 1509.09 of the Revised Code, and a non-refundable two hundred fifty dollar fee.

(L) Post drilling map:

The post drilling map required by conditions of the permit must be accompanied by a non-refundable fifty dollar fee.

Draft Rule 1501:9-1-03, dated 10/19/2011.

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule. Note that "Division" means Division of Oil and Gas Resources Management and "Chief" means Chief of the Division of Oil and Gas Resources Management, as defined in rule 1501:9-1-01 (A).

(D), (F), (F)(1)(a), and (F)(2)f). Irrevocable letters of credit added where appropriate in this rule, per ORC section 1509.07.

(F). Second sentence of this paragraph removed because it is no longer necessary since a law change in the early 1990's added irrevocable letters of credit.

(F)(1)(b). "at least once every two years" removed to give the Division more flexibility in setting this schedule.

(F)(2)(c). Existing sub-paragraphs (iii), (v) and (vi) are proposed to be removed because the Division currently does not request the owner to submit them.

(F)(2)(c)(v). Reference revised to clarify.

(F)(2)(c)(vi). Reference changed from (v) to (iii) because some of the sub-paragraphs of (F)(2)(c) are proposed to be removed.

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Dated 10/19/2011

1501:9-1-03 **Surety bond.**

(A) Amount~~;~~.

The surety bond provided for in section 1509.07 of the Revised Code shall be executed by a surety company authorized to do business in the state of Ohio and shall be in the following amount:

For an individual bond covering a single well, five thousand dollars; for a blanket bond covering all such wells operated by the principal, fifteen thousand dollars~~;~~.

(B) Delinquent restoration.

If the oil or gas well owner, permittee, or his agent fails to complete the initial restoration as required under division (A) of section 1509.072 of the Revised Code, the chief, prior to issuing a bond forfeiture order for such failure, shall issue to such person a written notice of violation. The notice of violation shall:

(1) Set forth with reasonable specificity:

- (a) The nature of the failure;
- (b) The remedial action required;
- (c) A reasonable time for completion of the restoration; and
- (d) A description of the area to be restored~~;~~ and

(2) State that if the notice is not complied with within the time allowed in the notice and any extensions given for good cause, the chief will forfeit the total amount of the performance bond.

(C) Forfeiture criteria and amount.

The chief shall forfeit the total amount of the performance bond when he or she finds that the oil or gas well owner or permittee has:

- (1) Failed to comply with a notice of violation issued under paragraph (B) of this rule;
- (2) Failed to comply with the final restoration requirements of division (B) of section 1509.072 of the Revised Code; or

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- (3) Failed to comply with the plugging requirements of section 1509.12 of the Revised Code, the permit provisions of section 1509.13 of the Revised Code or rules adopted thereunder.

(D) Forfeiture procedures.

When performance bond is to be forfeited, the chief shall issue an order to the owner or permittee, which order shall be referred to in this rule as the bond forfeiture order. The bond forfeiture order shall:

- (1) Set forth the violation giving rise to the order;
- (2) Declare that the entire amount of the bond is forfeited;
- (3) If the performance bond filed with the division is supported by or in the form of cash, ~~or~~ negotiable certificates of deposit or irrevocable letters of credit, declare the cash, ~~or~~ certificates or letters property of the state; and
- (4) If the performance bond filed with the division is in the form of a surety bond, the chief shall also issue a bond forfeiture order to the surety involved and, in addition to the requirements of paragraphs (C)(1) and (C)(2) of this rule, the order shall also inform the surety of its rights and the extent of its obligations and liability.

(E) Options for the surety.

- (1) Within thirty days after it receives a bond forfeiture order, ~~each~~a surety shall notify the chief that it will:
 - (a) Not correct the violation or violations resulting in the issuance of the bond forfeiture order and shall make payment for the full amount of the bond; ~~or~~;
 - (b) Correct the violation or violations and shall submit to the chief a plan, including a time frame for performance for accomplishing the required work; ~~or~~;
 - (c) Pay to the treasurer of the state that amount of money which it would cost the state of Ohio as determined by the chief to complete the required work.
- (2) The rights of the surety to correct the violation or violations resulting in the issuance of the bond forfeiture order shall be terminated if the surety fails to:
 - (a) Notify the chief within thirty days after receipt of the bond forfeiture order that it will or will not correct the violation;

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- (b) Submit a timetable at the same time it notifies the chief that it will perform the required work; or;
 - (c) Commence, continue, or complete the required work in a manner and in accordance with its timetable and the provisions of Chapter 1509. of the Revised Code.
- (3) When the chief determines that the rights of a surety shall be terminated, the chief shall issue an order terminating the rights of the surety and demanding payment from the surety for the entire amount of performance bond filed with the chief by the surety.

(F) Financial statements:

Sworn financial statements may be accepted in lieu of a surety bond, certificate of deposit, [irrevocable letter of credit](#), or cash bond only for owners classified as exempt domestic well owners or for non-domestic well owners for whom the chief has accepted a sworn financial statement prior to January 1, 1993, and who are not in material and substantial violation of Chapter 1509. of the Revised Code. - ~~Additionally, the chief may accept new financial statements for exempt domestic well owners and non-domestic well owners if an irrevocable letter of credit on a form provided by the division for the bond amount is provided from an approved financial institution along with the financial statement required in paragraph (F)(1)(d) or (F)(2)(c) of this rule or by providing a copy of a financial statement submitted to the financial institution issuing the letter of credit.~~ The chief will not accept new financial statements to release surety bonds, certificates of deposit, [irrevocable letters of credit](#) or cash bonds previously filed with the division.

(1) Exempt domestic well owners:

- (a) New exempt domestic well owners filing a financial statement will be limited to one well under the financial statement. New exempt ~~doemstie-~~[domestic](#) well owners requesting the ownership of more than one well and existing exempt domestic well ~~onwers~~[owners](#) requesting to receive additional wells must file a certificate of deposit, [irrevocable letter of credit](#), surety bond or cash bond in the amount required for the total number of wells to be owned.
- (b) Exempt domestic well owners shall demonstrate financial responsibility ~~at least once every two years under~~[according to](#) a schedule established by the division.
- (c) To demonstrate financial responsibility, exempt domestic well owners must show sufficient assets and income to operate, maintain, and abandon the well.

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(d) Exempt domestic well owners shall submit the following information to the division:

- (i) Personal financial statement on a form provided by the division;
- (ii) Statement of estimated well operating, maintenance, and abandonment expenses and source of funds to use in paying for these costs;
- (iii) Other information required by the chief; and
- (iv) The exempt domestic well owner must attest to the material accuracy of the information provided. The forms shall prescribe penalties for submission of a false statement.

(2) Non-domestic well owners: .

(a) Each owner with a previously approved financial statement shall demonstrate financial responsibility annually ~~under~~according to a schedule established by the division.

(b) To demonstrate financial responsibility, and receive approval of the financial statement, each owner shall show the following:

- (i) The owner must have a sufficient capital structure to show a net financial worth in Ohio of twice the required bonding amount;
- (ii) The owner must not be found to be in material or substantial violation of Chapter 1509. of the Revised Code or Chapter 1501:9-1 of the Administrative Code during the preceding year; and
- (iii) The owner must be in compliance with sections 1509.10 and 1509.11 of the Revised Code.

(c) In order to verify the accuracy of the financial statement, each owner shall submit the following information when requested by the chief ~~of the division of mineral resources management~~:

- (i) Income statement;
- (ii) Balance sheet;
- ~~(iii) Copy of corporate franchise tax filing for previous year (if applicable);~~
- ~~(iv)~~(iii) List of fixed assets and their current market or book value;

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~~(v) Copy of independent appraisal or copy of the county auditor's assessed value of all real estate listed if the book value exceeds twenty thousand dollars;~~

~~(vi) Proof of payment of oil and gas severance tax for previous year;~~

~~(vii)~~(iv) List of all producing wells including type of equipment and percentage of equipment owned;

~~(viii)~~(v) Other information required by the chief; other information approved by the chief may be accepted in lieu of the ~~above listed~~ items listed in paragraphs (F)(2)(c)(i) to (iv) of this rule.

~~(ix)~~(vi) Annual reports (reviews or audits) prepared in the normal course of business for an owner by a certified public accountant in accordance with generally accepted accounting principles will be accepted in lieu of the information required in (F)(2)(c)(i) through ~~(v)~~(iii) if the signature page of the division's financial statement form is submitted with the annual report and signed by the owner or authorized representative.

(d) Information preparation and standards~~;~~

(i) Financial statements submitted under paragraph (F)(2)(c) of this rule pursuant to this rule shall be compilations and prepared according to generally accepted accounting principles~~;~~

(ii) All financial statements must be sworn as to the material accuracy by the owner or authorized representative of the owner and a certified public accountant must certify that each financial statement was prepared in accordance with generally accepted accounting principals. Forms shall prescribe penalty for submission of a false statement~~;~~

(iii) If the owner is a corporation, only assets and liabilities of the corporation may be included on the financial statements.

(e) Evaluation~~;~~

(i) The division may use accepted financial industry tools to evaluate financial information~~;~~

(ii) The division may review inspection and enforcement data to determine if the owner has acted in an environmentally responsible manner.

(f) Penalties~~;~~

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- (i) Failure of an owner to demonstrate financial responsibility as required under paragraphs (F)(1)(b) to (F)(1)(d), (F)(2)(a) and (F)(2)(b) [of this rule](#) and/or failure to supply all the information listed under (F)(2)(c) of this rule will result in an order by the chief requiring a surety bond, certificate of deposit, [irrevocable letter of credit](#), or cash bond in the amount of bond required. If the order is not complied with, the owner will receive an order by the chief requiring the plugging of all wells of the owner.

Draft Rule 1501:9-1-04, dated 10/19/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(A)(1). According to the rule 1501:9-1-01, "Division" means the Division of Oil and Gas Resources Management. It is not necessary to write out the full name in each rule.

(B). Phrase, "location of wells," removed because it is unnecessary. Sentence added to the end of this paragraph per ORC section 1509.24 (A), as amended by H.B. 165 of the 126th General Assembly, effective 6/30/2010: "A drilling unit shall be compact and contiguous."

(C) and (D). "Tract" and "subject tract" removed throughout (C) and (D) to agree with the well spacing requirements of ORC sections 1509.24 and 1509.25, which speak of drilling units, not tracts.

(C)(2)(a), (3)(a) and (4)(a): New details regarding the spacing of wells added because of the compact and contiguous requirement per ORC section 1509.24 (A), as amended by H.B. 165 of the 126th General Assembly, effective 6/30/2010.

(C)(2)(a). Provision added: ", of which six and one-half acres shall be within three hundred eighty-five feet of the entry point into the pool."

(C)(3)(a). Provision added: ", of which thirteen acres shall be within six hundred fifty feet of the entry point into the pool."

(C)(4)(a) Provision added: ", of which twenty-six acres shall be within six hundred thirty-five feet of the entry point into the pool."

(C)(5). Proposed to be removed because the requirements for the location of wells in urbanized areas are now in ORC section 1509.021.

(D)(1)(f). Existing provision moved to separate new sub-paragraph to improve organization of the rule.

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Dated 10/19/2011

1501:9-1-04 **Spacing of wells.**

(A) General spacing rules:

- (1) The division ~~of mineral resources management~~ shall not issue a permit for the drilling of a new well, the reopening of an existing well, or the deepening or plugging back of an existing well to a different pool for the production of oil and gas unless the proposed well location and spacing substantially conform to the requirements of this rule.
- (2) This rule shall not apply to any wells drilled in areas under special order from the chief for pool spacing pursuant to section 1509.25 of the Revised Code. The chief shall grant an exception to the requirements of any special order from the chief for pool spacing pursuant to section 1509.25 of the Revised Code, if an applicant can demonstrate that such exception will protect correlative rights and/or promote conservation by permitting oil and/or gas to be produced which could not otherwise be produced.
- (3) Upon receipt of an application by the division, the chief shall determine if the proposed total depth is reasonable to penetrate the objective geological formation or geological zone. If the chief determines that the proposed total depth is insufficient to penetrate the proposed geological formation or zone and that, because of the insufficient proposed total depth, the spacing and acreage requirements as per paragraph (C) of this rule are not fulfilled, the permit shall be denied. In any event, no well shall be drilled deeper than the proposed total depth without prior permission from the chief.
- (4) A permit shall not be issued unless the proposed well satisfies the acreage requirements for the greatest depth anticipated. If oil or gas is produced at a lesser depth than the geological formation or zone for which the permit was issued, the acreage requirements may be changed to conform with paragraph (C) of this rule by application to the chief.

(B) Scope:

Paragraph (C) of this rule, ~~location of wells~~, shall apply to the drilling of a new well, the reopening of an existing well, and the deepening or plugging back of an existing well regardless of its depth or the producing geological horizon or zone except in areas under temporary minimum well spacing orders of the chief pursuant to paragraph (D) of this rule. A drilling unit shall be compact and contiguous.

(C) Location of wells:

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- (1) No permit shall be issued to drill, deepen, reopen, or plug back a well for the production of oil and gas from pools from zero to one thousand feet in depth unless the proposed well is located:
 - (a) Upon a ~~tract or~~ drilling unit containing not less than one acre;
 - (b) Not less than two hundred feet from any well drilling to, producing from, or capable of producing from the same pool; and
 - (c) Not less than one hundred feet from any boundary of the ~~subject tract or~~ drilling unit.

- (2) No permit shall be issued to drill, deepen, reopen, or plug back a well for the production of oil or gas from pools from one thousand feet to two thousand feet in depth unless the proposed well is located:
 - (a) Upon a ~~tract or~~ drilling unit containing not less than ten acres, of which six and one-half acres shall be within three hundred eighty-five feet of the entry point into the pool;
 - (b) Not less than four hundred sixty feet from any well drilling to, producing from, or capable of producing from the same pool; and
 - (c) Not less than two hundred thirty feet from any boundary of the ~~subject tract or~~ drilling unit.

- (3) No permit shall be issued to drill, deepen, reopen, or plug back a well for the production of oil or gas from pools from two thousand to four thousand feet unless the proposed well is located:
 - (a) Upon a ~~tract or~~ drilling unit containing not less than twenty acres, of which thirteen acres shall be within six hundred fifty feet of the entry point into the pool;
 - (b) Not less than six hundred feet from any well drilling to, producing from, or capable of producing from the same pool; and
 - (c) Not less than three hundred feet from any boundary of the ~~subject tract or~~ drilling unit.

- (4) No permit shall be issued to drill, deepen, reopen, or plug back a well for the production of ~~the~~ oil or gas from pools from four thousand feet or deeper unless the proposed well is located:

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- (a) Upon a ~~tract or~~ drilling unit containing not less than forty acres, of which twenty-six acres shall be within six hundred thirty-five feet of the entry point into the pool;
- (b) Not less than one thousand feet from any well drilling to, producing from, or capable of producing from the same pool; and
- (c) Not less than five hundred feet from any boundary of the ~~subject tract or~~ drilling unit.

~~(5) For new applications to drill wells in urbanized areas, the proposed wellhead location shall be no closer than seventy-five feet to any property not within the subject tract or drilling unit. Locating the wellhead closer than seventy-five feet to a property not within the subject tract or drilling unit may be approved by the chief if the owner and resident of the property in question, in writing, approves of the proposed wellhead location, or the chief waives the seventy-five-foot requirement.~~

~~(6)~~(5) Wells drilled, deepened, reopened, reworked, or plugged back for purposes other than the production of oil and gas will be considered as special situations, and each will be evaluated in accordance with the issues of conservation of natural resources and of safety. Decisions as to spacing of such wells will be determined after evaluation of the special circumstances. Rules may be promulgated for some specific types of these wells.

(D) Temporary minimum well spacing in the vicinity of discovery wells:

- (1) For the purpose of orderly development of a pool until such time as ultimate spacing is determined, the chief, on his or her own motion or upon consideration of an application by an owner in an affected area, and with approval of the technical advisory council, may order temporary well spacing for wells to be drilled, deepened, reopened or plugged back to a particular pool or field in an area in the vicinity of a discovery well. Such order shall contain the following:
 - (a) Description of the area covered by the order;
 - (b) Identification of the pool, field or horizons covered by the order;
 - (c) Minimum distance wells may be drilled from the ~~tract or~~ drilling unit boundaries;
 - (d) Minimum distance between wells;
 - (e) Minimum acreage for ~~tracts or~~ drilling units; and ~~may~~ contain other requirements deemed necessary by the chief to accomplish the purpose of paragraph (D) of this rule.

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(f) The order may contain other requirements deemed necessary by the chief to accomplish the purpose of paragraph (D) of this rule.

- (2) An order of the chief for temporary minimum well spacing in the vicinity of a discovery well shall be effective on the date the order is made and shall continue in effect until it is either rescinded or amended by the chief or until such time as an order for special drilling unit requirements is made by the chief after hearing pursuant to section 1509.25 of the Revised Code.
- (3) No well shall be drilled, deepened, reopened, or plugged back to or below the particular pool or field located in the area covered by an order of the chief under paragraph (D) of this rule unless the requirements of such order are met. Permits issued prior to the effective date of such order for wells to be located in the area and to or below the pool covered by such order which do not comply with the requirements of the order and where actual drilling operations have not commenced, shall be revoked.

(E) Offset wells - spacing exception:

- (1) The chief shall grant an exception to the requirements of paragraph (C) of this rule to an applicant who demonstrates that the well proposed for production of oil or gas will be an offset to a well drilled or commenced before the effective date of paragraph (C) of this rule, ~~and~~ which is producing or may be capable of producing on an adjacent tract, and which is so located on said adjacent tract as not to comply with any one or more of the requirements of paragraph (C) of this rule.
- (2) The chief shall grant an exception to the requirements of paragraph (C) of this rule if an applicant can demonstrate that such exception will protect correlative rights and/or promote conservation by permitting oil and gas to be produced which could not otherwise be produced.
- (3) A well proposed to be drilled pursuant to such exceptions shall, nevertheless, be subject to the requirements of rule 1501:9-1-05 of the Administrative Code.

Draft Rule 1501:9-1-06, dated 10/19/2011

This is a summary of the changes made to this rule.

Sentence added to clarify that the severability provisions of this rule apply to all rules in Division 1501:9 of the Administrative Code. Several other rules with severability provisions are being rescinded as part of this rule package because only one severability rule is needed.

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Dated 10/19/2011

1501:9-1-06 **Severability.**

[This rule applies to all of Division 1501:9 of the Administrative Code.](#)

In the event any word, phrase, sentence, or other portion of these rules shall hereafter be declared invalid, such invalidity shall not affect the remaining portions and parts of the rules adopted or promulgated by the chief.

Draft Rule 1501:9-1-07, dated 10/19/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(B) Revised to refer to the general definitions of rule 1501:9-1-01 (A), where all the details regarding BMP manuals can be found.

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Dated 10/19/2011

1501:9-1-07 **Prevention of contamination and pollution.**

- (A) All persons engaged in any phase of operation of any well or wells shall conduct such operation or operations in a manner which will not contaminate or pollute the surface of the land, or water on the surface or in the subsurface.
- (B) In urbanized areas, to minimize off-site sedimentation, and erosion and to control the surface flow of water, the well owner ~~and or~~and/or authorized representative must follow the division's best management practices (BMPs) for oil and gas well site construction manual, ~~dated April 30, 2005 that can be located at <http://www.dnr.state.oh.us/mineral/oil/index.html> or by contacting the division of mineral resources management, as provided by the chief~~as defined in paragraph (A) of rule 1501:9-1-01 of the Administrative Code. BMPs and ~~other~~ design standards other than those provided by the chief maybe used if a well owner or ~~their~~his authorized representative demonstrates that the alternative ~~BMP~~BMPs or practices minimize erosion to the same degree as the ~~BMP's~~BMPs provided by the chief.

Draft Rule 1501:9-3-01, dated 11/16/2011

This is a summary of the changes made to this rule.

Introductory statement added to indicate that the definition in this rule applies to Chapter 1501:9-3 of the Administrative Code.

Six definitions removed from the rule because they are already defined in rule 1501:9-1-01, which is applicable to all the rules in 1501:9. These are the definitions for Chief, Division, Person, Producer, Subject Tract, and Well.

Four definitions removed because they are used in more than just Chapter 1501:9-5, therefore they belong in the General Definitions of rule 1501:9-1-01: "Barrel," "Existing well," "Mg/L," and "Saltwater."

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Dated 11/16/2011

1501:9-3-01 **Definitions.**

As used in Chapter 1501:9-3 of the Administrative Code:

- ~~(A) "Person" means any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.~~
- ~~(B) "Chief" means chief, division of oil and gas.~~
- ~~(C) "Division" means division of oil and gas, Ohio department of natural resources.~~
- ~~(D) "Producer" means the owner of a well capable of or producing oil or gas or both.~~
- ~~(E) "Saltwater" means any and all nonpotable water resulting, obtained, or produced from the exploration, drilling, or production of oil or gas.~~
- ~~(F) "Subject tract" means a tract upon which a person proposes to drill, reopen, deepen, plug back, or rework a well for the injection of saltwater.~~
- ~~(G) "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.~~
- ~~(H) "Existing well" means any well for which a drilling permit was issued by the division prior to June 1, 1982.~~
- ~~(I)~~(A) "Injection well owner" means a person with the right to inject saltwater on a subject tract.
- ~~(J) "Barrel" means a quantity of liquid equal to forty two U.S. gallons.~~
- ~~(K) "Mg/L" means milligrams per liter.~~

Draft Rule 1501:9-3-04, dated 11/18/2011

This is a summary of the changes made to this rule.

(B). Name of Division corrected.

*** DRAFT – NOT FOR FILING ***

Dated 11/18/2011

1501:9-3-04 **Prevention of contamination and pollution.**

- (A) All persons engaged in any phase of saltwater disposal operations shall conduct such operations in a manner which will not contaminate or pollute the surface of the land, or water on the surface or in the subsurface. Saltwater shall be stored, transported, and disposed of by the method prescribed in Chapter 1501:9-3 of the Administrative Code, or in such other method as the chief may approve.
- (B) All persons, except employees not acting in the capacity of a contractor, engaged in any phase of transportation and disposal of saltwater operations shall supply to the division of ~~mineral~~[oil and gas](#) resources management by the fifteenth day of April of each year an annual report containing the following information:
- (1) Quantities of saltwater hauled and/or disposed of during the previous calendar year according to methods of measurement used in the industry; and
 - (2) The location of the disposal and the quantity of saltwater disposed of at each location. If the site of disposal is an injection well, the well shall be named by permit number, lease name, section or lot number, township, and county in which the well is located.

Draft Rule 1501:9-3-06, dated 11/17/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(E)(2)(a). Division name and address corrected.

(I). Information on the expiration of permits updated per ORC section 1509.06(I), which was amended by SB 165 of the 128th General Assembly. Language moved up so that (I) forms a single paragraph.

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Dated 11/17/2011

1501:9-3-06 **Permit.**

Any person who proposes to construct, convert to, or operate a brine injection well shall submit an application for a permit to the division on a form provided by the division.

- (A) Permit required. Unless an appropriate application has been approved by the chief and a permit issued by the division, no person shall drill, reopen, deepen, plug back, rework, or use a well for brine injection. In order to evaluate the potential for injection, the chief may authorize injection without a permit for a period not to exceed forty-eight hours subject to specific conditions. Prior authorization in writing is required.
- (B) Area of review. An application for a brine injection well filed with the division under this rule shall be evaluated on the basis of an "area of review" surrounding the proposed injection well. The area of review shall be designated in the following manner:
 - (1) The area of review for wells in which injection of greater than an average volume of two hundred barrels per day per year is proposed shall be the area circumscribed by a circle with the center point at the location of the injection well and having a radius of one-half mile.
 - (2) The area of review for wells in which a maximum injection of an average volume of two hundred barrels per day per year is proposed shall be the area circumscribed by a circle with the center point at the location of the injection well and having a radius of one-quarter mile.
 - (3) An area of review other than one described in paragraph (B)(1) or (B)(2) of this rule may be designated by the chief for good cause shown.
- (C) Application for permit. The application for a permit shall contain the following information:
 - (1) The name and address of the injection well owner and his signature or that of his authorized agent. When a person signs as agent, a certified copy of his appointment shall accompany the application, or be on file with the division;
 - (2) The names and addresses of all holders of the land owner's royalty interest of record, or holders of the severed oil and gas mineral estate of record in the subject tract;

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- (3) The names and addresses of all owners or operators of wells within the area of review producing from or injecting into the same formation proposed as the injection formation;
- (4) The date of application;
- (5) The location of the subject tract identified by county, township, section or lot number, or other necessary geographic subdivisions;
- (6) The designation of the well by lease name and number, and the drilling permit number, if available;
- (7) The name, description and depth of the geological zone or formation into which injection is to be made, including, if an existing well is utilized, an accurate ~~drillers~~driller's log, geological log, or electric log of the proposed injection well, and any testing data on such well;
- (8) A description of the following:
 - (a) The casing, cementing or sealing with prepared clay if an existing well is to be converted, or the casing and cementing program proposed for a new well;
 - (b) The proposed method for testing the casing;
 - (c) The method proposed for completion and operation including the stimulation program; and
 - (d) The proposed unloading, surface storage and spill containment facilities.
- (9) If required so as not to violate rule 1501:9-3-12 of the Administrative Code, a proposed corrective action of wells penetrating the proposed injection formation or zone within the area of review;
- (10) A schematic drawing of the subsurface construction details of the proposed injection well;
- (11) The estimated average and maximum amount of brine to be injected daily into the proposed injection well, and the method which will be used to measure the actual amount of brine injected into the well;
- (12) The estimated average and maximum pressure to be used for injecting brine into the proposed injection well, and the method which will be used to measure the actual daily injection pressure; and

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(13) The information required by section 1509.06 of the Revised Code and any other information the chief may request to ensure compliance with the statutory requirements of the division.

(D) Map. Each application for a permit shall be accompanied by a map or maps showing and containing the following information:

- (1) The subject tract of land upon which the proposed injection well is to be located;
- (2) The location of the proposed injection well on the subject tract established by a field survey, prepared by an Ohio registered surveyor, showing distances in feet from the proposed wellsite to the boundary lines of the subject tract, and to the nearest permanent geographic subdivision boundaries, and showing the location within fifty feet in relation to the plane coordinate system;
- (3) The geographic location of all wells penetrating the formation proposed for injection, regardless of status, within the area of review;
- (4) All holders of the land owner's royalty interest of record, or holders of the severed oil and gas mineral estate of record in the subject tract; and
- (5) All owners or operators of wells producing from or injecting into the same formation proposed as the injection formation.

(E) Notice of application, hearings, and order.

(1) Notice of application for a permit for a brine injection well shall be given by the following method:

After the submittal of an application for a brine injection well permit, the division shall, within five working days, review the application to verify that the required information has been submitted. After a determination by the division that the application is complete as required by this rule, it shall be date-stamped by the division and the applicant shall be notified. Notification of the application shall be published by the division in the weekly circular in accordance with section 1509.06 of the Revised Code. In addition, a legal notice shall be published by the applicant in a newspaper of general circulation in the county in which the proposed well is situated. A copy of the legal notice shall also be delivered to all owners or operators of wells within the area of review producing from or injecting into the same formation proposed as the injection formation. Proof of publication, publication date, and an oath as to the delivery to those entitled to personal notice shall be filed with the division within thirty days after the application was date-stamped by the division. The legal notice shall contain at least the following information:

(a) The name and address of the applicant;

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- (b) ~~the~~[The](#) location of the proposed well;
 - (c) The geologic name and depth of the proposed injection zone;
 - (d) The maximum proposed injection pressure;
 - (e) The proposed average daily injection volume;
 - (f) The fact that further information can be obtained by contacting either the applicant or the division;
 - (g) The address or phone number of the division; and
 - (h) The fact that, for full consideration, all comments or objections must be received by the division, in writing, within fifteen calendar days of the date of the published legal notice.
- (2) Comments and objections.
- (a) Any person desiring to comment or to make an objection with reference to an application for a permit to construct, convert to, or operate a brine injection well shall file such comments or objections, in writing, with the "Underground Injection Control Section, ~~division of mineral resources management, Fountain Square~~[Division of Oil and Gas Resources Management, 2045 Morse Road](#), Columbus, Ohio ~~43224~~[43229](#)." Such comments or objections shall be filed with the division no later than fifteen calendar days from the delivery of notice or from the publication date in a newspaper of general circulation in the county in which the proposed project is situated.
 - (b) If no objections are received within the fifteen-day period, the chief shall consider that no objection exists and shall issue a permit unless he [or she](#) - finds that the application does not comply with the requirements of Chapter 1501:9-3 of the Administrative Code, is in violation of law, jeopardizes public health or safety, or is not in accordance with good conservation practices.
 - (c) If an objection is received, the chief shall rule upon the validity of the objection. If, in the opinion of the chief, such objection is not relevant to the issues of public health or safety, or to good conservation practices, or is without substance, a permit shall be issued. If the chief considers any objection to be relevant to the issues of public health or safety, or to good conservation practices, or to have substance, a hearing shall be called within thirty days of receipt of the objection. Such hearing shall be held at the central office of the division or other location designated by the chief.

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Notice of the hearing shall be sent by the chief to the applicant and to the person who has filed the objection.

(d) If the chief finds, after hearing, and upon consideration of the evidence and the application, that the following conditions have been met, the application shall be approved and a permit issued; otherwise, the chief shall deny the permit:

(i) The application complies with the requirements of Chapter 1501:9-3 of the Administrative Code;

(ii) The method of injection proposed in the application will not be in violation of law; and

(iii) The proposed method of injection will not jeopardize public health or safety, or the conservation of natural resources.

(3) The chief shall issue an order granting or denying the brine injection well permit authorization within twenty-one calendar days after the filing date of proof of notice for a permit for which no hearing is held, or within thirty calendar days following the completion of a hearing.

(F) Bonding and transfer.

(1) Authorization, including a permit, to construct, convert to, or operate a brine injection well shall not be granted unless and until proof of financial responsibility for the well has been received and approved by the division in accordance with section 1509.07 of the Revised Code.

(2) No assignment or transfer of a brine injection well permit by the brine injection well owner shall relieve the owner of his obligations and liabilities under Chapter 1509. of the Revised Code and Chapter 1501:9-3 of the Administrative Code, unless the assignee or transferee has filed and the division has approved proof of financial responsibility for said well in accordance with section 1509.31 of the Revised Code.

(G) Display of permit. No well for the purpose of brine injection shall be drilled, reopened, deepened, plugged back, or reworked until the injection well owner has been granted a permit and unless the original permit, or a true copy thereof, is posted or displayed in a conspicuous and easily accessible place at the wellsite.

(H) Well identification. Once injection operations authorized by the permit have begun, the following information shall be posted in a conspicuous place on or near the storage tank(s): owner's name, lease name, well number, permit number, county, township, and emergency telephone number. In addition, the permit number shall be displayed in a conspicuous place on or near the wellhead.

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- (I) Expiration of permit. Drilling or conversion operations authorized by a permit issued pursuant to Chapter 1501:9-3 of the Administrative Code shall begin within twelve months after the date of issue of such permit for a permit in an urban area, and within twenty-four months after the date of issue of such permit for a permit in a non-urban area, or ~~If such operations have not started within twelve months~~, the permit shall expire. If drilling or conversion operations have started but are not completed within the twelve month period for a permit in an urban area, and within the twenty-four month period for a permit in a non-urban area, operations shall continue with due diligence or the permit shall expire.

~~Drilling~~ or conversion operations authorized by a permit issued pursuant to Chapter 1501:9-3 of the Administrative Code shall begin within twelve months after the date of issue of such permit. If such operations have not started within twelve months, the permit shall expire. If drilling or conversion operations have started but are not completed within the twelve month period, operations shall continue with due diligence or the permit shall expire.

- (J) Change of location procedure. The location of an injection well shall not be changed after the issuance of a permit unless the brine injection well owner first obtains approval from the division. If a brine injection well owner requests a change of location, he shall return the original permit and file an amended application and map for the proposed new location. Drilling or conversion operations shall not commence at a new location until a proper permit has been received and posted in accordance with section 1509.09 of the Revised Code.

Draft Rule 1501:9-3-11, dated 11/18/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(G)(3)(a). Name and address of Division corrected.

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Dated 11/18/2011

1501:9-3-11 **Annular disposal.**

(A) Approval required.

- (1) Disposal of brine into any annular space of any well shall be prohibited except where approved in writing by the chief and performed in accordance with this rule. Said approval shall be subject to conditions required by the chief as are necessary to protect surface and subsurface soils and waters and to ensure the conservation of other natural resources.
- (2) Each owner or his agent shall give the appropriate division inspector at least six hours' notice in advance of the time the cementing, of casing and hookup for annular disposal are to be performed. A division office shall be notified when the appropriate inspector cannot be contacted. Said work shall be done pursuant to the instructions of a representative of the division in accordance with Chapter 1509. of the Revised Code and the rules adopted thereunder. If at least six hours' notice is not given, annular disposal will not be authorized on the well.
- (3) Approval for annular disposal shall be granted by the chief if the construction requirements in paragraph (B) of this rule have been satisfied and the mechanical integrity of the well has been demonstrated to the chief in accordance with paragraph (C)(2) of this rule.
- (4) The chief may rescind approval for annular disposal where the owner or his agent fails to conduct annular disposal operations in accordance with Chapter 1509. of the Revised Code and the rules adopted thereunder.

(B) Construction requirements. Any well authorized to use annular disposal shall be constructed as follows:

- (1) The surface casing of any annular disposal well permitted after the effective date of this rule shall be set and sealed with cement in accordance with the following standards:
 - (a) Surface casing requirements:
 - (i) Surface casing shall be set at least fifty feet below the base of the deepest underground source of water containing less than ten thousand mg/l total dissolved solids;
 - (ii) Surface casing shall be free of all apparent defects including but not limited to bent joints, split seams, stripped threads, and holes;

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(iii) No cement baskets shall be used above the deepest underground source of drinking water unless a cement bond log is run to verify a continuous seal from the casing seat to the surface; and

(iv) No well shall be approved for annular disposal unless a division representative is present while casing is installed and cemented or unless an affidavit is submitted by the operator attesting to conditions subject to the requirements of paragraph (A)(2) of this rule.

(b) Cement requirements:

(i) Cement shall be mixed with fresh water;

(ii) Cement shall be circulated to surface by the pump and plug method;

(iii) The density of the cement circulated prior to dropping the top plug shall range within five per cent, plus or minus, of the "American Petroleum Institute" optimum density standard for the type of cement used;

(iv) The record of all cement and mix water additives and percentages by weight of mix water shall be included on the cement ticket;

(v) A copy of the cement ticket shall be supplied to the appropriate division inspector;

(vi) The cement head shall not be removed until the cement reaches a compressive strength of five hundred pounds per square inch (psi); and

(vii) Cement shall provide a continuous seal from the casing seat to the surface.

(2) Any annular disposal well being used for disposal of brine produced on an adjacent lease shall have surface-casing sealed by circulating cement to the surface.

(3) All brine shall be transported in a liquid tight piped system.

(4) The connection between the brine pipeline and the annulus of the annular disposal well shall be visible and accessible for inspection by the division.

(5) All annular systems shall be liquid tight.

(C) Mechanical integrity.

(1) An annular disposal well has mechanical integrity if:

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- (a) There is no significant leak in the surface casing; and
 - (b) There is no significant fluid movement into an underground source of drinking water through channels adjacent to the well bore.
- (2) Prior to obtaining approval from the chief for the use of annular disposal and prior to commencement of injection of brine, each owner or his agent shall demonstrate that the well has mechanical integrity in the following manner:
- (a) Cement records shall be accepted as demonstration that there is no significant fluid movement into an underground source of drinking water through channels adjacent to the injection well bore if all requirements of paragraph (B)(1) of this rule have been satisfied; and
 - (b) After the well has been drilled to the depth attained prior to running production casing, a temporary plug consisting of either a packer run on tubing, or an electric bridge plug run on a wireline, shall be set at the base of the surface casing. The surface casing shall be filled with fresh water, pressurized to three hundred psi and shut in. If the pressure of three hundred psi is maintained for fifteen minutes with no more than a five per cent decline, the demonstration that there is no significant leak in the casing is satisfied; or
 - (c) The positive differential gas pressure test may be performed as a demonstration of mechanical integrity; or
 - (d) Such other test approved by the chief.
- (3) The owner or his agent shall demonstrate mechanical integrity for all annular disposal wells at least once every five years by use of a method approved by the chief. By written notice, the chief may require the owner or his agent to comply with a schedule describing when such demonstrations shall be made.

(D) Volume limitations.

- (1) Any annular disposal well with surface casing sealed by circulating cement to the surface may be used to dispose of a maximum average volume of ten barrels a day per year.

(E) Operating and monitoring requirements.

- (1) Well identification. The following information shall be posted in a conspicuous place on or near the storage tank(s) of any annular disposal operation: owner's name, lease name, well number, permit number, county, township, and emergency telephone number. In addition, the permit number shall be displayed in a conspicuous place on or near the wellhead of any annular disposal well.

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- (2) If the chief has reason to believe that mechanical failures have occurred or that downhole problems exist at an annular disposal well that causes or could reasonably be anticipated to cause contamination of the land, surface waters, or subsurface waters, the chief may suspend the annular disposal operations until the owner demonstrates to the chief that the mechanical failures or downhole problems have been corrected. If the chief suspends annular disposal operations under this rule, the chief may require the owner or operator to test the well for mechanical failure or other problems. Any test conducted or corrective action taken shall be approved by the chief and conducted under the chief's supervision.
 - (3) If mechanical failures or downhole problems cause or could reasonably be anticipated to cause contamination of surface or subsurface soils or waters, the annular disposal well owner or operator shall immediately cease all annular disposal operations and immediately notify the division. Within five days of the incident, the owner or operators shall submit to the chief a written report which shall include a detailed description of the incident, the actions taken to correct the situation and the results of such action.
 - (4) A flow meter or other quantitative monitoring method shall be required if annular disposal is used.
 - (5) No pressure, except that created by the force of gravity, shall be applied to brine disposed of into an annular space unless otherwise approved by the chief.
 - (6) Disposal of brine transported to the annular disposal well by any means other than pipeline, either on lease or across lease lines, shall be prohibited.
 - (7) Under no circumstances shall liquids or waste matter from any source, other than brine or other waste substances resulting, obtained, or produced in connection with oil or gas drilling, exploration, or production on the same lease or, where authorized, on adjacent leases, be injected into any annular disposal well.
 - (8) The owner shall notify the chief in writing within fifteen days upon abandonment of annular disposal operations.
 - (9) When an annular disposal well becomes incapable of producing oil or gas, all annular disposal operations shall cease and the well shall be plugged and abandoned in accordance with Chapter 1509. of the Revised Code and any rules adopted thereunder.
- (F) Reporting and recordkeeping requirements.

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- (1) A well completion record in accordance with section 1509.10 of the Revised Code and Chapter 1501:9-3 of the Administrative Code shall be filed with the division within thirty days after completion of any annular disposal well.
- (2) The owner shall keep an accurate record of the volume of fluid injected and a copy of such record shall be furnished to the chief upon request. Such owner shall file an annual report with the chief, on or before the fifteenth day of April, setting forth the total volume of fluid injected during the preceding calendar year. Such report shall also contain, if applicable, a description of any mechanical failures or downhole problems, the actions taken to correct the situation, and the results of such actions as described in paragraph (E)(3) of this rule.
- (3) The owner shall retain mechanical integrity test data and monitoring records for a period of not less than five years or until a subsequent mechanical integrity test is performed.

(G) Public notification and participation.

- (1) All annular disposal applications submitted to the division shall be listed in the weekly circular as described in section 1509.06 of the Revised Code. Such listing shall contain at least the following information:
 - (a) The name and address of the applicant;
 - (b) The location of the proposed well;
 - (c) The fact that further information may be obtained by contacting either the applicant or the division;
 - (d) The address and phone number of the division; and
 - (e) The fact that, for full consideration, all comments or objections must be received by the division, in writing, within twenty calendar days of the date the weekly circular was received or posted.
- (2) The weekly circular shall be made available to the general public or any other interested party at each county engineer's office where the proposed well is located and must be posted at the engineer's office and at each division office. In addition, the circular shall be available to subscribers or to anyone that requests the information for a minimal printing and administrative cost.
- (3) Comments and objections.
 - (a) Any person desiring to comment or to submit an objection with reference to an application for a permit to construct, convert to, or operate an annular

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disposal well shall file such comments or objections, in writing, with the "Underground Injection Control Section, ~~division of mineral resources management, Fountain Square~~[Division of Mineral Resources Management, 2045 Morse Road](#), Columbus, Ohio ~~43224~~[43229](#)." Such comments or objections shall be filed with the division no later than twenty calendar days from receipt of the circular at the county engineer's office or division offices.

- (b) If no objections are received within the twenty-day period, the chief shall consider that no objection exists and shall issue a permit unless he [or she](#) - finds that the application does not comply with this rule or other applicable laws and rules, is in violation of law, jeopardizes public health or safety, or is not in accordance with good conservation practices.
- (c) If an objection is received, the chief shall rule upon the validity of the objection. If, in the opinion of the chief, such objection is not relevant to the issues of public health or safety, or to good conservation practices, or is without substance and the permit otherwise meets all other requirements of this rule, a permit shall be issued. If the chief considers any objection to be relevant to the issues of public health or safety, or to good conservation practices, or to have substance, a hearing may be called within thirty days of receipt of the objection. Such hearing shall be held at the central office of the division or other location designated by the chief. Notice of the hearing shall be published in a newspaper of general circulation and sent by the chief to the applicant and to the person who filed the objection.
- (d) If the chief finds, after hearing, and upon consideration of the evidence and the application, that the following conditions have been met, the application shall be approved and a permit conditionally issued; otherwise, the chief shall deny the permit by order:
 - (i) The application complies with the requirements of Chapter 1501-9-3 of the Administrative Code;
 - (ii) The method of injection proposed in the application will not be in violation of law; and
 - (iii) The proposed method of injection will not jeopardize public health or safety, or the conservation of natural resources.
- (e) The chief shall issue a permit granting annular disposal or an order denying annular disposal within fifteen days after a hearing.
- (f) A response to the comments as a final division action shall be prepared summarizing the substantive comments received and the disposition of the

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comments. These comments shall be available for viewing by the general public at the division's central office.

Draft Rule 1501:9-5-01, dated 11/16/2011

This is a summary of the changes made to this rule.

Introductory statement added to indicate that these definitions apply to Chapter 1501:9-5 of the Administrative Code.

Five definitions removed from the rule because they are already defined in rule 1501:9-1-01, which is applicable to all the rules in 1501:9: "Chief," "Division," "Person," "Subject tract" and "Well."

Four definitions removed because they are used in more than just Chapter 1501:9-5, therefore they belong in the General Definitions of rule 1501:9-1-01: "Barrel," "Existing well," "Mg/L," and "Saltwater."

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Dated 11/16/2011

1501:9-5-01 **Definitions.**

As used in Chapter 1501:9-5 of the Administrative Code:

- (A) "Enhanced recovery" means any injection of natural gas, water, or other fluids approved by the division into an oil or gas reservoir to increase pressure or retard pressure decline in the reservoir for the purpose of increasing the recovery of oil or other hydrocarbons therefrom and shall include secondary or additional recovery operations. This is to include all thermal processes.
- (B) "Input wells" means those wells into which natural gas, water, other fluids or gases are injected, or are to be injected, for the purpose of increasing pressure or retarding pressure decline in the reservoir.
- (C) "Withdrawal wells" means those wells from which oil and/or gas is, or is to be, withdrawn.
- (D) "Observation wells" means those wells used, or to be used, temporarily for observation and not for input or withdrawal.
- (E) "Project owner" means the person who has the right to inject fluids on a subject tract or tracts and has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.
- ~~(F) "Person" means any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.~~
- ~~(G) "Chief" means chief, division of mineral resources management.~~
- ~~(H) "Division" means division of mineral resources management, Ohio department of natural resources.~~
- ~~(I) "Subject tract" means a tract upon which a person proposes to drill, reopen, deepen, plug back, or rework a well for the injection of fluids.~~
- ~~(J) "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.~~
- ~~(K) "Existing well" means any well for which a drilling permit was issued by the division prior to June 1, 1982.~~

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~~(L) "Saltwater" means any and all nonpotable water resulting, obtained, or produced from the exploration, drilling, or production of oil or gas.~~

~~(M) "Barrel" means a quantity of liquid equal to forty two U.S. gallons.~~

~~(N) "Mg/L" means milligrams per liter.~~

Draft Rule 1501:9-5-05, dated 11/17/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(E)(2)(a). Division name and address corrected.

(I). Information on the expiration of permits updated per ORC section 1509.06(I), which was amended by SB 165 of the 128th General Assembly.

(I)(1). The language of former paragraph (I)(1) moved up to (I) to conform with LSC's rule-drafting format.

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Dated 11/17/2011

1501:9-5-05 **Permit.**

Any person who proposes to construct, convert to, or operate an enhanced recovery project shall submit an application for a permit to the division on a form provided by the division.

- (A) Permit required. No person shall conduct an enhanced recovery project unless an appropriate application for such a project has been approved by the chief and a permit issued by the division. In addition to a project permit, no person shall drill, reopen, deepen, plug back, rework, or use a well for input, withdrawal, or observation unless an appropriate drilling permit as required in Chapter 1509. of the Revised Code has been approved by the chief and issued by the division.
- (B) Area of review. An application for an enhanced recovery project filed with the division under this rule shall be evaluated on the basis of an "area of review" surrounding the input wells proposed for the project. The area of review shall be the area encompassed by the following:
 - (1) The areas circumscribed by circles of one-half-mile radii with their center points at the locations of each input well in which injection of greater than an average volume of two hundred barrels per day per year is proposed;
 - (2) The areas circumscribed by circles of one-quarter-mile radii with their center points at the locations of each input well in which a maximum injection of an average volume of two hundred barrels per day per year is proposed; and
 - (3) The areas circumscribed by circles of one-quarter-mile radii with their center points at the locations of each input well in which gas is used as the injected fluid; or
 - (4) An area approved by the chief for good cause shown.
- (C) Application for permit. The application for a permit to conduct enhanced recovery operations shall contain the following:
 - (1) The name and address of the project owner and his signature or that of his authorized agent. When a person signs as an agent, a certified copy of his appointment shall accompany the application or be on file with the division;
 - (2) The names and addresses of all holders of the land owner's royalty interest of record, or holders of the severed oil and gas mineral estate of record in the subject tract;

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- (3) The names and addresses of all owners or operators of wells within the area of review producing from or injecting into the same formation proposed as the injection formation;
- (4) Date of application;
- (5) The location of the subject tract or tracts identified by county, township, section or lot number, or other necessary geographic subdivisions;
- (6) A description of the following:
 - (a) The casing and cementing or sealing with prepared clay in all wells that penetrate the proposed injection zone or formation on the subject tract or tracts;
 - (b) The proposed casing and cementing programs for the wells to be drilled during enhanced recovery operations;
 - (c) The proposed method for testing the casing in input wells;
 - (d) The method proposed for completion and operation including the stimulation program;
 - (e) The proposed unloading, surface storage, and spill containment facilities.
- (7) The name, description, and depth of the geological zone or formation to be utilized, including, if existing wells are to be utilized, an accurate ~~drillers~~driller's log, geological log, or electric log of the proposed input well or wells, and any testing data on any such well or wells;
- (8) The type and the estimated average and maximum amount of gas, water, or other fluids to be injected daily into each input well, or project, if a manifold system is utilized, and the method which will be used to measure the actual amount of fluid injected;
- (9) The estimated average and maximum pressure to be used for injecting fluid into the proposed input well or wells, and the method which will be used to measure the actual daily injection pressure;
- (10) The designation of all proposed or existing input, withdrawal, and observation wells;
- (11) If required so as not to violate rule 1501:9-4-04 of the Administrative Code, a proposed corrective action of wells penetrating the proposed injection formation or zone within the area of review;

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- (12) A schematic drawing of the surface and subsurface construction details of the proposed input well or wells; and
 - (13) The information required by section 1509.06 of the Revised Code and any other information the chief may request to ensure compliance with the statutory requirements of the division.
- (D) Map. Each application for a permit shall be accompanied by a map or maps showing and containing the following information:
- (1) The subject tract or tracts of land and their owners upon which the proposed enhanced recovery operations are to be conducted;
 - (2) All tracts or parts thereof situated within the area of review labeled with the names of all owners or operators of wells producing from or injecting into the same formation proposed as the injection formation;
 - (3) The location and designation of all input, withdrawal, or observation wells on the tract or tracts to be utilized in the enhanced recovery project; and
 - (4) The geographic location of all wells penetrating the formation proposed for injection, regardless of status, within the area of review.
- (E) Notification of application, hearings and order.
- (1) Notice of application for a permit for an enhanced recovery project shall be given by the following method:

After the submittal of an application for an enhanced recovery project permit, the division shall, within five working days, review the application to verify that the required information has been submitted. After a determination by the division that the application is complete as required by this rule, it shall be date-stamped by the division and the applicant shall be notified. Notification of the application shall be published by the division in the weekly circular in accordance with section 1509.06 of the Revised Code. In addition, legal notice shall be published by the applicant in a newspaper of general circulation in the county in which the proposed project is situated. A copy of the notice shall also be delivered to all owners and operators of wells within the area of review producing from or injecting into the same formation proposed as the injection formation. Proof of publication, publication date, and an oath as to the delivery to those entitled to personal notice shall be filed with the division within thirty days after the application was date-stamped by the division. The legal notice shall contain at least the following information:

 - (a) The name and address of applicant;

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- (b) The location of the proposed enhanced recovery project;
 - (c) The geologic name and depth of the proposed injection zone;
 - (d) The maximum proposed injection pressure;
 - (e) The maximum proposed average daily injection volume;
 - (f) The fact that further information can be obtained by contacting either the applicant or the division;
 - (g) The address and telephone number of the division; and,
 - (h) The fact that, for full consideration, all comments or objections must be received by the division, in writing, within fifteen calendar days of the date of the published legal notice.
- (2) Comments and objections.
- (a) Any person desiring to comment or to make an objection with reference to an application for a permit to construct, convert to, or operate an enhanced recovery project shall file such comments or objections, in writing, with the "Underground Injection Control Section, ~~Division of Mineral Resources Management, Fountain Square~~Division of Oil and Gas Resources Management, 2045 Morse Road, Columbus, Ohio ~~43224~~43229." Such comments or objections shall be filed with the division no later than fifteen calendar days from the delivery of notice or from the publication date in a newspaper of general circulation in the county in which the proposed project is situated.
 - (b) If no objections are received within the fifteen-day period, the chief shall consider that no objection exists and shall issue a permit unless he or she - finds that the application does not comply with the requirements of Chapter 1501:9-5 of the Administrative Code, or is in violation of law, or jeopardizes public health and safety, or is not in accordance with good conservation practices.
 - (c) If an objection is received, the chief shall rule upon the validity of the objection. If, in the opinion of the chief, such objection is not relevant to the issues of public health or safety, or to good conservation practices, or is without substance, a permit shall be issued. If the chief considers any objection to be relevant to the issues of public health or safety, or to good conservation practices, or to have substance, a hearing shall be called within thirty days of receipt of the objection. Such hearing shall be held at the central office of the division or other location designated by the chief.

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Notice of such hearing shall be sent by the chief to the applicant and to the person who has filed the objection.

(d) If the chief finds, after hearing, and upon consideration of the evidence and the application, that the following conditions have been met, the application shall be approved and a permit issued; otherwise, the chief shall reject the application:

(i) The application complies with the requirements of Chapter 1501:9-5 of the Administrative Code;

(ii) The proposed enhanced recovery project will not be in violation of law; and

(iii) The enhanced recovery project will not jeopardize public health or safety, or the conservation of natural resources.

(3) The chief shall issue an order granting or denying the enhanced recovery project permit authorization within twenty-one calendar days after the filing date of proof of notice for a permit for which no hearing is held, or within thirty calendar days following the completion of a hearing.

(F) Bonding and transfer.

(1) Authorization, including a permit, to construct, convert to or operate an enhanced recovery project shall not be granted unless and until proof of financial responsibility for each input, withdrawal and observation well in the project has been received and approved by the division in accordance with section 1509.07 of the Revised Code.

(2) No assignment or transfer of an enhanced recovery project permit by the project owner shall relieve the project owner of his obligations and liabilities under Chapter 1509. of the Revised Code and Chapter 1501:9-5 of the Administrative Code, unless the assignee or transferee has filed, and the division has approved, proof of financial responsibility for each input, withdrawal and observation well in said project in accordance with section 1509.31 of the Revised Code.

(G) Display of permit. No well for the purpose of input, withdrawal or observation shall be drilled, reopened, deepened, plugged back, or reworked until the project owner has been granted a permit and unless the original permit, or a true copy thereof, is posted or displayed in a conspicuous and easily accessible place at the wellsite.

(H) Well identification. Once injection operations authorized by the enhanced recovery permit have begun, the following information shall be posted in a conspicuous place on or near the storage tank(s): owner's name, lease name, enhanced recovery project number, county, township, and emergency telephone number. In addition, the permit

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number of each input, withdrawal or observation well shall be displayed in a conspicuous place on or near the wellhead.

- (I) Expiration of permit. Drilling or conversion operations authorized by a permit issued pursuant to Chapter 1501:9-5 of the Administrative Code shall commence within twelve months after the date of issue of such permit for a permit in an urban area, and within twenty-four months after the date of issue of such permit for a permit in a non-urban area, or, ~~If such operations have not started within twelve months,~~ the permit shall expire. If drilling or conversion operations have started but are not completed within the twelve month period for a permit in an urban area, and within the twenty-four month period for a permit in a non-urban area, operations shall continue with due diligence or the permit shall expire.

(1) ~~Drilling~~ or conversion operations authorized by a permit issued pursuant to Chapter 1501:9-5 of the Administrative Code shall commence within twelve months after the date of issue of such permit. If such operations have not started within twelve months, the permit shall expire. If drilling or conversion operations have started but are not completed within the twelve month period, operations shall continue with due diligence or the permit shall expire.

- (J) Change of location procedure. The location of an input, withdrawal, or observation well shall not be changed after the issuance of a drilling permit unless the project owner first obtains approval from the division. If a project owner requests a change of location, he shall return the original drilling permit and file an amended application and map for the proposed new location. Construction operations shall not commence at a new location until a proper permit has been received and posted in accordance with section 1509.09 of the Revised Code.

- (K) Change of enhanced recovery procedure.

- (1) Any substantial change in the enhanced recovery project proposal as submitted in the application shall be reported to the chief at least ten days prior to the beginning of such change. If such change conforms with Chapter 1509. of the Revised Code and Chapter 1501:9-5 of the Administrative Code and does not alter the basic proposal for enhanced recovery operations, the chief shall issue written approval for such change.
- (2) If such change does not conform with Chapter 1509. of the Revised Code and Chapter 1501:9-5 of the Administrative Code, or is a radical departure from the proposal in the original application, the chief may disapprove such change and request a new application.

Draft Rule 1501:9-7-01, dated 11/14/2011

This is a summary of the changes made to this rule.

Introductory statement added to indicate that these definitions apply to Chapter 1501:9-7 of the Administrative Code.

Definitions of "Chief," "Division," "Person" and "Subject Tract" removed from the rule because they are already defined in rule 1501:9-1-01, which is applicable to all the rules in 1501:9.

(D) and (E). Definitions of "effective date" and "existing solution mining project" revised to insert the date when Chapter 1501:9-7 became effective.

(J). Definition of "Mg/L" removed because it is used in more than just Chapter 1501:9-7, therefore it belongs in the General Definitions of rule 1501:9-1-01.

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Dated 11/14/11

1501:9-7-01 **Definitions.**

As used in Chapter 1501:9-7 of the Administrative Code:

(A) "Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

~~(B) "Chief" means chief, division of oil and gas.~~

~~(C)~~(B) "Confining zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above and below an injection zone.

~~(D)~~(C) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

~~(E) "Division" means division of mineral resources management, Ohio department of natural resources.~~

~~(F)~~(D) "Effective date" means ~~the date that Chapter 1501:9-7 of the Administrative Code becomes effective~~November 26, 1982.

~~(G)~~(E) "Existing solution mining project" means a project in operation prior to ~~the effective date of Chapter 1501:9-7 of the Administrative Code~~November 26, 1982.

~~(H)~~(F) "Formation fluid" means fluid present in a formation under natural conditions.

~~(I)~~(G) "Injection zone" means a geological formation, group of formations, or part of a formation receiving fluids through a well.

~~(J) "Mg/L" means milligrams per liter.~~

~~(K)~~(H) "Owner or operator" means the owner or operator of any facility or activity subject to regulation under Chapter 1501:9-7 of the Administrative Code.

~~(L) "Person" means any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.~~

~~(M)~~(I) "Solution mining project" means a well or group of wells and associated facilities under one owner or operator utilized for the solution mining of minerals.

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~~(N)~~ "Subject tract" means a tract upon which a person proposes to drill or operate a well for the solution mining of minerals.

~~(O)~~(J) "Subsidence" means the lowering of the natural land surface in response to earth movements, lowering of fluid pressure, or removal of underlying supporting material by solution mining of solids.

~~(P)~~(K) "Underground source of drinking water" means an aquifer or its portion which:

- (1) Supplies any public water system, or
- (2) Contains a sufficient quantity of ground water to supply a public water system, and
 - (a) Currently supplies drinking water for human consumption, or
 - (b) Contains fewer than ten thousand mg/L total dissolved solids, and
- (3) Is not an exempted aquifer.

Draft Rule 1501:9-7-07, dated 11/18/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(C)(2)(c)(iii). Paragraph reference corrected to include both (C)(2)(c)(ii) and (C)(2)(c)(ii).

(H)(4)(a). Division name and address corrected.

(L). Information on the expiration of permits updated per ORC section 1509.06 (I), which was amended by SB 165 of the 128th General Assembly.

(Q). "The chief shall" changed to "The chief may" review each solution mining permit at least once every 5 years because the Division does not routinely review these permits on a five-year schedule, but will instead retain the option to review them.

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Dated 11/18/2011

1501:9-7-07 **Permit.**

(A) Permit required. Unless an appropriate application has been received by the chief and a permit issued by the division, no person shall drill, reopen, deepen, plug, rework, or use a well for the solution mining of minerals unless the well is authorized ~~by rule~~ in accordance with rule 1501:9-7-05 of the Administrative Code.

(B) Establishing permit conditions.

(1) In addition to conditions required for all permits, the chief shall establish conditions, as required on a case-by-base basis, for all permits under the following: paragraph (Q) of this rule (duration of permits), paragraph (C) of this rule (schedules of compliance), and paragraph (B) of rule 1501:9-7-09 of the Administrative Code (monitoring).

(2) Permit conditions established on a case-by-case basis shall be designed to ensure compliance with Chapter 1509. of the Revised Code.

(C) Schedules of compliance. The permit may, when appropriate, specify a schedule of compliance leading to compliance with Chapter 1509. of the Revised Code and Chapter 1501:9-7 of the Administrative Code.

(1) Time for compliance. Any schedules of compliance under this rule shall require compliance within a reasonable period of time as determined by the chief. The schedules of compliance shall require compliance not later than two years after the date of issuance of the permit.

(2) Alternative schedules of compliance. A solution mining permit applicant or permittee may cease conducting regulated activities by plugging and abandonment of solution mining wells rather than continue to operate and meet permit requirements as follows:

(a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit that has already been issued:

(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(ii) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

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- (b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination that will ensure timely compliance with applicable rules.
 - (c) If the permittee is undecided whether to cease conducting regulated activities, the chief may issue or modify a permit to contain two schedules as follows:
 - (i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date that ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities; or
 - (ii) One schedule shall lead to timely compliance with applicable rules; and the second schedule shall lead to cessation of regulated activities by a date that will ensure timely compliance with applicable rules;
 - (iii) Each permit containing two schedules shall include a requirement that, after the permittee has made a final decision under paragraph (C)(2)(c)(i) or paragraph (C)(2)(c)(ii) of this rule, he shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities and follow the schedule leading to termination if the decision is to cease conducting regulated activities.
 - (d) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced in writing to the chief and signed as stated in paragraph (D)(3) of this rule.
- (3) A permit shall be written to require that, if paragraph (C)(1) or (C)(2) of this rule are applicable, progress reports shall be submitted no later than thirty days following the date of compliance.
- (D) Application for a permit. New applicants, permittees with expiring permits, and any person required to have a permit shall complete, sign, and submit an application to the chief as described in this rule.
- (1) An application for a permit for any existing solution mining project must be submitted no later than November 27, 1984.
 - (2) It is the duty of the owner of a solution mining project to submit an application for a permit; however, when a project is owned by one person and operated by another, it is the operator's duty to obtain a permit.
 - (3) All permit applications shall be signed as follows:

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- (a) For a corporation, by a principal executive officer of at least the level of vice-president or a duly authorized representative of that person;
 - (b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - (c) For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official.
- (4) When a person signs as a representative, a certified copy of his/her appointment shall accompany the application or be on file with the division. If an authorization under paragraph (D)(3) of this rule is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the signature requirements must be submitted to the chief prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (5) Certification. Any person signing a document under paragraph (D)(3) of this rule shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(E) Area of review.

- (1) For individual solution mining projects consisting of one well, the area of review shall be a fixed radius around the well of not less than one-quarter mile.
- (2) For solution mining projects consisting of more than one well, the area of review shall be the project area plus a circumscribing area the width of which is not less than one-quarter mile.
- (3) In determining the fixed radius, the following factors shall be taken into consideration: chemistry of injected and formation fluids, hydrogeology, population and groundwater use and dependence, and historical practices in the area.

(F) Corrective action.

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- (1) Coverage. Applicants for solution mining project permits shall identify the location of all known wells penetrating the injection zone within the project's area of review. For wells that are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water. Where the plan is adequate, the chief shall incorporate it into the permit as a condition. Where the chief's review of an application indicates that the applicant's plan is inadequate based on the factors in paragraph (F)(2) of this rule, the chief shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit, or deny the application.
- (2) Requirements.
 - (a) Existing solution mining projects. Any permit issued for an existing solution mining project requiring corrective action shall include a compliance schedule requiring any corrective action accepted or prescribed under paragraph (F)(1) of this rule to be completed within a time frame specified in the compliance schedule.
 - (b) New solution mining projects. No permit for a new solution mining project may authorize injection until all required corrective action has been taken.
 - (c) Injection pressure limitation. The chief may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not cause the movement of fluids into an underground source of drinking water through any improperly completed or abandoned well within the area of review. This pressure limitation may satisfy the corrective action requirement. Alternatively, such injection pressure limitation may be part of a compliance schedule and last until all other required corrective action has been taken.
 - (d) When setting corrective action requirements for solution mining projects, the chief shall consider the overall effect of the project on the hydraulic gradient in potentially affected underground sources of drinking water, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in rule 1501:9-7-09 of the Administrative Code shall be designed to verify the validity of such determinations.
 - (e) In determining the adequacy of corrective action proposed by the applicant under paragraph (F)(1) of this rule and the additional steps needed to prevent fluid movement into underground sources of drinking water, the following criteria and factors shall be considered by the chief:

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- (i) Nature and volume of injected fluid;
- (ii) Nature of native fluids or by-products of injection;
- (iii) Potentially affected population;
- (iv) Geology;
- (v) Hydrology;
- (vi) History of the injection operation;
- (vii) Completion and plugging records;
- (viii) Abandonment procedures in effect at the time the well was abandoned; and
- (ix) Hydraulic connections with underground sources of drinking water.

(G) Application content.

- (1) The application for a permit shall contain the following administrative information:
 - (a) The name, mailing address, and location of the facility for which the application is submitted;
 - (b) Ownership status as federal, state, private, public, or other entity;
 - (c) The operator's name, address, and telephone number;
 - (d) A brief description of the nature of the business associated with the project;
 - (e) The activity or activities conducted by the applicant that require the applicant to obtain a permit under Chapter 1501:9-7 of the Administrative Code; and
 - (f) A listing of all permits or construction approvals received or applied for under any of the following programs:
 - (i) Hazardous waste management program under the Resource Conservation and Recovery Act,
 - (ii) Underground injection control program under the Safe Drinking Water Act,

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- (iii) National pollutant discharge elimination system program under the Clean Water Act,
 - (iv) Prevention of significant deterioration program under the Clean Air Act,
 - (v) Nonattainment program under the Clean Air Act,
 - (vi) National emission standards for hazardous pollutants, preconstruction approval under the Clean Air Act,
 - (vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act,
 - (viii) Dredge or fill permits under section 404 of the Clean Water Act, or
 - (ix) Other relevant environmental permits including state permits.
- (2) Any information submitted to the division pursuant to this rule may be claimed as confidential by the applicant. Any such claim must be asserted at the time of submission by the applicant in writing or by stamping the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made at the time of submission, the division may make the information available to the public without further notice.
- (3) Claims of confidentiality for the following information will be denied:
- (a) The name and address of any permit applicant or permittee; or
 - (b) Information that deals with existence, absence, or level of contamination in drinking water.
- (4) The application for a permit shall contain the following technical information:
- (a) A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review that penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging, completion, and any additional relevant information the chief may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction, the chief may elect to require data only on a representative number of wells;
 - (b) Proposed operating data:

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- (i) Average and maximum daily rate and volume of fluid to be injected per well or per project when a manifold system is used;
 - (ii) Average and maximum injection pressure; and
 - (iii) Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request confidentiality if the information is proprietary. An applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations which shall not be exceeded. In such a case, the applicant shall retain records of the undisclosed concentrations and provide them upon request to the chief as part of any enforcement investigation.
- (c) Method used to obtain the information required by paragraphs (A)(9) and (A)(10) of rule 1501:9-7-08 of the Administrative Code;
- (d) Proposed stimulation program;
- (e) Proposed injection procedure;
- (f) Schematic or other appropriate drawings of the surface and subsurface details of the system;
- (g) Plans for meeting the monitoring requirements of paragraph (B) of rule 1501:9-7-09 of the Administrative Code;
- (h) Expected changes in pressure, native fluid displacement, and direction of movement of injection fluid;
- (i) Contingency plans to cope with all well failures or shut-ins so as to prevent the migration of the contaminating fluids into underground sources of drinking water;
- (j) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug, or abandon any well as required by paragraph (I) of this rule; and
- (k) For wells within the area of review that penetrate the injection zone but are not properly completed or plugged, the corrective action proposed to be taken under rule 1501:9-7-11 of the Administrative Code.
- (l) A brief description of existing or proposed monument grids and surveying method to be used in obtaining yearly measurements of second order accuracy for the detection of ground surface movement. Describe monument types, construction, and emplacement.

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- (5) Map. Each application for a permit shall be accompanied by a map or maps showing and containing the following information:
- (a) The subject tract of land upon which the proposed solution mining project is to be located;
 - (b) The location and designation of all injection, withdrawal, and monitoring wells (if applicable) on the tract or tracts to be utilized in the solution mining project;
 - (c) All tracts or parts thereof situated within the area of review labeled with the names of:
 - (i) All owners of mineral rights if notice is given in accordance with paragraph (H)(1)(a) of this rule, or
 - (ii) All owners or operators of record utilizing the proposed formation or zone for solution mining of minerals, storage, or any other purpose if notice is given in accordance with paragraph (H)(1)(b) of this rule.
 - (d) The geographic location of all wells within the area of review that penetrate the zone proposed as the injection zone.

(H) Notice of application, hearings, and order.

- (1) The applicant shall give notice of application for a permit for a solution mining project by the following method:

After the submittal of an application for a solution mining project to the chief, a determination will be made as to the completeness of the application. The applicant will be notified of this completeness. Notification of the application shall be published by the division in the weekly circular in accordance with section 1509.06 of the Revised Code. In addition, a legal notice shall be published by the applicant in a newspaper of general circulation in the area of review in which the proposed project is situated. A copy of the legal notice shall also be delivered to all owners or operators of projects utilizing the same zone or formation. Proof of publication, publication date, and an oath as to the delivery to those entitled to personal notice shall be filed with the division within forty days after the complete application was received by the division. The legal notice shall contain at least the following:

- (a) The name and address of the applicant;
- (b) The location of the proposed project;
- (c) The geologic name and depth of the zone or formation to be utilized;

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- (d) The maximum proposed injection pressure;
 - (e) The proposed average daily volume of fluid to be injected and withdrawn;
 - (f) The fact that further information can be obtained by contacting either the applicant or the division;
 - (g) The address and phone number of the division; and
 - (h) The fact that, for full consideration, all comments or objections must be received by the division, in writing, within thirty calendar days of the date of the published legal notice.
- (2) Draft permits. Once an application is complete, the chief shall tentatively decide whether to prepare a draft permit, or to deny the application.
- (a) If the chief tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under paragraph (H)(2)(b) of this rule. If the chief's final decision is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (H)(2)(b) of this rule.
 - (b) If the chief decides to prepare a draft permit, he shall prepare a draft permit that contains all relevant information pertaining to permitting, operation, and monitoring of the proposed project.
 - (c) All draft permits prepared under this paragraph shall be based on the administrative record, publicly noticed, and made available for public comment.
- (3) Fact sheet.
- (a) A fact sheet shall be prepared for every draft permit that the chief finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The chief shall send this fact sheet to the applicant and to any other person upon request.
 - (b) The fact sheet shall include, when applicable:

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- (i) A brief description of the type of facility or activity that is the subject of the draft permit;
 - (ii) The type and quantity of fluids that are proposed to be injected and withdrawn;
 - (iii) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record;
 - (iv) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
 - (v) A description of the procedures for reaching a final decision on the draft permit including:
 - (a) The beginning and ending dates of the comment period and the address where comments will be received;
 - (b) Procedures for requesting a hearing and the nature of that hearing; and
 - (c) Any other procedures by which the public may participate in the final decision; and
 - (vi) Name and telephone number of a person to contact for additional information.
- (4) Comments and objections.
- (a) Any person desiring to comment or to make an objection with reference to an application for a permit for a solution mining project shall file such comments or objections, in writing, with the "Underground Injection Control Section, ~~Division of Mineral Resources Management, Fountain Square~~[Division of Oil and Gas Resources Management, 2045 Morse Road](#), Columbus, Ohio ~~43224~~[43229](#)." Such comments or objections shall be filed with the division no later than thirty calendar days after the delivery of notice or after the publication date in a newspaper of general circulation in the area of review.
 - (b) If no objections are received within the thirty-day period, the chief shall consider that no objection exists and shall issue a permit unless he or she - finds that the application does not comply with the requirements of Chapter 1501:9-7 of the Administrative Code, or is in violation of law, or jeopardizes public health or safety.

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- (c) If an objection is received, the chief shall rule upon the validity of the objection. If in the opinion of the chief, such objection is not relevant to the issues of public health or safety, or is without substance, a permit shall be issued. If the chief considers any objection to be relevant to the issues of public health or safety, or to have substance, a hearing may be called within thirty days of receipt of the objection. Such hearing shall be held at the central office of the division or other location designated by the chief. Notice of the hearing shall be sent by the chief to the applicant and to the person who has filed the objection.
- (d) If the chief finds, after hearing or upon consideration of the evidence and the application, that the following conditions have been met, the application shall be approved and a permit issued; otherwise, the chief shall reject the application:
 - (i) The application complies with the requirements of this rule;
 - (ii) The proposed solution mining project will not be in violation of law; and
 - (iii) The proposed solution mining project will not jeopardize public health or safety.
- (e) Response to comments. At the time that any final permit decision is issued, the chief shall respond to comments. This response shall:
 - (i) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
 - (ii) ~~The response to comments shall be~~ available to the public.
- (I) Bonding and transfer.
 - (1) Authorization, by rule or permit, to construct or operate a solution mining project shall not be granted unless and until proof of financial responsibility for the project has been received and approved by the division in accordance with section 1509.07 of the Revised Code.
 - (2) No assignment or transfer of a solution mining permit by the project owner shall relieve the owner of his obligations and liabilities under Chapter 1509. of the Revised Code and Chapter 1501:9-7 of the Administrative Code, unless the assignee or transferee has filed, and the division has approved, proof of financial responsibility for said project.
- (J) Display of permit. No well for the purpose of solution mining shall be constructed until the owner has been granted a permit and unless the original permit, or a true

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copy thereof, is posted or displayed in a conspicuous and easily accessible place at the well site during construction.

- (K) Project identification. Prior to commencing solution mining operations authorized by the permit the following information shall be posted in a conspicuous place on the project site: owner's name, lease name, county, township, and emergency telephone number. In addition, the permit number shall be displayed in a conspicuous place on or near each wellhead.
- (L) Expiration of permit. Drilling operations authorized by a permit issued pursuant to Chapter 1501:9-7 of the Administrative Code shall begin within twelve months after the date of issuance of such permit for a permit in an urban area, and within twenty-four months after the date of issue of such permit for a permit in a non-urban area, or ~~If such operations have not started within twelve months,~~ the permit shall expire. ~~If~~ drilling or conversion operations have started but are not completed within the twelve month period for a permit in an urban area, and within the twenty-four month period for a permit in a non-urban area, operations shall continue with due diligence or the permit shall expire.
- (M) Change of location procedure. The location of a solution mining well shall not be changed after the issuance of a permit unless the well owner first obtains approval from the division. If a solution mining well owner requests a change of location, he shall return the original permit and file an amended application and map for the proposed new location. Drilling operations shall not commence at a new location until a proper permit has been received and posted.
- (N) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of the permit.
- (O) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. Neither the filing of a request by the permittee for a permit modification, revocation and reissuance, or termination; nor a notification of planned changes or anticipated noncompliance, waive any permit condition.
- (P) Inspection and entry. The permittee shall allow the chief or an authorized representative to:
 - (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

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- (3) Inspect, at any time, the facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
 - (4) Sample or monitor, at any time, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 1501:9-7 of the Administrative Code, any substances or parameters at any location.
- (Q) Duration of permits. Permits for solution mining projects shall be issued for a period up to the operating life of the facility. The chief ~~shall~~may review each permit at least once every five years to determine whether it should be modified, revoked and reissued, or terminated. The chief may issue any permit for a duration that is less than the full allowable term under this rule.
- (R) Modification, revocation and reissuance, or termination of permits.
- (1) When the chief receives any information, for example, inspects the facility, receives information submitted by the permittee as required by the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file, he or she may determine whether or not one or more of the causes listed in paragraph (R)(1)(a) or (R)(1)(b) of this rule for modification or revocation and reissuance or both exist. If cause exists, the chief may modify or revoke and reissue the permit accordingly subject to the limitations of paragraph (R)(1)(c) of this rule and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision, and the permit is reissued for a new term. If cause does not exist, the chief shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria for minor modifications contained in paragraph (R)(1)(c) of this rule, the permit may be modified without a draft permit or public review. Otherwise a draft permit must be prepared.
 - (a) Causes for modification. The following may be causes for revocation and reissuance as well as modification.
 - (i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance that justify the application of permit conditions that are different or absent in the existing permit.
 - (ii) Information. The chief has received information indicating that cumulative effects on the environment are unacceptable.
 - (iii) New rules. The standards or rules on which the permit was based have been changed by promulgation of amended standards or rules or by judicial decision after the permit was issued.

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- (iv) Compliance schedules. The chief determines that good cause exists for modification of a compliance schedule such as natural disaster, strike, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.
- (b) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, to revoke and reissue a permit:
 - (i) Cause exists for termination, and the chief determines that modification or revocation and reissuance is appropriate.
 - (ii) The chief has received notification, as required in the permit, of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the date of an automatic transfer but will not be revoked and reissued after the date of the transfer except upon the request of the new permittee.
- (c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists that was unknown at the time of permit issuance.
- (2) Minor modifications of permits. Upon the consent of the permittee, the chief may modify a permit to make the following corrections or allowances for changes in the permitted activity without following the procedures in paragraph (R)(1) of this rule. Minor modifications may only:
 - (a) Correct typographical errors;
 - (b) Require more frequent monitoring or reporting by the permittee;
 - (c) Change an interim compliance date in a schedule of compliance provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
 - (d) Allow for a change in the ownership or operational control of a facility provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the chief;
 - (e) Change quantities or types of fluids injected if, in the judgment of the chief, such change would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classifications;

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- (f) Change construction requirements approved by the chief provided that any such alteration complies with the requirements of Chapter 1501:9-7 of the Administrative Code;
 - (g) Amend a plugging and abandonment plan;
 - (h) Change the location of a proposed solution mining well provided the area of review is not affected; or
 - (i) Authorize a change from injection to withdrawal or withdrawal to injection.
- (3) Termination of permits. The chief may terminate a permit during its term or deny a permit renewal application for the following causes:
- (a) Noncompliance by the permittee with any condition of the permit;
 - (b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
 - (c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- (4) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the chief's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in paragraph (R) of this rule. All requests shall be in writing and shall contain facts or reasons supporting the request.
- (5) If the chief decides the request is not justified, he or she shall send the requesting party a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.
- (6) If the chief tentatively decides to modify or revoke and reissue a permit under paragraph (R) of this rule, he or she shall prepare a draft permit incorporating the proposed changes. The chief may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the chief shall require the submission of a new application. In a permit modification under paragraph (R) of this rule, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under paragraph (R) of this rule, the entire permit is reopened just as if the permit had expired and was being reissued. During any

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revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing permit until a new final permit is reissued. Minor modifications contained in paragraph (R)(2) of this rule are not subject to the requirements of paragraph (R)(6) of this rule. If the chief tentatively decides to terminate a permit under paragraph (R)(3) of this rule, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit and follows the same procedures as any draft permit.

(S) Additional duties of permittee.

- (1) Duty to comply. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the appropriate rule and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit application or renewal application.
- (2) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
- (3) Duty to halt or reduce activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- (4) Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.
- (5) Duty to provide information. The permittee shall furnish, within a reasonable time specified by the chief, any information that the chief may request to determine whether cause exists for modifying, revoking and reissuing, terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the chief, upon request, copies of required records.

Draft Rule 1501:9-9-02, dated 9/20/2011

This is a summary of the changes made to this rule.

Revised to change "safety rules herein specified" to "the safety rules of Chapter 1501:9-9 of the Administrative Code" to clarify the requirement.

Paragraph reference changed from 1501:9-9-05 (A)(10) to (A)(7) because, as part of this rule revision package, several subparagraphs of 1501:9-9-05 (A) are proposed to be removed.

Revised to change "the effective date of these rules" to a specific date, January 3, 1969, because that is the first effective date of rule 1501:9-9-02.

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Dated 9/20/2011

1501:9-9-02 **General.**

All owners, contractors and persons or organizations in control of wells being drilled, reworked, reconditioned, deepened, plugged back, produced, shut-in, or plugged prior to abandonment shall use all reasonable means to safeguard against hazards to life, limb and property and are subject to and shall comply with the safety rules ~~herein specified of~~ Chapter 1501:9-9 of the Administrative Code. Chapter 1501:9-9 of the Administrative Code, with the exception of paragraphs (A)~~(10)~~(7) and (D) of rule 1501:9-9-05 of the Administrative Code, shall not apply to operations extant prior to ~~the effective date of these rules~~ January 3, 1969. The chief or inspectors, as authorized under section 1509.03 of the Revised Code, may issue orders to any owner, contractor or person or organization who is in violation of Chapter 1501:9-9 of the Administrative Code. Such orders must specify the nature of the violation and what steps are required by the chief or inspectors to remedy the violation. The chief, as authorized in section 1509.04 of the Revised Code, may apply for an injunction to the court of common pleas in the county in which any violation occurs. Any operator, contractor or person or organization who is in violation of Chapter 1501:9-9 of the Administrative Code shall also be subject to penalties prescribed in section 1509.99 of the Revised Code.

Draft Rule 1501:9-9-03, dated 11/16/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(C), last sentence. Paragraph reference clarified; wording reorganized to clarify the meaning of the requirement.

(F), (G) and (J). Grammar and verb tenses revised to be internally consistent.

(K). Revised to state this requirement more directly.

(L). Proposed to be removed because this provision is now in the law, ORC section 1509.072 (A).

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Dated 11/16/2011

1501:9-9-03 **Drilling and deepening operations.**

- (A) No fires are permitted within fifty feet of a drilling well when oil and/or gas are exposed to the atmosphere at the well, unless the oil or gas is properly vented or controlled.
- (B) A chemical fire extinguisher in good working condition must be on location of a drilling well at all times.
- (C) When drilling with cable tools, a valve in good working condition of sufficient size and working pressure to control normal hydrostatic pressure for the deepest pool to be penetrated must be installed on the casing through which drilling is proceeding when drilling within two hundred feet of an inhabited structure or when drilling in urbanized areas, unless the chief finds that a blow-out preventor (BOP) is not needed. The requirements of [this](#) paragraph ~~(C) of rule 1501:9-9-03 of the Administrative Code~~ shall be considered fulfilled if sufficient fluid, [calculated to be one and one-half times the normal hydrostatic pressure for the deepest pool penetrated](#), is contained in the borehole ~~which is calculated to be one and one-half times the normal hydrostatic pressure for the deepest pool penetrated~~.
- (D) When drilling with rotary tools and using a liquid as a drilling medium, a BOP in good working condition of sufficient size and working pressure rating to control normal hydrostatic pressure for the deepest pool to be penetrated must be installed on the casing through which drilling is being performed when drilling within two hundred feet of an inhabited structure or when drilling in urbanized areas, unless the chief finds that a BOP is not needed. Blow-out preventors must be capable of closing off the annulus between casing and drill pipe as well as completely closing off the casing when drill pipe is not in the hole. Blow-out preventor systems must include a device which will permit bleed-off of hydrostatic pressure. Upon request of the chief or his [or her](#) inspectors, the owner, contractor or person or organization in control of a well must demonstrate that the BOP is in good working condition. In addition, the chief may require a blow-out preventor in other cases when he [or she](#) deems it necessary.
- (E) When drilling with rotary tools using air or other gaseous material as a drilling medium, a rotating air-head in good working condition with stripper rubbers of proper size and sufficient working pressure rating to control normal hydrostatic pressure for the deepest pool penetrated must be installed on the surface casing. Upon request of the chief or his [or her](#) inspectors, the owner, contractor or person or organization in control of a well must demonstrate that the air-head and stripper rubber are in good working condition. The discharge line from the annulus between the casing and drill pipe must be vented not less than sixty feet from the well into a

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pit of sufficient size to contain drill cuttings, foam, produced water, oil and/or casing-head gas.

If drilling with air or other gaseous material as the drilling medium within two hundred feet of an inhabited structure, a ~~-(BOP)~~BOP in good working condition of sufficient size and working pressure rating to control normal hydrostatic pressure for the deepest pool to be penetrated must be installed on the casing through which drilling operations are being performed beneath the rotating air-head or when drilling in urbanized areas, unless the chief finds that a BOP is not needed. Blow-out preventors must be capable of closing off the annulus between the casing and drill pipe as well as completely closing off the casing when drill pipe is not in the ~~holes~~ hole. Blow-out preventor systems must include a device which will permit bleed-off of hydrostatic pressure. Upon request of the chief or his or her inspectors, the owner, contractor or person or organization in control of ~~the~~ well must demonstrate that the BOP is in good working condition. In addition, the chief may require a BOP in other cases when he or she deems it necessary.

In urbanized areas, the division inspector or supervisor shall receive direct notification of the BOP test no less than twenty-four hours in advance. The inspector or division representative may waive witnessing the BOP test.

- (F) A pit or pits of sufficient size and shape must be constructed adjacent to each drilling well to contain all the drilling muds, cuttings, salt water and oil ~~flowed~~that flow into same. No oil or salt water ~~will be~~is permitted to overflow the pit.
- (G) No oil, water or gas from a drill stem test ~~will be~~is permitted to flow uncontrolled.
- (H) During drilling in an urbanized area, a temporary fence no less than three feet in height shall be placed to restrict access to the drilling location. The fence shall have "Danger Stay Out" (or similar) posting at no less than one hundred fifty foot intervals along the outside of the fence. All access to the rig, associated drilling equipment and pits must be restricted. The temporary fence shall be maintained until the drilling pits have been removed.
- (I) Drilling, well servicing and well site maintenance operations in urbanized areas shall be conducted in a manner to mitigate noise, including the reasonable use of screening and appropriate mufflers on drilling and servicing equipment.
- (J) In urbanized areas where there is a known occurrence of shallow gas or H₂S, drilling on air may not be permitted; fluid drilling ~~shall~~may be required. During drilling, the state inspector shall require converting to fluid drilling where there is an imminent threat to safety of the rig crew and/or the public.
- (K) In urbanized areas where flaring is expected, the permittee shall notify the local emergency response officials that such may occur. ~~It is recommended that notice-~~

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Notice shall be provided, if possible, just prior to the expected flaring and/or immediately upon flare ignition.

~~(L) In urbanized areas, once total depth has been reached and the rig has been removed from the drilling location, all drilling pits shall be closed within thirty days or sooner if required by the chief.~~

Draft Rule 1501:9-9-05, dated 11/16/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

Revised throughout to change "rule 1501:9-9-05 of the Administrative Code" to "this rule".

Introductory paragraph. Revised to change "the effective date of this Chapter" and "the effective date of this rule" to a specific date, January 3, 1969, because that is the first effective date of Chapter 1501:9-9.

Also in introductory paragraph. Paragraph reference changed from (A)(10) to (A)(7) because several subparagraphs of (A) are proposed to be removed.

Also in introductory paragraph. The clarification, "in an urbanized area", added to the last sentence because paragraph (E) applies only to urbanized areas.

(A)(2). Proposed to be removed because this provision is now in the law, ORC section 1509.021 (K) and (L).

(A)(3). Proposed to be removed because this provision is now in the law, ORC section 1509.021 (O).

(A)(5). Proposed to be removed because this provision is now in the law, ORC section 1509.021 (N).

(E)(1)(g). Sentence revised to clarify the requirement.

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Dated 11/16/2011

1501:9-9-05 **Producing operations.**

~~Rule 1501:9-9-05 of the Administrative Code~~This rule, with the exception of paragraphs (A)~~(10)~~(7) and (D) of this rule ~~1501:9-9-05 of the Administrative Code~~, applies to all wells completed after ~~the effective date of this chapter~~January 3, 1969. Paragraph (E) of this rule ~~1501:9-9-05 of the Administrative Code~~ applies to all urbanized area wells where the permit was issued after ~~the effective date of rule 1501:9-9-05 of the Administrative Code~~January 3, 1969, with the exception that, where the chief finds it necessary for protection of public health or safety or to prevent damage to natural resources, as provided by section 1509.23 of the Revised Code, the chief may apply any portion of paragraph (E) of this rule ~~1501:9-9-05 of the Administrative Code~~ to any well in an urbanized area. If additional tanks are added to a tank battery established in an urbanized area prior to ~~the effective date of rule 1501:9-9-05 of the Administrative Code~~January 3, 1969, the placement of the new tank(s) must comply with paragraph (E) of this rule ~~1501:9-9-05 of the Administrative Code~~.

(A) Surface equipment:

- (1) All wells must be equipped so that no oil, gas or condensate is allowed to escape with the exception of gas flares as per paragraph (B) of this rule ~~1501:9-9-05 of the Administrative Code~~.
- ~~(2) Oil production tanks shall be set a minimum of fifty feet from the traveled portion of a public road and a minimum of one hundred feet from existing inhabited structures and a minimum of three feet between tanks and a minimum of fifty feet from any well.~~
- ~~(3) Indirect fire heaters shall be set a minimum of fifty feet from the well and a minimum of fifty feet from oil production tanks and a minimum of one hundred feet from existing inhabited structures. Direct fire heaters, excluding under tank and internal tank heating, shall be a minimum of fifty feet from the well and a minimum of fifty feet from oil production tanks and a minimum of one hundred feet from existing inhabited structures and a minimum of fifty feet from mechanical separators.~~
- ~~(4)~~(2) Portable heaters may be closer than fifty feet to the oil production tanks providing an attendant is on hand and a chemical fire extinguisher in good working condition is provided.
- ~~(5) Mechanical separators shall be set a minimum of fifty feet from the well, a minimum of ten feet from oil production tanks and a minimum of one hundred feet from existing inhabited structures.~~

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~~(6)~~(3) Under tank oil and internal tank heating are prohibited while oil is being produced into the same tank.

~~(7)~~(4) All oil production tanks must be located in a position so that any escaping oil cannot drain onto public roads or towards existing inhabited structures or other areas which could cause a safety hazard.

~~(8)~~(5) All surface equipment must be pressure rated to withstand operating pressures to which it is subjected.

~~(9)~~(6) In order to protect life, health, and property, the chief may require, where a clear and present hazard exists, that any producing equipment at the well-head and related storage tanks be protected by an earthen dike or earthen pit which shall have a capacity sufficient to contain any substances resulting, obtained, or produced in connection with the operation of the related oil or gas well.

The dike or pit shall be maintained for the purpose for which it was constructed, and the reservoir within shall be kept reasonably free of water and oil.

~~(10)~~(7) All producing leases shall be legibly identified in a conspicuous place on or near the well-head or the storage tank(s) as to owner, lease name, well number, permit number where available, county, and an emergency telephone number. If multiple wells are being produced into the common tank(s), each well-head shall be identified as to owner, permit number where available, well number and lease name.

Any change of ownership shall be shown at the well-head or storage tank(s) not later than sixty days after the date of the assignment or transfer.

- (B) All gas vented to the atmosphere must be flared, with the exception of gas released by a properly functioning relief device and gas released by controlled venting for testing, blowing down and cleaning out wells. Flares must be a minimum of one hundred feet from the well, a minimum of one hundred feet from oil production tanks and all other surface equipment, and one hundred feet from existing inhabited structures and in a position so that any escaping oil or condensate cannot drain onto public roads or towards existing inhabited structures or other areas which could cause a safety hazard.
- (C) Pits, pumps and flares must be safely fenced if within one hundred fifty feet of an existing inhabited structure and if, in the opinion of the chief, such fence is necessary to protect life and limb.
- (D) In order to protect life, health, and property, the chief may require that valves on storage facilities shall be kept secured by locks, bull plugs, or other similar devices in such a manner as to discourage vandalism. When the chief determines that valves

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on storage facilities should be secured, he or she shall so notify the owner(s) and include the reason why securing said valves will protect life, health, and property.

(E) Urbanized areas:

- (1) Each identification sign, in lieu of the identification required under paragraph (A)(7) of this rule ~~1501:9-9-05 of the Administrative Code~~, posted by the owner or ~~their~~his authorized representative shall include, at a minimum, the following information in two inch or larger letters:
 - (a) Well ~~owners~~owner's name, address, and telephone number.
 - (b) County, township, and name of village, ~~city~~ or town (where applicable).
 - (c) Property street address (or nearest address to the access road entrance. If "nearest" is used, it should be reflected on sign).
 - (d) State permit number, lease name, and well number.
 - (e) Local emergency response phone number and company emergency phone number.
 - (f) Where a gate exists on the access road, the identification sign shall be placed on the gate as well as the tank battery.
 - (g) The identification shall be posted securely in a conspicuous location on the outside of the fence for the wellhead and on the tank battery fence ~~in a conspicuous location~~.
 - (h) The identification shall be on a metal or wooden sign with the sign maintained to remain legible at all times. The sign may be placed on a post securely placed in the ground at the gate and/or adjacent to the fence at the wellhead or tank battery in lieu of on the fence/gate.
 - (i) "Danger, Keep Out" (or similar wording) and no smoking signs shall be securely attached to each side of the fencing used to screen the tank battery and wellhead.
- (2) Prior to placing the well in production, the owner shall install a fence around the wellhead and tank battery/separator and associated production equipment. The fence shall be a chain link fence no less than eight feet in height, nine gauge and topped with three strands of barbed wire, if necessary. In lieu of chain link fence, a cedar board on board (or similar material) fence, eight feet in height may be used. All fence shall be securely anchored in the ground.

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- (a) The fence shall be placed no closer than four feet to the wellhead or any portion of the tank battery/separator. The wellhead may be "caged" or vaulted. The cage or vault cover shall provide for easy removal for well servicing and/or emergency access. Clearance between the cage or vault cover or sides and the wellhead should be sufficient to maintain safe operations.
 - (b) The gate to the wellhead and tank battery/separator shall be no less than four feet in width and lockable. Where there are two or more tanks in a tank battery, two gates on opposite sides of the facility shall be placed.
 - (c) Where a lease/access road to the wellhead and/or tank battery extends a significant distance from the ingress access point, a locked gate made of tubular steel or material similar in strength shall be placed near the entrance to the access road restricting access to the well site. Keys or the combination to the lock shall be provided to the state inspector or local emergency response officials on request.
 - (d) The well owner may request, in writing to the chief, a variance to placing a fence and/or to the specifications for fence placement around the wellhead, tank battery/separator and associated equipment. In the future where a variance has been granted or if site conditions warrant, the chief may require the placement of a fence.
- (3) All gates, electrical boxes and brine/oil pick-up lines shall be locked unless in use, under repair, or company staff or representatives are on-site. Keys or combinations to the locks shall be provided to the state inspector and local emergency response staff on request.
- (4) Tanks:
- (a) Tanks shall not be buried.
 - (b) Activated charcoal filters shall be installed on the vent stack and filters replaced as needed.
 - (c) ~~Vent stacks~~ Each vent stack shall have a functioning low-pressure relief valve.
 - (d) ~~Tank~~ Each tank hatch ~~lids~~ lid shall have a functioning seal and the hatch shall be secured at all times the well owner or his representative is not on-site.
 - (e) Each oil storage tank shall have a functioning lightning arrestor.
 - (f) Low profile tanks are recommended and the tanks shall not extend more than three feet above the highest portion of the fence.

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- (g) Storage tanks shall not be equipped with glass or plastic sitting tubes.
 - (h) The tank battery, separator and associated equipment may not be placed closer than seventy-five feet from any property not part of the drilling unit unless the property owner and resident of the property grants approval in writing of any proposed location closer than seventy-five feet, or the chief waives the seventy-five foot set-back requirements.
 - (i) Where more than six tanks (total capacity exceeding seven hundred bbl) are to be located nearer than seventy-five feet to property not included in the drilling unit, the adjacent property owner and resident of the property shall approve the location of the tanks in writing including a reference to the total number of tanks, or the chief may waive the seventy-five foot set-back requirement.
- (5) Operations and maintenance:
- (a) Servicing and maintenance of the well shall occur between the hours of seven a.m. and seven p.m. (emergency repairs may occur at any time).
 - (b) Equipment not used in the production of the well shall not be stored at the well site. Replacement equipment or replaced equipment shall not be stored on-site for more than thirty days.
 - (c) Equipment and vegetation shall be maintained consistent with reasonably prudent operations, including being free of refuse, in order to assure protection of public health or safety or to prevent damage to natural resources.
- (6) Landscaping:
- (a) All landscaping placed to screen the tank battery or wellhead shall be placed to permit reasonable access for well servicing and emergency access.
 - (b) Evergreen or similar stock no less than six feet in height placed no more than ten feet on center shall be placed around the tank battery and wellhead fence.
 - (c) The chief, upon request by the well owner, may grant a variance on the placement of screening around the tank battery and/or wellhead.

Draft Rule 1501:9-9-06, dated 9/26/2011

This is a summary of the changes made to this rule.

Revised to change "the effective date of Chapter 1501:9-9" to a specific date, January 3, 1969, because that is the first effective date of Chapter 1501:9-9.

Paragraph reference changed from 1501:9-9-05 (A)(10) to (A)(7) because, as part of this rule revision package, several subparagraphs of 1501:9-9-05 (A) are proposed to be removed, which results in a re-numbering of the sub-paragraphs.

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Dated 9/26/2011

1501:9-9-06 **Exceptions.**

Chapter 1501:9-9 of the Administrative Code, with the exception of paragraphs (A)(7) and (D) of rule 1501:9-9-05~~(A)(10) and (D)~~ of the Administrative Code, shall not apply to any operations extant prior to ~~the effective date of 1501:9-9~~January 3, 1969. However, the Chief and inspectors have the authority to issue orders to correct operating practices on wells extant prior to ~~the effective date of 1501:9-9~~January 3, 1969, if such practices are in violation of Chapter 1501:9-9 of the Administrative Code and have proved by actual incident to be hazardous or dangerous.

Exceptions to Chapter 1501:9-9 of the Administrative Code may be granted by the Chief or his or her inspectors.

Draft Rule 1501:9-10-05, dated 11/16/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule. Note that "Division" means Division of Oil and Gas Resources Management and "Chief" means Chief of the Division of Oil and Gas Resources Management, as defined in rule 1501:9-1-01 (A).

(A). Revised to clarify the meaning of the requirement.

(A)(5). New paragraph that contains language regarding the laying of pipeline that is to be used solely for the purpose of transporting oil or gas from the leasehold facilities; this requirement is being moved here from rule 1501:9-10-01, which is proposed to be rescinded.

*** DRAFT – NOT FOR FILING ***

Dated 11/16/2011

1501:9-10-05 **Burial of pipelines.**

(A) Metallic and nonmetallic pipelines. Excluding all pipelines utilized in the actual drilling or operation of oil and/or natural gas well(s) and pipelines used to transport leasehold gas. ~~No, no~~ person shall lay an oil and/or natural gas pipeline used in the producing of oil and/or natural gas wells that is constructed of metallic or nonmetallic materials unless such pipeline is buried at least twenty-four inches below the ground surface. The owner of such pipeline under this paragraph shall be exempt from such burial requirements if ~~he finds that~~:

- (1) The land across which the pipeline is to be laid is not reasonably expected to be under cultivation; or
- (2) The pipeline can be buried with less than twenty-four inches of cover with minimal risk of safety or environmental damage; or
- (3) The topographical features or ground conditions prevent the efficient burial of pipelines; or
- (4) The terms of the oil and gas lease prohibit the burial of pipelines or permit surface installation.

(5) Any pipeline used solely for the purpose of transporting oil or gas from the leasehold facilities shall be laid on the surface of the ground.

(B) Whenever a pipeline is laid in accordance with one or more of the above exemptions, the owner of such pipeline shall file a statement with the chief ~~of the division of mineral resources management~~ identifying:

- (1) Owner's name and address;:
- (2) The location of the pipeline;: and
- (3) The exceptions justifying the construction.

Draft Rule 1501:9-10-06, dated 10/20/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule. Note that "Division" means Division of Oil and Gas Resources Management and "Chief" means Chief of the Division of Oil and Gas Resources Management, as defined in rule 1501:9-1-01 (A).

The phrase "the effective date of these rules" replaced with the date when Chapter 1501:9-10 became effective.

*** DRAFT – NOT FOR FILING ***

Dated 10/20/2011

1501:9-10-06 **Exceptions.**

Rules 1501:9-10-01 to 1501:9-10-06 of the Administrative Code shall not apply to any pipelines in existence prior to ~~the effective date of these rules~~[April 10, 1981](#). However, the chief ~~of the division of mineral resources management~~ shall have the authority to issue corrective orders with respect to those pipelines, when, by actual incident, the chief finds them to be hazardous or dangerous.

Draft Rule 1501:9-11-02, dated 10/20/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

(E) Provision in sub-paragraph (E)(1) moved up to (E) to conform to LSC rule-drafting format. Revised to agree with the provisions of ORC section 1509.13, as amended by SB 165 of the 128th General Assembly.

*** DRAFT – NOT FOR FILING ***

Dated 10/20/2011

1501:9-11-02 **Permit to plug.**

- (A) Each application for a permit to plug and abandon a well shall include an affidavit attesting that the owner ~~of~~ his authorized agent has notified in writing the owner of the land upon which the well is located, of his intention to abandon the well, and of the approximate date when he will commence plugging operations.
- (B) The division will provide electronic access created in the normal course of business to all underground mine owners in the state providing notice of applications to plug that have been filed with the division and permits to plug that have been issued by the division.
- (C) To encourage plugging of all applicable wells in accordance with standards established by the federal mine safety health administration (MSHA), the coal owner may contact the well owner to coordinate plugging of a well in a manner that will protect miner safety and minimize the need to drill out and re-plug a well in the future. The coal owner will bear all incremental costs of plugging pursuant to these "Standards". The coal owner shall make every reasonable effort to facilitate the coordination to avoid any delay in the scheduling of the plugging by the owner.
- (D) The permit or a true copy thereof shall be available at the well site at all times during which plugging and abandonment operations are taking place. A permit issued pursuant to these rules is not transferable. It may be reissued as a new permit to a successor owner.
- (E) ~~Expiration~~**Use** of plugging permit: **Once a permit to plug and abandon has been issued pursuant to [section 1509.13 of the Revised Code](#) and this rule, actual plugging of the well authorized by the permit shall be commenced within ~~twelve month~~[the valid](#) period ~~of the date of issuance~~ of such permit ~~or the permit shall expire~~; if plugging is commenced but not completed within said ~~twelve month~~ period, plugging shall be continued with due diligence ~~following the twelve month period or the permit shall expire~~.**
 - ~~(1) Once a permit to plug and abandon has been issued pursuant to this rule, actual plugging of the well authorized by the permit shall be commenced within twelve month period of the date of issuance of such permit or the permit shall expire; if plugging is commenced but not completed within said twelve month period, plugging shall be continued with due diligence following the twelve month period or the permit shall expire.~~

Draft Rule 1501:9-11-04, dated 11/14/2011

This is a summary of the changes made to this rule.

Typos, grammatical errors, and other small errors corrected throughout rule.

Phrase added: "in accordance with section 1509.13 of the Revised Code." Two sentences removed to agree with the requirements of section 1509.13 (C) of the Revised Code, as amended by SB 165 of the 128th General Assembly.

*** DRAFT – NOT FOR FILING ***

Dated 11/14/11

1501:9-11-04 **Notification and supervision.**

Each plugging operation shall be conducted under the supervision of an inspector in accordance with section 1509.13 of the Revised Code. ~~The well owner or his authorized agent shall notify the inspector when plugging operations will commence at a dry hole or lost hole in sufficient time to enable the inspector to be present. For all other wells, the owner or his authorized agent shall notify the inspector a minimum of twenty-four hours prior to commencement of plugging operations.~~ The chief may grant verbal authorization to the owner to commence plugging operations when the inspector is unable to be present in accordance with the provisions in sections 1509.13 and 1509.14 of the Revised Code. -