H.B. 278

125th General Assembly
(As Introduced)

Reps. Niehaus, Reidelbach, Seitz, Kearns, Carano, Webster, Fessler, Gibbs, Husted, Peterson, Hoops, Carmichael, Blasdel, T. Patton, D. Evans, McGregor, Gilb, DeWine, Setzer, Willamowski, Raga, Schaffer, Book, Widowfield

BILL SUMMARY

- Declares that the Division of Mineral Resources Management in the Department of Natural Resources has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the state and that the Oil and Gas Law and rules adopted under it constitute a comprehensive plan with respect to all aspects of the locating, drilling, and operation of oil and gas wells in Ohio, and repeals all statutory authority of local governments to regulate oil and gas exploration and operation as well as limitations on that authority.

- Authorizes the Chief of the Division of Mineral Resources Management to adopt rules specifying minimum distances that oil and gas wells must be located from public or private recreational areas, zoning districts, and certain structures.

CONTENT AND OPERATION

Current law: concurrent state and local regulation of oil and gas exploration and operation

Under current law, the Division of Mineral Resources Management in the Department of Natural Resources has a certain amount of concurrent jurisdiction with municipal corporations, counties, and townships to regulate the exploration and operation of oil and gas wells. An applicant for a state permit to drill a new oil and gas well is required to include in the application to the Division a sworn statement that the applicant will comply with all local requirements related to the drilling or operation of an oil or gas well until the abandonment of the well (sec. 1509.06(I)). Current law states that the Oil and Gas Law and rules adopted under

it cannot be construed to prevent any municipal corporation, county, or township from enacting and enforcing health and safety standards for the drilling and exploration for oil and gas, provided that those standards are not less restrictive than state law. However, current law also precludes a county or township from adopting or enforcing any requirement relative to minimum acreage requirements for drilling units, minimum setback distances for wells or related facilities, or the restoration or plugging of an oil and gas well. Counties and townships also are precluded from requiring any permit or license or financial assurance regarding oil and gas wells other than certain highway-use permits. (Sec. 1509.39.) Finally, current law states that county and township zoning statutes do not confer any power on zoning authorities to prohibit the use of land owned or leased by an industrial firm to conduct oil or gas drilling activities or to locate associated facilities or equipment on the land when the oil or gas that is obtained by the firm is used for the operation of its plants (secs. 303.211 and 519.211).

The bill: exclusive state authority to regulate oil and gas exploration and operation

The bill repeals all provisions of current law that grant or allude to the authority of local governments to adopt concurrent requirements with the state concerning oil and gas exploration and operation as well as all provisions limiting that authority. It states that the Division of Mineral Resources Management has sole and exclusive authority of regulating the permitting, location, and spacing of oil and gas wells within the state. Further, the bill states that the regulation of oil and gas activities is a matter of general statewide interest that requires uniform statewide regulation and that the Oil and Gas Law and rules adopted under it constitute a comprehensive plan with respect to all aspects of the locating, drilling, and operation of oil and gas wells within Ohio, including site restoration and disposal of wastes from those wells. (Sec. 1509.02.)

Location of oil and gas wells

Current law provides that rules of the Chief of the Division of Mineral Resources Management may specify minimum distances that wells and other excavations, structures, and equipment must be located from water wells, streets, roads, highways, rivers, lakes, streams, ponds, other bodies of water, railroad tracks, and buildings. The bill adds authority for the Chief to adopt rules specifying minimum distances that wells and other excavations, structures, and equipment must be located from public or private recreational areas, zoning districts, and structures other than buildings.

HISTORY

ACTION	DATE	JOURNAL ENTRY
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