



Phil Mullin

Bill Analysis

Legislative Service Commission

H.B. 308

126th General Assembly
(As Introduced)

**Reps. Williams, Fende, Miller, Skindell, Brown, Carano, Distel, Otterman,
Chandler, Sykes, Perry, Yuko**

BILL SUMMARY

- Establishes additional public notice and public meeting requirements concerning applications to drill a new oil or gas well or reopen an oil or gas well.

CONTENT AND OPERATION

Personal notice to owners of dwelling units and political subdivision officials

Current law requires that an application to the Chief of the Division of Mineral Resources Management in the Department of Natural Resources for a permit to drill a *new* oil or gas well must include a sworn statement that the applicant has provided notice of the application to the owner of each occupied dwelling unit that is located within 500 feet of the surface location of the well if the surface location will be less than 500 feet from the dwelling unit's boundary and if more than 15 occupied dwelling units are located less than 500 feet from the surface location, excluding any dwelling unit that is located on real property all or any portion of which is included in the drilling unit. The bill replaces these provisions with a requirement that an application for a permit to drill a new oil or gas well (current law) *or to reopen* an oil or gas well (added by the bill) must include a sworn statement that the applicant has provided notice of the application (1) to the owners of all occupied dwelling units that are located within a *1,000-foot radius* (in contrast to current law's 500 feet) of the surface location of the well *or proposed well* and (2) to the clerk of the legislative authority of the *municipal corporation or the clerk of the township in which the well is or is to be located*.¹ (R.C. 1509.06(I).)

¹ Recent legislation changed the township "clerk" to township "fiscal officer," necessitating a technical amendment to this provision. See Sub. S.B. 107 of the 126th General Assembly.

Current law permits the notice to dwelling unit owners to be provided by hand delivery or regular mail. The bill instead requires the notice to dwelling unit owners and to the applicable political subdivision official (1) to be provided by *certified mail* and not more than 45 or less than ten days *before the public meeting* the bill requires to be held regarding the application and (2) to include the date, time, and location of that public meeting (see detail below). (R.C.1509.06(I).)

Additional application requirement: newspaper publication notice

The bill also requires an application for a permit to drill a new oil or gas well or to reopen an oil or gas well to include a sworn statement that the applicant has *published notice* of the application in a *newspaper* of general circulation in the county in which the well is or is to be located. The notice (1) must contain the same information that must be included in the personal notice provided to dwelling unit owners located within the 1,000-foot radius feet of the surface location of the well and to the applicable political subdivision official and (2) must be published within the same time period before the public meeting as mentioned above. (R.C. 1509.06(J).)

Public meeting regarding the drilling or reopening of a well

In general

The bill requires the Chief of Mineral Resources Management to conduct a public meeting concerning an application for a permit to drill a new oil or gas well or to reopen an oil or gas well, not more than 30 or less than ten days after the filing of an application for the permit. The meeting must be conducted in a manner the Chief determines appropriate, be held within the county in which the well is or is to be located, and be held on a date and at the time and location specified in the personal and newspaper publication notices of the meeting. (R.C. 1509.06.)

Issuance of permit--related limitation

Current law prohibits the Chief from issuing a permit for at least ten days after the date of the filing of the application for it unless, upon reasonable cause shown, the Chief waives that period or a request for expedited review (see below) is filed. The Chief generally must issue, however, a permit *within 21 days* of the filing of the application for it, unless the Chief denies the application by order. In the case of an expedited review, the law is different in that the Chief must issue a permit *within seven days* of the filing of the request for that review unless the Chief (1) denies the application by order or (2) determines that acceptance of the request would prevent the issuance of pending application permits within 21 days of the filing of the applications. (R.C. 1509.06.)

The bill instead prohibits the Chief from issuing a permit for at least ten days after the date of the filing of the application for it *or, if applicable, at least ten days after the public meeting is held concerning the application* unless, upon reasonable cause shown, the Chief waives that period or a request for expedited review is filed. The Chief generally must issue, however, a permit within 21 days of the filing of the application for it *or of the date of the public meeting, as applicable*, unless the Chief denies the application by order. And, in the case of an expedited review, the Chief must issue a permit within seven days of the filing of the request for that review *or, if applicable, within seven days of the date of the public meeting concerning the application* unless the Chief (1) denies the application by order or (2) determines that acceptance of the request would prevent the issuance of pending application permits within 21 days of the filing of the applications *or of the date of the public meeting* concerning the applications, *as applicable*. (R.C. 1509.06.)

Conforming changes

The bill makes several conforming changes to reflect changes in division lettering R.C. 1509.06 (see R.C. 1509.06, 1509.72(A), and 1509.31).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-28-05	p. 1435

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