



Ohio Revised Code

Section 1509.051 Stratigraphic wells.

Effective: October 3, 2023

Legislation: House Bill 33 - 135th General Assembly

(A) Except as otherwise provided in this section, this chapter and rules adopted under it apply to a stratigraphic well regardless of whether a section in this chapter or in such rules refers to a well for oil and gas production or to an owner.

(B) Notwithstanding section 1509.06 of the Revised Code, an application for a permit to drill a stratigraphic well shall be on a form prescribed by the chief of the division of oil and gas resources management and shall contain the information required under section 1509.06 of the Revised Code that is applicable.

(C) A person shall not submit more than seven applications per year for a permit to drill a stratigraphic well unless otherwise approved by the chief.

(D) All of the following do not apply to a stratigraphic well:

(1) Section 1509.062 of the Revised Code;

(2) Section 1509.11 of the Revised Code;

(3) Section 1509.24 of the Revised Code and the rules adopted under it relative to minimum acreage requirements for a drilling unit;

(4) Ohio Administrative Code 1501:9-2;

(5) Ohio Administrative Code 1501:9-3;

(6) Ohio Administrative Code 1501:9-4;

(7) Ohio Administrative Code 1501:9-5;



(8) Ohio Administrative Code 1501:9-7.

(E) A stratigraphic well may be assigned or otherwise transferred. Notice of any such assignment or transfer shall be provided to the chief on a form prescribed and provided by the chief and signed by both the assignor and assignee or by both the transferor and transferee.

(F) The surface location of a stratigraphic well shall not be within one hundred fifty feet from the property line of the tract on which the well is drilled.

(G)(1) A stratigraphic well shall be plugged not later than one year after drilling commenced on the well, unless either of the following apply:

(a) Subject to division (G)(2) of this section, the owner of the stratigraphic well applies, within that one-year period, for a permit to convert the well to another use subject to regulation under this chapter or Chapter 6111. of the Revised Code;

(b) Subject to division (G)(3) of this section, the owner of the stratigraphic well executes and files with the division, on a form prescribed and provided by the division, financial assurance payable to the state in an amount approved by the chief that is equal to or greater than the estimated cost to plug the well and reclaim the associated well site. The financial assurance shall be in addition to, and not in lieu of, any surety bond or other financial assurance required under law. The financial assurance may be in the form of cash or a surety bond that names the state as obligee and is executed by a surety company authorized to do business in this state.

(2) If an owner of a stratigraphic well applies for a permit to convert the well in accordance with division (G)(1)(a) of this section, but fails to complete the conversion of the well to another use within two years after drilling commenced on the stratigraphic well, the owner shall immediately plug the well or, not later than thirty days after the expiration of that two-year period, execute and file with the division financial assurance in accordance with division (G)(1)(b) of this section.

(3) If an owner of a stratigraphic well executes and files financial assurance with the division in accordance with division (G)(1)(b) of this section, the stratigraphic well shall be plugged not later



than five years after drilling commenced on the well, unless the stratigraphic well is lawfully converted to another use subject to regulation under this chapter or Chapter 6111. of the Revised Code within that five-year period.

(4) Except as otherwise provided in section 1509.12 of the Revised Code, a stratigraphic well shall be plugged not later than one year after the issuance of a final nonappealable order denying, or affirming the denial of, an application for a permit to convert the well to another use subject to regulation under this chapter or Chapter 6111. of the Revised Code.

(H)(1) The chief may forfeit by order the total amount of financial assurance executed and filed under division (G)(1)(b) of this section if the chief finds that the owner of that well is not in compliance with this section. The chief shall ensure that the order contains findings of fact supporting the forfeiture and sets forth the violations giving rise to the order. The chief may use the money obtained from such forfeiture to plug the stratigraphic well if the well is not plugged or has not been completely converted in accordance with the times specified in division (G) of this section. A stratigraphic well that has not been plugged and is not completely converted may be plugged using the procedures established under section 1509.071 of the Revised Code pertaining to orphan wells.

(2) If a stratigraphic well owner filed financial assurance in the form of a surety bond with the division and the chief issues an order under division (H)(1) of this section to the owner, the chief also shall issue an order to the bank or surety company informing the bank or company of the option to plug the well in lieu of forfeiture.

(I)(1) Subject to division (I)(2) or (3) of this section, the owner of a stratigraphic well may elect, at its sole discretion, to designate any of the following to be confidential business information not subject to disclosure under any provision of law for a period of five years from the time that drilling commenced on the stratigraphic well:

(a) Data from the research of the subsurface geology obtained from a stratigraphic well;

(b) Any of the following that are otherwise required for submission under this chapter or rules adopted under it, any order of the chief, or any term or condition of a permit issued by the chief:



(i) Reports;

(ii) Documents;

(iii) Records.

(2) The owner of a stratigraphic well, upon request of the chief, shall disclose data from the research of the subsurface geology obtained from a stratigraphic well to the chief as may be necessary to respond to or investigate harm or potential harm to public health or safety or the environment, including potential damage to subsurface formations. However, such data remains confidential business information, shall not be disclosed by the chief, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until the expiration of the five-year period.

(3) The owner of a stratigraphic well shall submit any reports, documents, or records that are required for submission under this chapter or rules adopted under it, any order of the chief, or any term or condition of a permit issued by the chief. However, such reports, documents, or records so designated as confidential business information remain confidential business information, shall not be disclosed by the chief, and are not a public record subject to inspection and copying under section 149.43 of the Revised Code until the expiration of the five-year period.

(J) The chief may post the surface location of a stratigraphic well on the division's web site.