



DRAFT RULE CHANGES (1501:9-2-01 & 1501:9-2-02)

1501:9-2-01 Definitions.

As used in Chapter 1501:9-2 of the Administrative Code:

- (A) “Horizontal well” has the same meaning as in section 1509.01 of the Revised Code and also includes a stratigraphic well that becomes a well for production in the Point Pleasant, Utica, or Marcellus formation;
- (B) “Lease road” means any road not in the public right-of-way for ingress and egress to a proposed well site, existing well site, proposed production operation, or existing production operation.
- (C) “Professional engineer” and “professional surveyor” have the same meanings as in section 4733.01 of the Revised Code.
- (D) “Record drawings” means the revised set of drawings signed, sealed, and submitted by the professional engineer after completion of the well site construction that reflect all modifications made to an application and plans approved under Chapter 1501:9-2 during the construction, and show the exact dimensions, geometry, and location of all elements of the work completed.
- (E) “Well pad” has the same meaning as in section 1509.01 of the Revised Code.
- (F) “Well site” means a well pad and the lease roads and boundaries of productions operations that are directly associated with the well pad.

1501:9-2-02 Horizontal well site construction.

This rule applies to a well site for one or more horizontal wells. The well site shall perform as designed and be constructed in a manner that supports the safe drilling of one or more horizontal wells and the production operations. A well site shall be constructed in a manner that protects public health and safety and prevents damage to natural resources, including management of stormwater, protection of surface water, and prevention of soil erosion.

- (A) On and after the effective date of this rule, no person shall initiate construction of a well site without an application approved by the chief.
- (B) Application. An application for approval to construct a well site for a horizontal well shall be filed with the chief on a form prescribed by the chief and shall contain all of the following:
 - (1) The name and address of the applicant, and if a corporation, the name and address of the statutory agent;
 - (2) The signature of the applicant. When an authorized agent of the applicant signs an application, the application shall be accompanied by a certified copy of the appointment of such agent.
 - (3) Emergency contact information of the applicant;
 - (4) Coordinates of the of the entrance apron using latitude and longitude in a format of decimal degrees to a minimum of six significant figures.
 - (5) Plans, prepared in accordance with paragraph (C) of this rule, that ensure that the constructed proposed well site protects public health and safety and prevents damage to natural resources.
- (C) Well site plans. The plans for the proposed well site shall be developed, signed, and sealed by a professional engineer. The plans shall be prepared using commonly accepted drafting standards that are clear, legible, and drawn to a scale that plainly shows all required information. Each plan sheet shall be a size of twenty-four by thirty-six inches. All elements contained in the plans shall be located horizontally in relation to the North American Datum of 1983 and shall be located vertically in relation to the North American Vertical Datum 1988. The plans shall include the detailed drawings, plans, and reports required under paragraphs (C)(1) to (C)(5) of this rule.

- (1) Detailed drawings. The detailed drawings shall include all of the following:
 - (a) A title page that contains the name of the applicant; emergency contact information; the name of the proposed well pad; the county, township, and section number where the proposed location of the well site will be located; and a sheet index;
 - (b) A map with a color orthorectified aerial image with pixels no larger than one foot showing the location of the proposed well site;
 - (c) A map sealed by a professional surveyor showing the location of the proposed well site. In addition, the map shall include the control points used to generate the map;
 - (d) A general layout and plan views, elevations, sections, and supplementary views that in conjunction with the specifications provide the working information related to all aspects of the proposed construction;
 - (e) The scale in feet, a graphical scale, a north arrow, and the date that the plans are sealed;
 - (f) The proposed and existing contours with an intermediate contour interval not greater than two feet and an index not greater than ten feet; and
 - (g) The identification and location of all of the following:
 - (i) The classified soil types. The classification shall be determined using the United States Department of Agriculture soil series. In addition, the detailed drawings shall identify every location of unstable soils and highly erodible soils.
 - (ii) Previously impacted lands, including surface and underground mines;
 - (iii) Structural and geotechnical components;
 - (iv) Boundaries of parcels of land, existing structures, and existing utilities that are located within the boundaries of the proposed well site;
 - (v) All springs, wetlands, streams, lakes, rivers, ponds, creeks, and water wells that are located within two hundred feet of and within the boundaries of the proposed well site. The identification and location of such waters within one hundred feet outside of and within the boundaries of the proposed well site shall be field verified.
 - (vi) The risk zones and hazard areas using the "National Flood Insurance Rate Map";
 - (vii) Each area that is located within the boundaries of the proposed well site that may be affected by federal regulations regarding the construction of the proposed well site;
 - (viii) The final disposition of materials that result from the construction, operation, or plugging of a horizontal well in accordance with the requirements established in section 1509.074 of the Revised Code;
 - (ix) Lease roads, including emergency access routes, signage to safely manage traffic flow on the site, the entrance apron, and all pull-off areas that will be used to manage excess traffic;
 - (x) Pipes, ditches, and conveyances that carry surface water; and
 - (xi) Any areas within the five-year time of travel associated with a public drinking water supply, as delineated or endorsed under the "Wellhead Protection and Source Water Assessment and Protection Programs".
- (2) Sediment and erosion control plan. The sediment and erosion control plan for the proposed well site shall specifically comply with and include all of the following requirements:
 - (a) All sediment and erosion controls shall be appropriate and suitable for the well site conditions and consistent with the Best Management Practices (BMPs) For Oil and Gas Well Site Construction Manual at the time that the application is submitted. In addition, the sediment and erosion controls shall be consistent with generally accepted engineering design criteria and the manufacturer's specifications in order to minimize the discharge of construction related sediment to any area outside of the proposed well site;
 - (b) A sediment basin or sediment trap if the proposed well site is within or includes a watershed greater than five acres in size. The minimum capacity of the sediment basin or sediment trap shall be sixty-seven cubic yards per acre of contributing watershed. However, sediment controls specifically designed for the equivalent capture efficiency may be used in lieu of the sediment basin or sediment trap;
 - (c) An identification of outfalls from the proposed well site. In addition, the outfalls shall be labeled on the plans;
 - (d) A delineation of contributing watershed boundaries and the watershed size measured in acres that will be used to design the proposed sediment and erosion controls; and

- (e) A description of the soil stabilization measures that will be used at the proposed well site, including vegetation, mulch, and other means of controlling erosion. In addition, the description shall include a schedule of the implementation of the soil stabilization measures.
- (3) Dust control plan. The dust control plan shall include all of the following:
- (a) An identification of the dust control measures that will be used at the proposed well site;
 - (b) A description of the basis for when the dust control measures will be used;
 - (c) The name and contact information of the person who is responsible for the implementation of the dust control plan and who also has the authority to stop work if dust generated at the proposed well site is not in accordance with the dust control plan; and
 - (d) A description of the methods and procedures that will be used to evaluate and document all complaints related to dust generation.
- (4) Geotechnical report. The geotechnical report shall describe the proposed well site conditions, design considerations, and construction requirements of the proposed well site. In addition, the geotechnical report shall disclose the results of a surface and subsurface investigation of the proposed well site. The geotechnical report shall include all of the following:
- (a) An analysis of slope stability, bearing capacity, and settlements that have the potential to impact the performance of the site, as applicable;
 - (b) Soil borings of sufficient depth and quantity to support the plans. In addition, all soil borings shall be identified and located in the plans;
 - (c) A summary of all subsurface exploration data specifically relevant to the geotechnical investigation and interpretation, including subsurface soil profile, exploration logs, laboratory or in situ test results, and elevation of the phreatic surface;
 - (d) An interpretation and analysis of the data required for the geotechnical report;
 - (e) An explanation of the design considerations that address the geotechnical design constraints;
 - (f) Cross-sections through borings and critical slopes used in geotechnical calculations;
 - (g) The factor of safety for bearing capacity and slope stability. The factor of safety shall not be less than 1.3; and
 - (h) Documents showing calculations used to determine the factor of safety. In addition, the documents shall include a detailed explanation of each assumption and reference used in the calculations.
- (5) Storm water hydraulic report. The storm water hydraulic report shall include hydraulic design documentation for all pipes, ditches, and conveyances that carry surface water within the proposed well site. In addition the report shall include all of the following:
- (a) A delineation of contributing watershed boundaries and the watershed size measured in acres;
 - (b) The design methods used and supporting calculations that demonstrate compliance with the "Best Management Practices For Oil and Gas Well Site Construction Manual," at the time that the application is submitted;
 - (c) A detailed description or drawing that shows the design installation requirements of all pipes, ditches, and conveyances;
 - (d) The materials and specifications of the materials associated with all pipes, ditches, and conveyances that are identified and located on the detailed drawings required in the application for the proposed well site; and
 - (e) A demonstration that the stormwater conveyance system for the surface of the proposed well pad is designed and capable of storing sufficient volume of stormwater runoff to facilitate characterization of the water prior to legal disposal or prior to legal discharge in accordance with state and federal spill prevention control and countermeasure requirements.
- (D) Completeness review. Not later than ten business days after receipt of an application for approval to construct a well site, the chief shall review the application to determine if the application is complete. If the chief determines that the application is not complete, the chief shall notify the applicant in writing that the application is not complete, identify missing application requirements, and return the application. The applicant may correct the application and resubmit the application for the chief to review to determine if the application is complete. If the chief determines that the application is complete, the chief shall notify the applicant in writing that the application is complete and coordinate with the applicant to schedule a site review meeting at the location of the proposed well site.

(E) Site review.

- (1) Prior to the site review with the chief, the applicant shall install stakes at the proposed well site in a quantity and in a manner that delineates the proposed well site. The installation of the stakes shall show the boundaries of the proposed well site, the corners of the proposed well pad, proposed lease roads, items that are identified in the application that will or shall be protected, and all other items that allow an understanding of the planned construction of the proposed well site.
- (2) The chief, the applicant, and the professional engineer or another person under the professional engineer's direct supervisory control, shall meet at the proposed well site for the site review meeting. The purpose of the site review is to conduct a physical review of the proposed well site, to discuss the application, and to identify items that are necessary to ensure compliance with the requirements of this rule.

(F) Approval.

- (1) Not later than thirty days after the site review, the chief shall send to the applicant written notification that either approves the application or identifies any items that are necessary to ensure compliance with the requirements of this rule.
- (2) After the chief identifies items that are necessary to ensure compliance with the requirements of this rule, the applicant may submit a revised application with identification of all revisions.
- (3) At any time, the chief may require the applicant or person to submit additional information that the chief determines is necessary for the protection of public health or safety or to prevent damage to natural resources or is necessary to ensure compliance with the requirements of this rule.

(G) Construction.

- (1) After receipt of written approval of an application from the chief to construct a well site, the person may initiate construction of the proposed well site. The proposed well site shall be constructed in accordance with Chapter 1509. of the Revised Code and rules adopted under it, and in conformance with the application.
- (2) During all phases of construction of the well site, the person shall maintain at the well site all of the following:
 - (a) A sign that is legible from the public right-of-way and includes the well pad name, the person's name, and a 24-hour emergency contact number;
 - (b) Emergency response access;
 - (c) Safe traffic flow on the public right-of-way at and near the entrance to the well site;
 - (d) Sediment and erosion controls and soil stabilization measures;
 - (e) Dust controls; and
 - (f) Slope stability.

(H) Modification of application.

- (1) A person whose application to construct a well site has been approved by the chief may submit to the chief for approval proposed modifications to the approved application. Except as provided in paragraph (I)(3) of this rule, the proposed modifications shall be submitted to the chief in writing and shall include all of the following:
 - (a) A detailed description of the proposed modifications and how the modifications will be implemented;
 - (b) A specific identification of every portion of the application that is proposed to be modified; and
 - (c) Revised application documents pertaining to the modifications.
- (2) After receipt of modifications under paragraph (H)(1) of this rule, the chief shall review the modifications and may require an additional site review. The chief shall either approve the modifications or identify any items that are necessary to ensure compliance with the requirements of this rule. After identification of items that are necessary to ensure compliance with the requirements of this rule, the person may resubmit the modifications.
- (3) The chief may waive all or part of the submission required under paragraph (H)(1) of this rule upon written request and for good cause shown.

(I) Certification.

- (1) Not later than three years after approval by the chief of an application for construction of a well site, the person who received the approval or the owner's authorized agent shall submit to the chief a signed and sealed certification from the professional engineer who prepared the plans referenced under paragraph (C) of this rule. The certification shall be on a form prescribed by the chief and shall specifically state: "The application documents were designed in accordance with all applicable statutes and rules adopted under them and the well site was constructed in conformance with the approved application as reflected in the record drawings." In addition, the certification shall include the record drawings.
- (2) A certification under paragraph (I)(1) of this rule is valid for a period of not more than two years from the date that it is received by the chief. A certification is no longer valid if either of the following apply:
 - (a) The constructed well site does not perform as designed to support one or more horizontal wells and the production operations at the well site; or
 - (b) The constructed well site fails to protect public health and safety or fails to prevent damage to natural resources.
- (3) If, within two years of receipt by the chief of a certification of a well site, the person who submitted that certification has not spudded a horizontal well for which a permit has been issued under section 1509.06 of the Revised Code or if the certification is no longer valid under paragraph (I)(2) of this rule, the person shall do either of the following:
 - (a) Certify the well site in accordance with the requirements established in this rule; or
 - (b) Reclaim the well site to its original land use or approximate pre-construction conditions within six months of the certification being no longer valid unless either of the following apply:
 - (i) The chief, upon written application submitted by the person, approves an extension of the time; or
 - (ii) The chief, upon written request for a waiver submitted by the person, releases the person from responsibility to perform any or all restoration requirements. The request shall contain the signature of the surface owner approving the release sought. The chief may only approve the request if the chief finds upon inspection of the well site that the approval would not harm public health or safety or cause damage to natural resources.