



Ohio Legislative Service Commission

Bill Analysis

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S.B. 166

131st General Assembly
(As Introduced)

Sens. Gentile, Yuko, Thomas, Tavares, Schiavoni, Skindell, Jones, LaRose

BILL SUMMARY

Emergency response plans for horizontal wells

- Requires the owner of a horizontal well to develop, implement, and annually update an emergency response plan for the purpose of responding to emergencies at the surface location of the well that threaten public health or safety.
- Requires the plan to establish response actions to be taken during certain phases of horizontal well activities.
- Requires the plan to incorporate National Incident Management System planning standards, and also specifies what information must be included in the plan.
- Allows the owner of two or more horizontal wells to develop a base plan that contains the applicable information required by the bill for use at the surface locations of all the owner's horizontal wells and site-specific plans for each location containing the remaining information required by the bill.
- Requires the owner to submit an electronic or hard copy of the plan or an updated plan to specified individuals and entities.
- Requires the owner to ensure that a copy of the current emergency response plan is available at the surface location of a horizontal well during construction of the well pad, drilling, well stimulation, production, plugging, and restoration of the surface location.
- Requires the Chief of the Division of Oil and Gas Resources Management to assess a civil penalty against a person that has violated or is violating the above provisions in

an amount of \$1,000 for the first week of violation and an additional \$500 for each subsequent week of violation.

- Requires money collected from the penalty to be credited to the existing Oil and Gas Well Fund.

CONTENT AND OPERATION

Emergency response plans for horizontal wells

The bill requires the owner of a horizontal well to develop and implement an emergency response plan ("the plan") for the purpose of responding to emergencies at the surface location of the well that threaten public health or safety. The plan must establish response actions to be taken during each of the following phases:

- (1) Construction of the well pad;
- (2) Drilling;
- (3) Well stimulation;
- (4) Production;
- (5) Plugging; and
- (6) Restoration of the surface location.¹

Contents of the plan

The bill requires an emergency response plan to incorporate National Incident Management System planning standards, including the use of the Incident Command System, Incident Action Planning Guide, and common communications plans. Additionally, the plan must include all of the following:

- (1) Emergency contact information, including telephone numbers, for the owner's local representative for the area in which the well is located and the owner's 24-hour emergency telephone number;
- (2) Emergency notification procedures to be used to contact emergency responders during an emergency;

¹ R.C. 1509.39(A).

(3) A description of the actions to be taken by the owner's employees at the well to respond to a fire, a medical emergency, an explosion or similar event, a spill, or a security breach or other security event;

(4) A description of the procedure to be used to provide current information to emergency responders in the event of an emergency, including each safety data sheet, the location of each safety data sheet at the well site, and the title or position of the owner's employee or employees responsible for providing the information specified in the data sheet;

(5) A list identifying the location and quantity of any fire suppression and spill control equipment maintained by the owner at the well site;

(6) A description of any emergency equipment available for use by the owner that is located off the well site;

(7) A list of occupied dwellings, schools, hospitals, and water treatment plants within one-half mile of the surface location of the well and the associated planning assumptions;

(8) A description of emergency response training that the owner's employees must complete; and

(9) Identification of the location of an off-site area to be used temporarily for the coordination of response actions in the event of an emergency and a copy of any agreement entered into by the owner and the owner of the off-site area allowing for the use of the area for that purpose.²

Base plans and site-specific plans

The bill allows the owner of two or more horizontal wells to develop a base plan for use at the surface locations of all the owner's horizontal wells containing information that is required by the bill that is applicable to all of those locations and site-specific plans for each location containing the remaining required information required by the bill.³

Development, review, and submission

The bill requires an owner of a horizontal well to develop a plan in accordance with one of the following:

² R.C. 1509.39(B).

³ R.C. 1509.39(C).

(1) Not later than 90 days after the bill's effective date for each of the owner's horizontal wells for which drilling has commenced or that is in operation on the effective date of the bill; or

(2) Not later than 30 days after a permit is issued under the Oil and Gas Law to the owner authorizing the drilling of a new horizontal well.⁴

If necessary, the owner of a horizontal well must annually review and update each plan developed under the bill's provisions.⁵ Not later than 30 days after developing a plan, and annually thereafter, the owner must submit an electronic or hard copy of the plan or an updated plan to the following individuals and entities:

(1) The Chief of the Division of Oil and Gas Resources Management;

(2) The Emergency Response Commission;⁶

(3) The applicable local emergency planning committee;⁷

(4) The Emergency Management Agency;⁸

(5) The applicable countywide emergency management agency;⁹

(6) The applicable county sheriff's office; and

(7) Each fire department having jurisdiction where the well is located.¹⁰

The bill allows an owner that has developed a base plan and site-specific plans (see "**Base plans and site-specific plans**," above) to submit one copy of the base plan and one copy of each applicable site-specific plan to each of the seven entities specified above.¹¹ Additionally, if, when reviewing a plan, an owner determines that the plan does not need to be updated, the owner may submit to each of the seven entities

⁴ R.C. 1509.39(D)(1).

⁵ R.C. 1509.39(D)(2).

⁶ See R.C. 3750.02, not in the bill.

⁷ See R.C. 3750.03, not in the bill.

⁸ See R.C. 5502.22, not in the bill.

⁹ See R.C. 5502.26, not in the bill.

¹⁰ R.C. 1509.39(E)(1).

¹¹ R.C. 1509.39(E)(2).

specified above, in lieu of submitting another copy of the plan, a statement indicating that the review was completed and updates to the plan were not needed.¹²

The bill also requires the owner to ensure that a copy of the current emergency response plan is available at the surface location of a horizontal well during construction of the well pad, drilling, well stimulation, production, plugging, and restoration of the surface location.¹³

Civil penalty

The bill requires the Chief of the Division of Oil and Gas Resources Management to assess a civil penalty against a person that has violated or is violating the above provisions in an amount of \$1,000 for the first week of violation and an additional \$500 for each subsequent week of violation. Money collected from the penalty is to be credited to the existing Oil and Gas Well Fund.¹⁴

HISTORY

ACTION	DATE
Introduced	05-18-15

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¹² R.C. 1509.39(E)(3).

¹³ R.C. 1509.39(E)(4).

¹⁴ R.C. 1509.39(F) and 1509.391.

