



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

(REV0914)

1501:9-2-01 Definitions.

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

- (A) “Chief” means the chief of the division of oil and gas resources management or the chief’s designee.
- (AB) “Construction” means the ~~material earthwork alteration of the earth, which includes soil, sediment, rock, sand, gravel, and organic material,~~ for the purpose of creating a well site ~~to conduct production operations as defined in section 1509.01 of the Revised Code for one or more horizontal wells.~~ “Construction” ~~shall~~does not include the temporary storage of equipment or materials; activities to protect sensitive areas or habitats; ~~seasonal tree and vegetative cutting; or any activity conducted for the advancement of the design, or seasonal tree and vegetative cutting, that does not exceed one acre of earth disturbance conducted for the preparation of the well site plans.~~
- (C) “Emergency Management Zone” has the same meaning as in rule 3745-42-01(Y) of the Administrative Code.
- (BD) “Horizontal well” has the same meaning as in section 1509.01 of the Revised Code.
- (CE) “Material modification” means any of the following:
- (1) Any substantial alteration to the design or construction of a well site;
 - (2) ~~or alteration~~ Alteration to the design or construction of a well site that reduces the ability of the well site to support safe drilling and production operations, protect public health and safety, or minimize damage to natural resources; or
 - (3) ~~a~~ Any alteration that results in the revision of the well site boundaries.
- (F) “Person” has the same meaning as in section 1509.01 of the Revised Code.
- (G) “Production operation” has the same meaning as in section 1509.01 of the Revised Code.
- (DH) “Professional engineer” and “professional surveyor” have the same meanings as in section 4733.01 of the Revised Code.
- (EI) “Record drawings” means the revised set of drawings signed, sealed, and submitted by a professional engineer after completion of the well site construction that reflect all modifications made during construction to an application approved under chapter 1501:9-2 of the Administrative Code, and show the dimensions, geometry, and location of all elements of the work completed. The record drawings shall be generated from the as-built construction drawings identifying the modifications to the approved application.
- (FJ) “Well pad” has the same meaning as in section 1509.01 of the Revised Code.
- (GK) “Well site” means the area ~~designated by the applicant within the well site boundary,~~ including the well pad, roads not in the public right-of-way, and production operations that are directly associated with the well pad.
- (HL) “Well site boundary” means the boundary delineated by ~~the~~an applicant ~~for the purpose of approval in an application submitted~~ under ~~chapter~~rule-1501:9-2-02 of the Administrative Code. ~~The “well site boundary” shall include~~ all areas physically altered ~~in accordance with the for~~ construction, erosion and sediment controls, and stormwater management, and may include areas for movement or storage of equipment and materials associated with a well site for which an

application is submitted under rule 1501:9-2-02 of the Administrative Code ~~this~~ or another well site.

1501:9-2-02 Horizontal well site construction

This rule applies to a well site for the drilling of one or more horizontal wells and associated production operations. The well site shall be designed and constructed in a manner that supports the safe drilling and production operations of one or more horizontal wells, and in a manner that protects public health and safety and minimizes damage to natural resources, ~~including management of by managing~~ stormwater, ~~protection of protecting~~ surface water, and ~~minimization of minimizing~~ soil erosion. Compliance with this rule does not eliminate the requirement that a person comply with any applicable state or federal law.

- (A) (1) On and after the effective date of this rule, no person shall begin construction of a proposed well site prior to approval of an application by order of the chief.
- (2) On and after the effective date of this rule, no person shall alter ~~any~~ well site, ~~on a~~ well site which a well has been spudded, in a manner that will result in a material modification of the well site without the prior approval by order of the chief.
- (3) All documents required to be submitted to the chief under this rule shall be submitted in an electronic format ~~on using~~ a form prescribed by the chief or in a format that is acceptable to the chief.
- (4) The chief may require ~~or may accept, upon written request,~~ duplicate copies of paper ~~files documents~~ in addition to the electronic submittal. Upon written request by the applicant, the chief may accept paper copies, in duplicate, in lieu of the electronic submittal.
- (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. ~~This~~ The application may be filed at any time regardless of whether the applicant has ~~received or~~ applied for or received a permit under section 1509.06 of the Revised Code and shall contain all of the following:
- (1) The name and address of the applicant, and if a ~~corporation~~ business entity or association, 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; ~~unless such appointment is on file with the division and current.~~
- (3) ~~The~~ The county, township, and section or lot number, where the well site will be located, and a ~~designated well pad~~ name for the proposed well pad;
- (4) Emergency contact information of the applicant, including the 911 address of the proposed well site;
- (5) Coordinates of the intersection of the centerline of the access road at the public right-of-way using latitude and longitude, in a format of decimal degrees, to a minimum of six significant figures; and
- (6) Well site Pplans, ~~prepared submitted~~ in accordance with paragraph (C) of this rule.
- (C) Well site plans. The plans for a proposed well site shall be developed, signed, and sealed by a professional engineer. The plans shall be prepared using commonly accepted drafting standards and shall be clear, legible, and drawn to a scale that sufficiently shows all required information. Each plan sheet shall be ~~a~~ American National Standards Institute (ANSI) size D, twenty-two by thirty-four inches. All elements required to be contained in the plans under paragraph (C) 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.

The chief may waive any item required to be submitted under paragraphs (C)(1) to (C)(5) of this rule upon written request by the applicant. The request shall be signed by the applicant and the professional engineer who ~~has~~ prepared the well site plans and shall include a detailed explanation of the basis for the request and of the potential impacts to the proposed well site and the surrounding area. The request for a waiver shall be submitted with the application.

(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 or lot number where the proposed well site will be located; ~~;~~ coordinates of the entrance intersection of the centerline of the access road at the public right-of-way using latitude and longitude, in a format of decimal degrees, to a minimum of six significant figures; and a sheet index;
- (b) A plan sheet consisting of a color orthorectified aerial image with pixels no larger than one foot showing the location of the proposed well site;
- (c) A plan sheet sealed by a professional surveyor showing the location of the proposed well site boundary. The plan sheet shall include the control points used to generate the map;
- (d) A general layout, 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, legend, graphical scale, and 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~~ detailed drawings shall identify and locate all -of the following items:
 - (i) The classified soil types for the area within one hundred feet of and within the proposed well site boundary~~iesy~~. The classification shall be consistent with the United States Department of Agriculture soil series.
 - (ii) ~~Surface and underground mines, p~~ plugged wells, producing wells, and idle and orphaned wells, ~~that~~ which -may be determined using information available from the Ohio Department of Natural Resources and other publically available or readily accessible sources that are located within one hundred feet of and within the proposed well site boundary;
 - (iii) Structural and geotechnical components that are to be located within the proposed well site boundary~~iesy~~, including those identified in the geotechnical report;
 - (iv) Geotechnical borings and other geotechnical investigative ~~methods~~ means, ~~that~~ which are located within the proposed well site boundary~~iesy~~, as identified in the geotechnical report;
 - (v) Boundaries of parcels of land, existing occupied and unoccupied structures, and existing utilities known to the applicant at the time of the design process that are located within one hundred feet of and within the proposed well site boundary~~iesy~~;
 - (vi) All springs, wetlands, streams, lakes, rivers, ponds, creeks, and water wells, ~~as~~ which may be -identified using reasonably available public resources and a field review, within one hundred feet of and within the proposed well site boundary~~iesy~~;
 - (vii) Surface and underground mines, which may be determined using information available from the Ohio Department of Natural Resources and other publically

available or readily accessible sources, that the professional engineer determines may affect design and performance of the well site;

- (viii) Any areas the applicant seeks to protect during construction ~~and production operations of the proposed well site;~~
- (ix) All risk zones and hazard areas delineated on the "National Flood Insurance Rate Map" within one hundred feet of and within the proposed well site boundaries;
- (x) ~~Any~~All locations where materials that result from the construction, operation, or plugging of a horizontal well ~~that will be~~ planned to be used at the well site pursuant to section 1509.074 of the Revised Code and rules adopted under it;
- (xi) Roads within the proposed well site boundaries, including emergency access routes, signage to safely manage traffic flow on the site, the entrance to the well site, and any pull-off areas that may be used to manage excess traffic;
- (xii) Pipes, ditches, and other conveyances, and hydraulic control structures located within the well site boundaries, as identified in the stormwater hydraulic report and in the sediment and erosion control plan;
- ~~(xiii)~~ Any areas within one hundred feet of and within the proposed well site boundaries that are located 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";
- ~~(xiii)~~(xiv) All areas within one hundred feet of and within the proposed well site boundary that are located within the emergency management zone of a public water system intake;
- ~~(xiv)~~(xv) General location and construction details of the proposed well cellars; and
- ~~(xvi)~~ Any areas other factors which the professional engineer determines may ~~substantially affect construction design and performance of the well site.~~

Unless already described in the reports and plans required under paragraph (C) of this rule, the applicant shall disclose the design considerations that were used to address paragraph (g)(i) to (g)(xvi) of this rule.

- (h) Emergency release conveyance map. The emergency release conveyance map shall be included in the detail drawings or be submitted as part of the application for a permit to drill under section 1509.06 of the Revised Code. The emergency release conveyance map shall be on a separate sheet that identifies all of the following:
 - (i) Well pad downslope locations where ~~fluids~~ response resources may be ~~captured~~ deployed for the purposes of containment in the event of an emergency ~~or of a discharge that exceeds stormwater basin capture capacity.~~
 - (ii) Nearest receiving streams, rivers, watercourses, ponds, lakes, or other bodies of water where fluids may migrate from the proposed well pad's ~~containment~~; and
 - (iii) Pipes, ditches, other conveyances, and hydraulic control structures identified in the stormwater hydraulic report and in the sediment and erosion control plan.
- (2) Sediment and erosion control plan. The sediment and erosion control plan for the proposed well site shall describe procedures to minimize the discharge of construction related sediment to any area outside of the proposed well site boundaries. In addition, the sediment and erosion control plan shall specifically comply with and include all of the following requirements:
 - (a) Sediment and erosion controls shall be suitable for the well site conditions and shall be consistent with generally accepted engineering design criteria and any manufacturer's specifications;
 - (b) A sediment basin or sediment trap if the proposed well site is within or includes a total contributing drainage area that is greater than five acres in size. The minimum capacity of

the sediment basin or sediment trap shall be ~~sixty seven one hundred seventeen~~ -cubic yards ~~per acre of total contributing drainage area and designed in accordance with the "Ohio Department of Natural Resources Rainwater and Land Development Manual"~~.

However, diversionary techniques to decrease drainage area size or 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 each location of each outlet of a confined discreet conveyance that may leave the proposed well site;
 - (d) A delineation of contributing drainage area boundaries and size, measured in acres, that will be used to design the proposed sediment and erosion controls;
 - (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, that will be used at the proposed well site. In addition, the description shall include a schedule of the implementation of the soil stabilization measures; and
 - (f) The applicant may submit a schedule ~~which that~~ identifies alternate options for implementation of the erosion and sediment controls and measures. The schedule shall identify when and under what criteria the alternate controls ~~shall would~~ be implemented.
- (3) Dust control plan. The dust control plan for construction of the proposed well site shall include all of the following:
- (a) An identification of the dust control measures that will be used during construction 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 the management of the dust generated at the 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 received by the person whose application was approved related to dust generation.
- (4) Geotechnical report. The geotechnical report shall describe all of the following: the proposed well site geotechnical conditions; design considerations ~~to that~~ address the geotechnical conditions at the proposed well site; and construction requirements for the proposed well site ~~that address the geotechnical conditions~~. The geotechnical report shall include comply with and include -all of the following:
- (a) An analysis of slope stability, bearing capacity, and settlements, as applicable, that have the potential to impact the performance of the constructed well site;
 - (b) Geotechnical borings or other geotechnical engineering standard investigative ~~methods means~~, of sufficient depth and quantity to substantiate the design;
 - (c) A summary of subsurface exploration data specifically relevant to the geotechnical investigation and interpretation as it pertains to the design and construction of the proposed well site, including subsurface soil profile, exploration logs, laboratory or in situ test results, and elevation of the saturated zones that are encountered;
 - (d) An interpretation and analysis of the data required in the geotechnical report;
 - (e) An explanation of 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 for slope stability shall not be less than 1.5 and the factor of safety for bearing capacity shall not be less than 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) Stormwater hydraulic report. The stormwater hydraulic report shall include hydraulic design documentation for all pipes, ditches and other conveyances, and hydraulic control structures of surface water, and other conveyances of surface water within or from the proposed well site. All stormwater and hydraulic control structures shall be designed capable of managing a ten year storm event. The stormwater conveyance system shall be designed to include sufficient stormwater storage capacity on the proposed well site to facilitate screening for potential contamination of the stormwater prior to discharge. In addition the report shall include all of the following:

(a) A delineation of contributing drainage area boundaries and their size measured in acres;

~~(b) The stormwater and hydraulic structures shall be capable of managing a ten year twenty four hour storm event, unless otherwise approved by the chief;~~

~~(c)~~ A detailed description or drawing that shows the installation requirements of all pipes, ditches, hydraulic control structures, and conveyances;

~~(d)~~ The materials and specifications for all proposed pipes, ditches, and conveyances; Existing pipes, ditches, and conveyances shall be analyzed by the professional engineer for integrity and capacity; and

(d) An analysis, performed by the professional engineer, of the integrity and capacity for all existing pipes, ditches, and conveyances; and

(e) The supporting calculations used to design the stormwater conveyance system. ~~The stormwater conveyance system shall include sufficient stormwater retention capacity on the proposed well site to facilitate screening for potential contamination of the stormwater prior to discharge.~~

(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, and notify the applicant in writing, or by other means approved by the chief. If the chief determines that the application is not complete, the chief shall notify the applicant and identify the missing application components. The applicant may correct the application and submit the missing application components within five business days of receipt of the notification or the application will be returned to the applicant. Not later than five business days after receipt of all of the missing application components, the chief shall review the application for completeness and notify the applicant of the chief's determination.

(E) Site review. A site review for the proposed well site, which is required under division (H) of section 1509.06 of the Revised Code, shall occur no later than fifteen business days after the applicant's receipt of notification of completeness that the application is complete -under paragraph (D) of this rule, unless otherwise mutually agreed on by the applicant and the chief.

(1) Prior to the site review and for the site review meeting, 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 proposed well site boundaries, the corners of the proposed well pad, proposed roads, items and areas that are identified in the application that will remain undisturbed, and all other items that allow an understanding of the planned construction of the proposed well site.

(2) The chief, the applicant's designee, and the professional engineer who is responsible for the plans prepared under division (C) of this rule 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 At~~ the site review meeting, ~~the chief is to may~~ conduct a physical review of the proposed well site, ~~to~~ discuss the application, ~~to~~ identify items that are necessary to ensure compliance with the requirements of this rule, ~~and to~~ identify site-specific terms and conditions that may be attached to an order that approves an application to construct a well site, and identify site-specific terms and conditions that may be attached to a permit to drill a horizontal well.

(F) Review procedures.

- (1) Not later than thirty days after the site review meeting conducted under paragraph (E) of this rule, the chief shall review the application to determine if the application to construct the proposed well site is in accordance with this rule.
- (2) If the chief identifies items that are necessary to ensure the well site design and application complies with the requirements of this rule, the chief shall notify the applicant of the items and the applicant may submit a revised application or portions of a revised application with an identification of all revisions. The chief may require the resubmission of the entire application. The chief shall review the revisions or resubmitted application within fifteen business days of receipt. If after sixty business days from the date the chief notified the applicant of the items and the applicant has not submitted the revised application or portions of the revised application, the chief shall return the application to the applicant. The chief may approve a longer period of time for submission of the revised application or portions of the revised application, upon written request by the applicant.
- (3) ~~Upon completion of~~ After completing the review of the application, the chief shall send to the applicant an order that either approves or denies the application to construct a well site. If the chief issues an order to construct a well site, the chief may include terms and conditions.
- (4) At any time ~~up until the first well on the well site is spudded~~ prior to spud of the first well on the well site, the chief may require the applicant or person to submit additional information pertaining to the design or construction of the proposed well site that the chief determines is necessary for the protection of public health or safety or to prevent substantial damage to natural resources or is necessary to ensure compliance with the requirements of this rule.
- ~~(5) If the chief finds that there is a substantial risk that the drilling and operation of a well on the proposed well site will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or substantial damage to the environment, the chief shall send to the applicant, in writing or by other means approved by the chief, notification of the chief's finding for the applicant's consideration in the well application process for a permit to drill a well under section 1509.06 of the Revised Code.~~
- ~~(6) An order approving the application shall be valid for a period of three years. A time extension may be granted by the chief if the applicant can demonstrate that conditions at the well site have not changed significantly from the date the order approving the application was issued. For the purposes of this section, significantly means any change in site conditions that will result in a material modification of the application. The chief may require an additional site review, as described in paragraph (H) of this rule, if construction has not commenced within one year.~~

(G) Construction.

- (1) A person who has received an order approving an application from the chief to construct a well site may initiate construction of the proposed well site. The proposed well site shall be constructed in conformance with the approved application and in accordance with chapter 1509. of the Revised Code and rules adopted under it. ~~The chief shall be notified~~ person shall notify the chief at least forty-eight hours prior to commencement of construction.
- (2) During all phases of construction of the well site, ~~the following shall be maintained at the well~~

~~site:~~all of the following are required:

- (a) ~~Ensure A~~as-built construction drawings ~~identifying the modifications~~ to the approved application for which an order was issued by the ~~chief and all modifications as required paragraph (H) of this rule~~ chief are current and available at the well site;
- (b) ~~Maintain A~~ sign that is legible from the public right-of-way that includes the well pad name and a 24-hour emergency contact number. This sign shall include county, township, section or lot number, designated well pad name, and the 911 address of the well site;
- (c) ~~Maintain E~~emergency response access;
- (d) ~~Maintain S~~safe traffic flow near the entrance to the well site;
- (e) ~~Maintain S~~sediment and erosion controls and soil stabilization measures ~~as approved and in accordance with paragraph (C)(2) of this rule~~ so that they perform as designed in the approved application;
- (f) ~~Ensure that the P~~pipes, ditches, and other conveyances of surface water and hydraulic control structures ~~perform as designed in the approved application;~~
~~as approved and in accordance with paragraph (C)(5) of this rule;~~
- (g) ~~Ensure that the D~~dust controls ~~perform as designed in the approved application,~~ as approved and in accordance with paragraph (C)(3); and
- (h) ~~Maintain well S~~site stability as designed in the approved application.

(H) Modification of application.

- (1) All modifications, including material modifications, to the approved application are required to be documented within one working day of ~~occurrence on a form modification on a modification summary form~~ prescribed by the chief. The modification form shall be submitted electronically and shall be updated daily if a modification is performed. and available ~~In addition, the form shall be made available for review at the well site, within one working day of occurrence.~~
- (2) All material modifications to a well site or to an approved application must be approved by the chief prior to implementation. All proposed material modifications shall be submitted to the chief in writing, or other means approved by the chief, and shall include all of the following:
 - (a) A detailed description of the proposed material modifications and the potential impact to the performance of the well site;
 - (b) A specific identification of every portion of the application, as applicable, that is proposed to be modified; and
 - (c) Revised application documents, as applicable, pertaining to the material modifications.
- (3) After receipt of a material modification submittal, the chief shall review the material modification, ~~and may require an additional site review. Within five business days of receipt of the material modification submittal,~~ the chief shall either approve the proposed material modification or identify any items that are necessary to ensure compliance with the requirements of this rule. If the chief identifies items that are necessary to ensure compliance with the requirements of this rule, the person shall submit a revised material modification that includes the identified items for approval. If necessary, ~~the chief shall schedule~~ may require a site review ~~to address the proposed modification within three business days of the date of receipt of the modification, unless the applicant and the chief mutually agree on a longer period. After the site review, the chief shall review the modification and may request additional information within five business days, or request a full review under paragraph (H) of this rule. After identification of items that are necessary to ensure compliance with the requirements of this rule, the person may resubmit the modification prior to determining whether to approve the proposed material modification or identifying items necessary to ensure compliance with the requirements of this~~

rule. If the chief requires a site review, the five business days period established under this paragraph shall be suspended until completion of the site review.

- (4) Upon request, the chief may waive all or part of the submission required under paragraph (H) of this rule if a site condition requires immediate action and will result in a material modification. Nothing in paragraph (H) of this rule prohibits a person from taking actions necessary to prevent harm to human health or safety or to prevent harm to the environment. If the actions will result in a material modification, the person shall submit a summary of the activities within twenty-four hours of the chief's authorization actions. In addition, the person shall submit the required material modification documents as required in accordance with paragraph (H) of this rule within three business days of the chief's authorization event that posed a threat to human health or safety or to the environment, or within another time frame as agreed to by the chief.
- (5) There is nothing in this rule that limits the ability of a person from taking responsible actions necessary to prevent imminent threat to human health, safety and the environment. Alternate options contained in the approved application that are implemented shall not be considered material modifications, but shall be documented in the same manner as a modification in paragraph (H)(1) of this rule.

(6) The chief may waive all or part of the submission required under paragraph (H) of this rule.

(I) Certification.

- (1) Not later than three years after approval by the chief the effective date of the order approving of an application for construction of a well site and prior to the mobilization of any drilling equipment to the well site, the person who received the order approving an application shall submit to the chief a signed and sealed certification from the professional engineer who has personal professional knowledge of the construction of the well site. 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 reasonably close conformity with the approved application, including all approved material modifications." as reflected in the record drawings." In addition, the certification submittal shall include the record drawings and the modification summary form described in paragraph (H)(1) of this rule. Mobilization of any drilling equipment to the well site may commence beginning two business days after receipt of the complete certification submittal or upon notice from the chief.
- (2) Pending a complete certification receipt of the record drawings required under paragraph (I)(1) of this rule and upon written request of the person, the chief may authorize conditional limited and limited conditional use of at the well site, upon written request of the person, if all the following have been received and approved by the chief:
- (a) A valid The certification form as described under paragraph (I)(1) of this rule;
- (b) As-built construction drawings documenting all modifications and material modifications to the approved drawings for which an order approving an application to construct a well site was issued by the chief; and
- (c) A document, signed by the professional engineer, logging all modifications made to the approved application for which an order was issued by the chief The modification summary form as required in paragraph (H)(1) of this rule that is signed by the professional engineer.
- (3) A certification is no longer valid if the chief issues an order that determines well site conditions indicate. If the chief determines that the certification submitted under paragraph (I)(1) of this rule is incomplete or does not accurately document the constructed well site, the chief may issue an order ceasing operations on the well site. The chief shall rescind the cessation order upon the submission of a new certification and updated record drawings.

(4) The chief may issue an order ceasing operations on the well site if any of the following apply:

- (a) The constructed well site does not perform or is not likely to perform as designed;
- (b) The constructed well site does not perform or is not likely to perform in a manner that supports the safe drilling and production operations of one or more horizontal wells ~~at the well site;~~
- (c) The constructed well site fails or is likely to fail to protect public health and safety; or
- (d) The constructed well site fails or is likely to fail to prevent substantial damage to natural resources.

The chief may require the person to obtain the services of a professional engineer to evaluate the well site and to develop a design to remediate the ~~causes and~~ conditions that ~~are the basis for the chief's determination that the certification is no longer valid under paragraph (I)(4) of this rule are the basis for the chief's order ceasing operations on the well site. All remediation designs that are constructed require a current valid certification and record drawings of the well site. The design to remediate the causes and conditions shall comply with the requirements of paragraph (H)(2) through (H)(6) of this rule. The chief shall rescind the cessation order upon implementation of the remedial design and the submission of a new certification and updated record drawings.~~

(45) If an order ceasing operations has been issued under paragraph (I)(3) or (I)(4) of this rule and the person fails to provide a certification of the well site, the person shall reclaim the well site under paragraph (I)(6)(b) of this rule.

(6) If, within two years of receipt by the chief of a certification of a well site, the chief's receipt of the certification, a horizontal well for which a permit has been issued under section 1509.06 of the Revised Code has not been spudded, or if the certification is no longer valid under paragraph (I)(2) of this rule, a horizontal well has been spudded but not completed, or drilling is not progressing with due diligence, the person shall do either of the following:

- (a) Certify the well site ~~is~~ in accordance with the requirements established in this rule. If after two certifications ~~the~~ well has not been spudded, ~~then the certification is no longer valid and~~ the person shall reclaim the well site under (I)(3)(b) ~~of this rule;~~ or
- (b) Reclaim the well site to its original land use or approximate pre-construction conditions within nine months of the certification being ~~no longer valid~~ ~~terminated~~ 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 shall approve the request unless the chief finds upon inspection of the well site that the request would ~~be likely to~~ result in substantial damage to adjoining property, substantial contamination of surface or underground water, substantial erosion or sedimentation, or otherwise threatens public health and safety or substantial damage to natural resources.

(J) Well Site Transfer.

(1) Except as set forth below in paragraph (J)(3) of this rule, if ownership of a ~~certified and constructed~~ well site is transferred and a well has not been spudded at the well site, all of the following apply:

- (a) The transferor shall notify the chief on a form prescribed and provided by the chief.

- (b) The transferee shall be responsible for future ~~re~~certifications in accordance with the requirements of this rule.
- (2) Upon transfer of a well site, the transferee is responsible for operation and maintenance of the ~~certification~~well site in accordance with chapter 1509. of the Revised Code and rules adopted under it.
- (3) This provision does not apply to the transfer of a constructed well site to the surface owner in accordance with paragraph (H)(6)(b)(ii) of this rule.