



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2016-04K

To Create and Implement the One-Call Emergency Notification System
for Oil and Gas Related Emergencies and for the Emergency Adoption of Rules

WHEREAS, oil and gas related emergencies can require multiple agencies to respond and react in order to efficiently address public safety and environmental concerns; and

WHEREAS, the release of natural gas, crude oil, brine, drill cuttings, hydrogen sulfide gas, hazardous substances, extremely hazardous substances, and other wastes can have a deleterious impact on the environment if the release is not quickly discovered and remediated; and

WHEREAS, an uncontrolled fire or explosion associated with oil and gas production or processing operations can pose a hazard to public safety and the environment if not quickly discovered and remediated; and

WHEREAS, an oil and gas company or its agents are often the first entities to learn of an incident at its facility that results in the release of natural gas, crude oil, chemical substances, or wastes; and

WHEREAS, Ohio law currently relies on a patchwork of notification standards and points of contact to address the issues identified above; and

WHEREAS, a single point of contact for coordination of state agency responses to oil and gas related emergencies will make it possible for all state first responders and subject-matter experts to be notified of a potential incident and respond in the appropriate manner; and

WHEREAS, relevant state agencies would be able to better respond to emergencies that could affect public safety and the environment if companies were required to timely and directly notify a single point of contact who would then coordinate statewide notification and responses; and

WHEREAS, sections 1509.02 and 1509.03 and division (E) of section 1509.23 of the Ohio Revised Code authorize the Chief of the Division of Oil and Gas Resources Management of the Ohio Department of Natural Resources ("ODNR") to promulgate rules regarding the administration, implementation, and enforcement of Chapter 1509 of the Ohio Revised Code, including notifications associated with the drilling and treatment of wells, production of oil and

gas, plugging of wells, and all other entities engaging in oil and gas related operations subject to ODNR regulation for protection of public health and safety or to prevent damage to natural resources; and

WHEREAS, section 3737.832 of the Ohio Revised Code provides sole and exclusive authority to the Ohio Department of Commerce, Division of State Fire Marshal (“SFM”) to promulgate and enforce rules regarding fire and safety standards relating to shale oil processing premises; and

WHEREAS, sections 3750.02 and 3750.06 of the Ohio Revised Code allow for the establishment of procedures for giving notice of the release of hazardous substances, extremely hazardous substances, and oil; and

WHEREAS, the Director of the Ohio Environmental Protection Agency (“EPA”) is authorized by divisions (C) and (D) of section 3750.06 of the Ohio Revised Code to designate a representative and the telephone number to be used for reporting under the sections referenced above; and

WHEREAS, the Public Utilities Commission of Ohio (“PUCO”) promulgates rules under section 111.15 of the Ohio Revised Code, and has promulgated rules regarding the process for providing notice of pipeline incidents and other gas related incidents; and

WHEREAS, division (G) of section 119.03 of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules, and when such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are valid only for 120 days; and

WHEREAS, ODNR has requested a determination whether an emergency exists that requires the immediate adoption of rules 1501:9-8-01 and 1501:9-08-02 of the Ohio Administrative Code, and that would therefore permit ODNR, pursuant to division (G) of section 119.03, section 1509.03, and division (E) of section 1509.23 of the Ohio Revised Code, to institute necessary notification procedures; and

WHEREAS, the SFM has requested a determination whether an emergency exists that requires the immediate amendment of rule 1301:7-7-01 of the Ohio Administrative Code, and that would therefore permit the SFM, pursuant to division (G) of section 119.03 and section 3737.832 of the Ohio Revised Code, to institute necessary notification procedures; and

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined the following:

1. That an emergency exists that requires the immediate adoption of rules 1501:9-8-01 and 1501:9-8-02 of the Ohio Administrative Code by the ODNR;
2. That an emergency exists that requires the immediate amendment of rule 1301:7-7-01 of the Ohio Administrative Code.

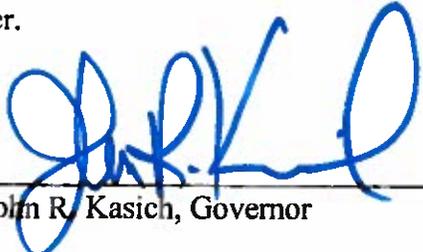
Further, I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the adoption and amendment of rules be suspended and the ODNR and SFM be permitted to immediately adopt or amend these rules by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that upon the adoption and amendment of these rules, as well as the amendment of rules by the PUCO pursuant to its rule-making process and the designation of a representative by the Director of the EPA pursuant to his statutory authority, that the One-Call Emergency Notification System go live to ensure a single point of contact for the reporting and notification of all oil and gas related emergencies.

Further, I hereby order that this Executive Order be filed in electronic form with the Ohio Department of Natural Resources, the Ohio State Fire Marshal, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on August 9, 2016, in Columbus, Ohio, and it will expire at the end of the one hundred and twentieth day it is in effect, or upon the formal adoption or amendment of the identified rules, whichever is sooner.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State