



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2012-09K

The Emergency Amendment of Rules 1501:9-3-06 and 1501:9-3-07 of the Ohio Administrative Code by the Ohio Department of Natural Resources, Division of Oil and Gas Resources Management

WHEREAS, the increase in oil and gas exploration and production operations will inevitably lead to an increase in underground injection control activity in this state.

WHEREAS, an increase in underground injection control activity requires that the regulations governing the program be updated to provide the greatest degree of citizen protection possible without causing irreparable harm to an industry important to the economy.

WHEREAS, the Division of Oil and Gas Resources Management, within the Department of Natural Resources, has responsibility for overseeing the regulatory process for all underground injection control facilities.

WHEREAS, Section 1509.22 of the Revised Code gives the Chief of the Division authority to promulgate rules regarding the injection into wells of brine and other waste substances obtained from or produced in connection with oil and gas drilling, exploration or production, including tests to evaluate whether fluids may be injected in a reservoir and to determine the maximum allowable injection pressure.

WHEREAS, the Division desires to immediately amend the Ohio Administrative Code, specifically Rules 1501:9-3-06 and 1501:9-3-07, in order to (1) outline the tests that an applicant must satisfy in order to obtain a permit to drill and operate an underground injection control well, (2) state clearly that the chief may withhold authority to inject fluids if the results of required tests are negative, (3) allow the chief to set a graduated maximum allowable injection pressure based upon data obtained throughout the permitting process, (4) allow the chief to require the installation of an automatic shut-off device if the permitted maximum allowable injection pressure is exceeded, and (5) require continuous monitoring of the annulus between the casing and tubing in a well.

WHEREAS, Section 1509.03 of the Revised Code authorizes the Division to promulgate rules in accordance with Chapter 119 of the Revised Code.

WHEREAS, the Division has requested a determination whether an emergency exists that requires the immediate amendment to Rules 1501:9-3-06 and 1501:9-3-07 of the Ohio Administrative Code in order for the Division, pursuant to Sections 1509.22 and 1509.03 of the Ohio Revised Code, to immediately amend those rules to grant the chief authority to require certain testing, and to mandate certain procedures as part of the process of reviewing and issuing a permit for the underground injection of wastes obtained from or produced by oil and gas wells.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Division of Oil and Gas Resources Management, that an emergency exists requiring the immediate amendment of Rules 1501:9-3-06 and 1501:9-3-07 of the Ohio Administrative Code by the Division. Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of the specified rules be suspended and the Division be permitted to amend these rules immediately by electronically filing them with the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rules Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Division, 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 July 10, 2012, in COLUMBUS, Ohio, and it will expire at the end of the ninetieth day it is in effect.



John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State