



February 10, 2024

VIA E-MAIL (kerry.adkins@dnr.ohio.gov)

Kerry Adkins, Rules Coordinator
Ohio Department of Natural Resources
Division of Oil & Gas Resources Management
2045 Morse Road
Columbus, Ohio 43229

RE: Ohio Oil and Gas Association Comments on ODNR Proposed Safety Rule Amendments (OAC 1501:9-09) Division of Oil and Gas Resources Management (DOGRM)

Dear Mr. Adkins:

On December 23, 2024, the Ohio Department of Natural Resources (ODNR) notified interested parties of the Division's proposed amendments to the rules governing Safety Regulations found in (OAC 1501:9-09). The Ohio Oil & Gas Association ("Association" or "OOGA") is pleased to provide the following comments on the Proposed Rules.

Below is an overview of the Association's general comments and attached is in-depth mark up in response to the Division's proposed rule amendments.

OOGA is one of the largest and most active state-based oil and natural gas associations in the United States and has been the representative of Ohio's oil and gas producing industry since 1947. OOGA's members are involved in all aspects of the exploration, development, production and marketing of crude oil and natural gas resources in Ohio.

The ODNR memo dated December 23, 2024, describes the proposed amended safety rules as a "reorganization of the existing rules to be more user friendly both for the regulated industry and the Division." While the proposal contains some of the described reorganization, the majority of the rules appear to be brand new concepts. Many of these concepts, after review seem to lack clarity, are impractical to implement, and go against current best practices of the industry which may jeopardize production and possibly safety. Many of these issues could have been potentially addressed through an interested party outreach prior to the release of these draft amendments.

OOGA requests that any future rulemaking contains some sort of early stakeholder outreach where interested parties can submit concepts for review and inclusion by ODNR as the Division contemplates or prepares any oil and gas rule amendments. This step can increase efficiencies and help avoid unintended consequences in the rule drafting process.



For each section listed below, we have provided a brief overview of our more detailed comments. Please refer to the attached document which includes both language markups and specific comments for each amended rule section.

Miscellaneous Comment

Throughout the entirety of the proposed rule, ODNR uses the term “will” instead of “shall.” This term is inconsistent with the typical rule and statute language. OOGA recommends that the term “shall” be used instead of “will” to be consistent with other DOGRM rules.

The rules also use the terms “owner” and “person” throughout draft. OOGA recommends reviewing the terms to determine a standard when it is appropriate to use “owner” and when it is appropriate to use “person.”

1501:9-9-01- Definitions

Overall, the “Definitions” section is problematic. Comments outlined in the attached document focus on several main items, most importantly clarity and inconsistency of terms. Specific comments ask for new definitions to be more aligned with industry standards and wellsite scenarios. Too many definitions contain vague terms that can be interpreted in a variety of ways.

See attached document for more specific details.

1501:9-9-02- General Safety

The new “General Safety” section fails to provide clear functional guidance for the regulated community.

Outlined in the attached document, OOGA members have provided comments seeking clarity for operational purposes. For example, the Division speaks in absolutes while not taking into consideration typical onsite production scenarios.

See attached document for more specific details.

1501:9-9-03- Annular Pressure Maintenance and Monitoring

The rule lacks clarity regarding its application to new wells versus existing wells. Many of the provisions included are unreasonable as to the realities of industry operations. More clarity is required to adequately comply with the draft amendments.

See attached document for more specific details.



1501:9-9-04- Hydrogen Sulfide Operations

OOGA comments for this section highlight current industry safety practices. We ask that the Division carefully review the suggested revisions. OOGA members' comments outline scenarios where complying with the draft amendments might not be possible.

See attached document for more specific details.

1501:9-9-05- Surface Location of Equipment

OOGA comments address surface location, restrictions, and revisions for rule efficiency.

See attached document for more specific details.

1501:9-9-06- Equipment Specification

OOGA recommends the Division consider situations where an operator plans to re-use equipment at an adjacent location in order to maximize efficiencies. Also, limiting the amount of time equipment can be stored on location does not consider potential operational scenarios. For example, what if the equipment is waiting to be cleaned or for transport to a new location.

See attached document for more specific details.

1501:9-9-07- Blowout Preventers

OOGA recommends that ODNR reconsider whether this section is best addressed in the permit conditions as opposed to rule. The Association's members would also like clarity on why the 60' vent line language was added and why the original 200' from an inhabited structure was removed from the rule.

See attached document for more specific details.

1501:9-9-08- Production Operations

Many comments regarding production operations seek clarity from the proposed amended rules. Membership appears to have a lot of questions about what was included in the draft. For example, there is confusion regarding dikes, pits, timeframes and sites. Some of the draft rules may not be practical or even achievable.

See attached document for more specific details.

1501:9-9-09- Simultaneous Operations

OOGA recommends adding language to allow below grade production cellars to function as wellhead cages during operator simultaneous operations. These cellars are proven, allow for unobstructed pad access, and are used in other states.



Other comments in this section refer to problematic timing and current standard safety practices that may contradict the new outline rules as proposed.

See attached document for more specific details.

Conclusion

OOGA strongly supports reasonable and fair regulations along with efforts to improve the safety surrounding production operations. We look forward to working with ODNR and addressing the concerns outlined by our members in the attached documents.

Thank you for the opportunity to provide comments. Please feel free to reach out to me if you have any questions.

Best regards,

A handwritten signature in black ink that reads "Stephanie Kromer". The script is fluid and cursive.

Stephanie Kromer
Director of Legislative & Regulatory Affairs
Ohio Oil & Gas Association

CC: Eric Vendel, Chief of the Division of Oil and Gas Resources Management