

1501:9-8-02

**Incident Notifications.**

(A) By means of a toll-free telephone number designated by the chief and posted on the division's website or by electronic means designated by the chief and posted on the division's website, a reporting person shall notify the division within thirty minutes after becoming aware of the occurrence of any of the following unless notification within that time is impracticable under the circumstances:

- (1) A release of gas associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code that results from a blowout, an uncontrolled pop-off valve release in an urban area, or any release of gas that threatens public safety;
- (2) A release of hydrogen sulfide gas within the working area of a reporting person's production operation or at a reporting person's location of another activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code in an amount that results in a sustained airborne concentration of hydrogen sulfide gas that exceeds twenty parts per million for a duration greater than ten minutes, or a release of hydrogen sulfide resulting in injury to or death of an individual;
- (3) Except as provided otherwise in this paragraph, a fire or explosion associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code in which an emergency responder has been contacted by a reporting person. The following are not reportable incidents:
  - (a) Controlled flaring or controlled burns authorized under Chapter 1509. of the Revised Code or under 1501:9 of the Administrative Code or authorized by the terms and conditions of a permit issued under Chapter 1509. of the Revised Code;
  - (b) Properly functioning emission control devices authorized pursuant to Revised Code Section 3704.03;
  - (c) Subsurface detonation of perforation-guns;
  - (d) Seismic shots; or
  - (e) Controlled blasting for well site construction.
- (4) Except as provided in paragraph (A)(5) or (A)(7) of this rule, a release of oil, condensate, or materials saturated with oil or condensate that are associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code if the release is outside of secondary

containment and into the environment and if the release is in an amount that exceeds an estimated two hundred ten United States gallons within any twenty-four hour period;

(5) A release of oil, condensate, or materials saturated with oil or condensate, associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code, if the release is outside of secondary containment and into the environment and if the release is in an amount that exceeds an estimated twenty-five United States gallons within any twenty-four hour period in any of the following:

(a) An urban area;

(b) An emergency management zone of a surface water public drinking water supply;

(c) The five-year time of travel associated with a groundwater based public drinking water supply as delineated or endorsed under the source water assessment and protection program; or

(d) A one-hundred year flood hazard area as delineated on the federal emergency management agency's national flood insurance rate map.

(6) A release of refined oil products, including but not limited to oil-based drilling fluid, petroleum distillate, spent or unused paraffin solvent, gasoline, fuel oil, diesel fuel, or lubricants associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code if the release is outside of secondary containment and into the environment and if the release is in an amount that exceeds an estimated twenty-five United States gallons within any twenty-four hour period;

(7) A release of any substance listed in sections (A)(4), (5), or (6) of this rule associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code that enters waters of the state in an amount that causes a film or sheen on the surface of the water;

(8) Except as otherwise provided in paragraph (A)(9) of this rule or as provided in division (C)(1) and (2) of section 1509.22 of the Revised Code, a release of brine or semi-solid wastes including but not limited to drilling mud, sludge, or tank bottom sediments regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code associated with a reporting person's production operation or a reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code if the release is outside of secondary containment

and into the environment and if the release is in an amount that exceeds forty-two United States gallons within any twenty-four hour period;

- (9) Except as otherwise provided in division (C)(1)(b) or (C)(1)(d) of section 1509.22 of the Revised Code or section 1509.226 of the Revised Code, release of brine from a vehicle, vessel, railcar, or container operated by a person to whom a registration certificate has been issued under section 1509.222 or to whom a resolution has been issued pursuant to 1509.226 of the Revised Code if the reporting person's release of brine enters the environment and the release is in an amount that exceeds forty-two United States gallons;
- (10) A release within any 24-hour period at a reporting person's production operation or at a reporting person's location of any activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code of a hazardous substance or extremely hazardous substance, or of a mixture or solution that includes a hazardous substance or an extremely hazardous substance, if the amount of the hazardous substance or extremely hazardous substance released is equal to or greater than the applicable reportable quantities as listed in table 302.4 of 40 C.F.R. part 302.4, in effect on the effective date of this rule, for hazardous substances or as listed in Appendix A or B of 40 C.F.R. part 355, in effect on the effective date of this rule, for extremely hazardous substances. However, if the amount of one or more hazardous substances or extremely hazardous substances released is in a mixture or solution and is unknown, the reporting person shall notify when the total amount of the mixture or solution release equals or exceeds the reportable quantity for the hazardous substances or extremely hazardous substances with the lowest reportable quantity. The Code of Federal Regulations (C.F.R.) references listed in this paragraph generally can be found in public libraries or electronically at the website <http://www.gpo.gov/fdsys/>.
- (B) If a contractor performs services that are regulated under Chapter 1509. of the Revised Code and rules adopted under it on behalf of a reporting person, the contractor shall notify the reporting person immediately, but no later than thirty minutes, after the contractor becomes aware of any occurrence specified in paragraph (A) of this rule while performing the services at the reporting person's production operation or location of the reporting person's other activity regulated under Chapter 1509. of the Revised Code or under division 1501:9 of the Administrative Code unless notification within that time is impracticable under the circumstances. If a contractor performs services that are regulated under Chapter 1509. of the Revised Code and rules adopted under it on behalf of a reporting person and the reporting person or reporting person's representative is not present at the location and the contractor attempts but is unable to contact the reporting person or reporting person's representative, the contractor shall notify the division of oil and gas resources management within thirty minutes after the contractor

becomes aware of any occurrence specified in paragraph (A) of this rule unless notification within that time is impracticable under the circumstances.

(C) A reporting person required to notify the division of oil and gas resources management regarding an occurrence specified in paragraphs (A)(1) to (10) of this rule shall provide at the time of notification required under paragraph (A) of this rule all of the following information that is known or can be reasonably estimated:

- (1) The name and phone number of a person who can provide further information regarding the occurrence;
- (2) The location of the occurrence, including the county, township, section or lot number, directions from the nearest intersection, and global positioning system coordinates;
- (3) The identification information pertaining to the authorized activity pursuant to Chapter 1509. of the Revised Code or division 1501:9 of the Administrative Code, such as an authorized owner's or person's name and the permit number, order number, or registration certificate number;
- (4) The type of occurrence or occurrences as specified in paragraph (A) (1) to (10) of this rule;
- (5) The potential health effects and safety concerns associated with the occurrence;
- (6) The mitigation measures initiated or performed, including any evacuation;
- (7) Whether an emergency responder was contacted to respond to the incident;
- (8) The identity of other federal, state, or local agencies that were notified;
- (9) If the occurrence involves a release of any reportable substance as listed in paragraphs (A)(4) through (10) of this rule:
  - (a) The source of the release;
  - (b) The chemical name, description, or identity of all substances released;
  - (c) If the substance is an extremely hazardous substance;
  - (d) An estimate of the quantity in United States gallons released outside of secondary containment if the substance is a liquid;
  - (e) An estimate of the quantity in pounds released outside of secondary containment if the substance is a solid;
  - (f) The date, time, and duration of the release, if known;

(g) An identification of the environmental medium or media into or onto which the substance was released; and,

(h) Other actions proposed for response to the release.

(D) Follow-up reporting: If the incident involves a release of a substance specified in paragraphs (A)(4), (6), (7), or (10) of this rule, the reporting person also shall submit to the division of oil and gas resources management a follow-up report no later than thirty days after the release. If necessary to document factors that contributed to an occurrence specified in paragraph (A) of this rule and its final resolution, the chief may request a follow-up report. Any follow-up report required under this paragraph shall be on a form prescribed by the chief that is available on the division's website. A reporting person may submit a follow-up report at any time to amend information previously provided to the division.

(E) Compliance with this rule does not eliminate the requirement that a reporting person or contractor as referenced in this rule comply with any applicable state or federal law.

Replaces: 1509:9-8-02 (Emer.)  
Effective: 12/08/2016  
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CERTIFIED ELECTRONICALLY

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Certification

11/28/2016

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Date

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Statutory Authority: ORC Section 1509.03  
Rule Amplifies: ORC Section 1509.23, 1509.22, 1509.222  
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