



Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

June 22, 2021

The Honorable Jason Stephens
Chair, House Energy and Natural Resources Committee
77 S. High Street
13th Floor
Columbus, OH 43215

The Honorable Tim Schaffer
Chair, Senate Agriculture and Natural Resources Committee
Ohio Statehouse
1st Floor
Columbus, OH 4315

Dear Chairmen Stephens and Schaffer,

I am writing to express my serious concerns with HB 282 and its companion SB 171. This legislation would allow the spreading of oilfield brine on roads and other similar surfaces without any tracking of the disposition of the oilfield brine, without the use of registered brine haulers, and without county, township, or municipal corporation approval.

Under HB 282/SB 171, brine that meets certain criteria would be deemed a commodity. Further, this commodity would be exempt from any and all references to brine in the law. By creating this commodity exemption, the legislation creates public safety concerns by doing all the following:

- Eliminates the requirement for a person or entity who wishes to spread brine deemed a commodity to notify their local board of county commissioners;
- Eliminates the requirement that local governments who wish to spread brine deemed a commodity on the roads they own or control to first vote to adopt a resolution;
- Eliminates the requirement to use registered brine haulers for the surface application of oilfield brines;
- Eliminates the requirements of bonding and insurance for liability and surety purposes that is required of brine haulers; and
- Eliminates all regulatory authority over oilfield wastes that would be classified as a “commodity,” including tracking and safety protections.

To put the potential impact of this legislation in perspective, please consider the following scenario:

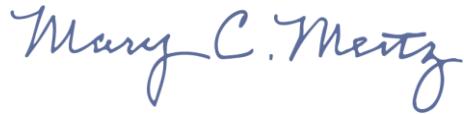
A church hires a contractor to spread the commodity (brine) on their parking lot for ice control. The contractor overspreads the commodity because the contractor charges by the gallon and there are no requirements. The overspreading causes offsite impact to private water wells. The impacted well owner calls the ODNR Division of Oil and Gas Resources Management regarding brine impact to their water well. The Division investigates nearby oil and gas wells and tank batteries to identify the source of brine contamination but cannot find a source. The source may never be found

due to the loss of regulations that would require the spreader to report annually the locations where it was spread and the volumes. Additionally, the ten safety standards that are stripped in this legislation, would have limited the spreading volumes to those that would not cause offsite impacts.

The Department of Natural Resources and the Division of Oil and Gas Resources Management have met numerous times with the company who is seeking this legislative change. Under previous General Assemblies, where the same legislation has been proposed, accommodations via law change have been made while still providing the necessary regulatory protections, such as lowering the one-time brine hauler fee from \$500 to \$50. However, in its third legislative iteration, HB 282/SB 171 does not ensure the protection of public health and safety or the environment.

I would be happy to discuss this matter in further detail at your convenience.

Sincerely,



Mary Mertz
Director

Cc: The Honorable Bob Young, State Representative, 36th District
The Honorable Don Jones, State Representative, 95th District
The Honorable Frank Hoagland, State Senator, 30th District
The Honorable Michael Rulli, State Senator, 33rd District