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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 393

A BILL

To enact section 1509.228 of the Revised Code to
establish conditions and requirements for the
sale of brine from certain oil or gas operations
as a commodity and to exempt such a commodity
from requirements otherwise applicable to brine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1509.228 of the Revised Code be
enacted to read as follows:

Sec. 1509.228. (A) As used in this section, "commodity"
means brine from a vertical well that is processed or recycled
to remove free oil, dissolved volatile organic compounds, and
other contaminants in accordance with an order, permit, or
approval issued under section 1509.22 or 1509.227 of the Revised
Code.

(B) A holder of a permit, order, or approval issued under
section 1509.22 or 1509.227 of the Revised Code who produced a
commodity and who is seeking to sell the commodity shall
demonstrate to the chief that the intended use of the commodity
is not expected to result in damage or injury to public health,



safety, or the environment. The holder may submit a copy of any 19
of the following to the chief, and such submission is sufficient 20
to constitute the demonstration required under this section: 21

(1) Documentation that the department of transportation 22
has approved the commodity for deicing or snow control; 23

(2) Documentation that the commodity, with or without a 24
corrosion inhibitor, is listed on the most recent pacific 25
northwest snowfighters qualified products list; 26

(3) Documentation from a private certification entity 27
approved by the department of transportation. 28

(C) A commodity for which a demonstration has been made 29
under division (B) of this section is exempt from any provision 30
of the Revised Code applicable to brine, and the holder of a 31
permit, order, or approval issued under section 1509.22 or 32
1509.227 of the Revised Code who made the demonstration may sell 33
the commodity for purposes of surface application in deicing, 34
dust control, portable restrooms, or any other purpose approved 35
by the chief. 36

(D) The chief may establish reporting requirements as are 37
reasonably necessary to confirm that the production and use of 38
the commodity complies with the requirements of this chapter. 39
The chief may, at reasonable times, collect samples of the 40
commodity. However, the chief shall not collect more than four 41
samples of a commodity annually from a person who sells a 42
commodity as authorized under this section. 43

(E) Except as provided in this section, the chief shall 44
not adopt any rules, policies, or procedures establishing or 45
imposing additional requirements applicable to commodities that 46
have met the demonstration requirement of division (B) of this 47

section.