

**Interested Party Testimony**  
**For**  
**Senate Bill 2**  
**From**  
**Tony Fiore on Behalf of Duck Creek Energy (AquaSalina)**  
**Before the**  
**Senate Energy & Natural Resources Committee**  
**On**  
**Wednesday, February 22, 2017**

Chairman Balderson, Vice Chair Jordan, Ranking Minority Member O'Brien and members of the Senate Energy & Natural Resources Committee thank you for the opportunity to provide interested party testimony today on SB 2. Joining me today is Dave Mansbery, the owner of Duck Creek Energy and Nature's Own which recycles raw brine into a product called ***AquaSalina, a remarkable deicing and dust control product.***

**What are we asking?**

I'm here today to discuss with you a change to Ohio law that encourages recycling the water byproduct of conventional, vertical production (also known as raw "brine"). I have samples of each so you can see for your very own eyes the difference (or see attached pictures). Under current Ohio law, state and local governments are largely exempt from storage and application of this oily, dirty salt water – but not the private sector. I'm not here to ask for the same type of exemption. Our ask is that once a company goes through the time and expense to recycle raw brine into a finished product or commodity that is proven safe and is not expected to result in damage or injury to public health, safety or the environment additional oversight by Ohio Department of Natural Resources (ODNR) is unnecessary.

Duck Creek Energy has been producing ***AquaSalina*** at its Cleveland facility pursuant to an ODNR Chief's Order issued in 2004 and renewed annually until 2016. Dave and his team began selling this commodity to local governments, universities, churches, schools, retailers and other small businesses as an alternative to simply dumping rock salt or substantial volumes of raw brine to help keep roads, sidewalks and other surfaces safe. AquaSalina has the advantage of being effective when temperatures get as low as -15 degrees in contrast to brine and rock salt whose effectiveness lessens below +20 F without harsh chemical additions.

We have been working for months with ODNR on a solution, but have come to a crossroads. ODNR's position is that the Ohio General Assembly changed ORC 1509.22 in the 130<sup>th</sup> budget bill, HB 59, which adds regulatory burdens onto Dave's company and any private sector company hauling ***AquaSalina***. ODNR is currently writing the rules for changes to ORC 1509.22 in HB 59 from the 130<sup>th</sup> GA, so it makes sense to clarify the law now before such rules are finalized. This General Assembly and several before it have been more inclined to enact common sense laws and regulations and I don't believe it was the intent to add additional regulatory burdens on companies like Duck Creek. Thus, we will respectfully agree to disagree with ODNR's interpretation and hope you will do the same by supporting this law change.

**What makes AquaSalina better?**

Man-made brine can deice at temperatures between 20-25 degrees Fahrenheit and rock salt is only effective to 6 degrees. But, ***AquaSalina*** can deice to -15 F degrees. It also eliminates the need for public and private entities to foul fresh water to make brine for road treatments by combining salt and treated water used from public sources. Independent studies provide proof that using liquids reduces rock salt consumption by up to 30 percent putting less chlorides into lakes and rivers. In addition, while state and

local governments are permitted under current law to dump raw brine for deicing and dust suppression at up to 3,000 gallons per lane mile you only need to use 30-50 gallons of **AquaSalina** for deicing the same distance. In either circumstance, **AquaSalina** is absolutely the most environmentally friendly out of all surface application options.

### **Third Party Validation**

Dave knew he was doing a good thing, but wanted third party validation of his product. So, he focused on additional national and state certification for **AquaSalina** and educating the public on his product. The product has been thoroughly studied by Temple University for the Pennsylvania DOT, University of Akron has studied this product and Montana State University for Ohio DOT, which include chemical, environmental and ice melting capacity. AquaSalina always comes out #1 as a top rated product when looking at these three factors.

As the reputation of **AquaSalina** has grown, Duck Creek has experienced steady growth over the last decade. Dave expanded operations in 2015 by opening up the Mogadore facility to handle the volume of demand making it more accessible to local consumers and increasing the area to receive brine water. A big reason for the expansion was the addition of two clients that are important to all of us and our families – the Ohio Department of Transportation (10 of the 12 districts) and the Ohio Turnpike Commission. Any of you in ODOT District 10 and 11 please see us afterward. (see attached map with ODOT, Turnpike and pinpoint location of all AquaSalina customers across the state). Unlike manmade brine, Dave's product on State contract is corrosion inhibited making it 70% less corrosive than rock salt. Good for Ohio infrastructure and the public's vehicles as well as your constituents driving on these roadways.

ODOT and Turnpike officials did their due diligence before buying **AquaSalina**. One criteria was becoming an approved and Qualified Product listing of the Pacific Northwest Snow Fighters Association and the Clear Roads Organization, which is made up of 34 state Department of Transportation, including Ohio DOT. In order to sell the deicers in Ohio on State contract, this PNS certification is required.

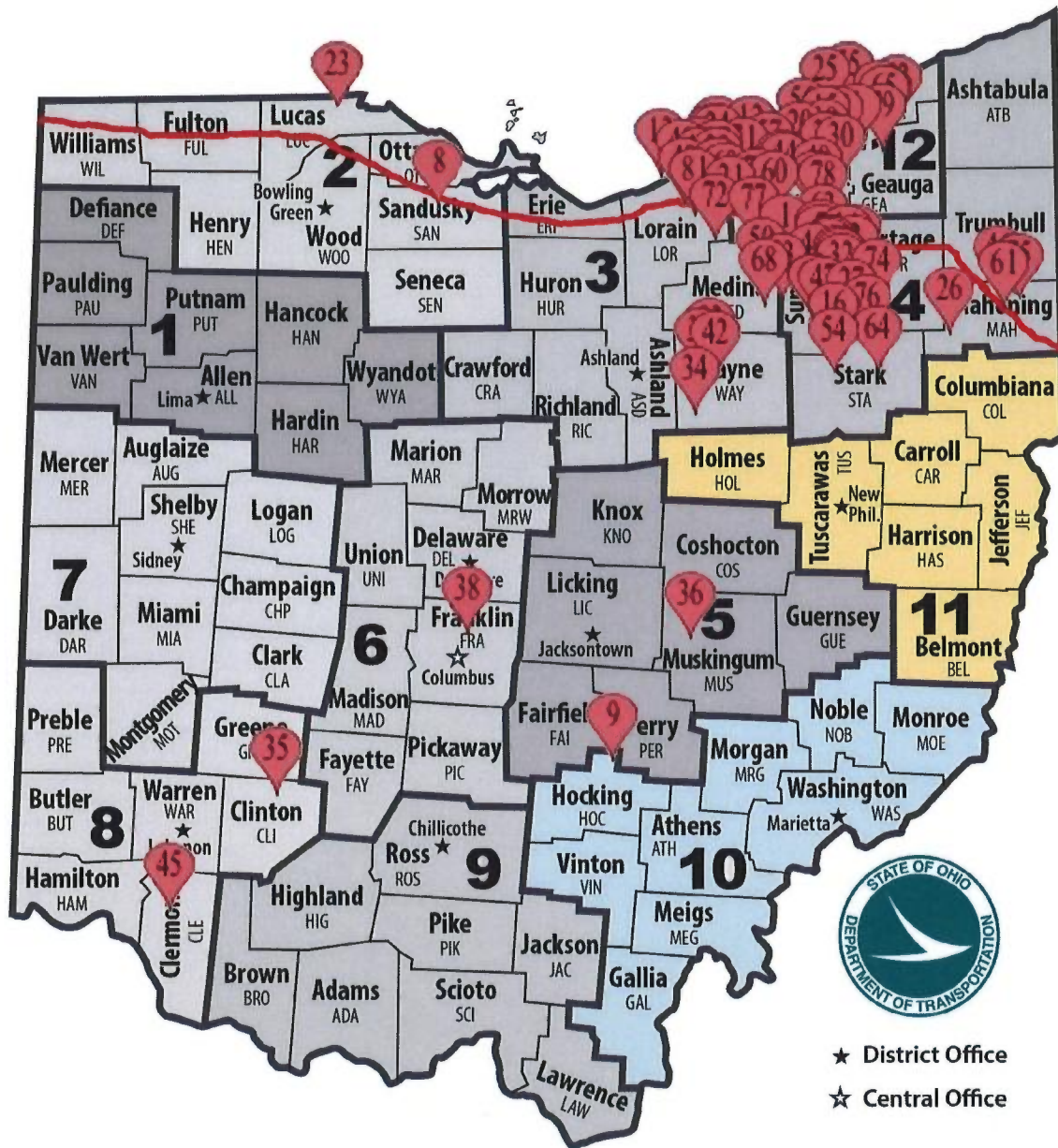
### **The capacity to do more**

In 2013-14 Duck Creek, processed 764,000 gallons of raw brine. In 2014-15, due to the colder winter and expansion of customers, it processed and repurposed 2.4 million gallons. And in 2015-16, with a warm winter Duck Creek processed roughly 2 million gallons. That means for every gallon of raw brine repurposed into AquaSalina it saves one gallon of fresh water from being fouled with salt to make an inferior brine solution. And it saves one more gallon from being injected into a Class II injection well. Duck Creek's two facilities can process 6,000 gallons an hour each and if operated 24 hours per day they could process 280,000 gallons a day or over 100 million gallons a year.

### **Conclusion**

Mr. Chairman and members of the committee we should be promoting innovative small businesses solutions like Duck Creek Energy every chance we get. We don't know of anyone else in this predicament. We have a home grown entrepreneur that takes dirty, oily raw brine water from vertical well production (at no cost to the supplier). That is a good thing by itself. But, Dave and his team goes a step further. He recycles and repurposes the brine, captures the oil and filters the remaining salt water into a finished product to keep Ohioans safer when used by ODOT, Ohio Turnpike, local governments, universities, churches, schools, retailers and other small businesses as an alternative to simply dumping salt or raw brine. I hope you will agree whether it is SB 2, HB 26 (transportation budget) or HB 49 (state operating budget) or some other legislative vehicle and help enact our language sometime in the near future.

Thank you for your time and attention. I, along with Dave, would be happy to answer any questions.



District 1	Hardin County
District 2	Seneca, Ottawa, Wood, Fulton Counties
District 3	Ashland, Crawford, Erie, Huron, Lorain, Medina, Richland, Wayne Counties
District 4	Ashtabula, Mahoning, Portage, Summit, Trumbull Counties
District 5	Fairfield, Licking, Guernsey, Muskingum Counties
District 6	Morrow County
District 7	Shelby County
District 8	Clermont, Clinton, Green, Hamilton, Preble, Montgomery, Warren Counties
District 9	Brown, Highland Counties
District 12	Cuyahoga County

Nature's Own Source, LLC



DUCK CREEK ENERGY, INC.

