

Written Testimony

Andrew Williams – Environmental Defense Fund

Opponent Testimony on Senate Bill 165

November 15, 2017

Chairman Balderson, Vice-Chairman Jordan, Ranking Member O'Brien, members of the Senate Energy and Natural Resources Committee, my name is Andrew Williams and I am the Director of Regulatory and Legislative Affairs, U.S. Climate and Energy, Environmental Defense Fund.

Environmental Defense Fund (EDF) recognizes that it is essential to prevent dangerously icy conditions on roadways and that products be available for this purpose. But great care must be taken before using brine derived from oil and gas wells. EDF recommends that the Committee **not** proceed on SB 165.

EDF's concerns are based on the following:

- We have no basis to believe that brine from vertical wells poses a lower risk to public health and the environment than brine from horizontal wells.
- To the best of our knowledge, the Ohio Department of Natural Resources (ODNR) has not undertaken a broad examination of the potential toxicity of the constituents of oilfield brine in Ohio since 2004 – yet the environmental impact of oilfield brines has been a matter of increasing research interest since that time.
- The only existing ODNR Order of which EDF is aware that approved a saline product derived from oilfield brine (Order No. 2004-82) discusses limits for free oil, dissolved volatile organic compounds (including benzene, ethyl benzene, toluene, and xylene), chloride, barium, calcium, iron, magnesium and sodium. But this permit dates to 2004. In 2017 the list of constituents of concern should be more extensive. Pennsylvania, for example, now has a general permit for beneficial use of produced water (WMGR 123, amended in 2012) that places limits on the following chemicals that are not addressed by ODNR Order No. 2004-82: aluminum, ammonia, arsenic, beryllium, boron, bromide, butoxyethanol, cadmium, chromium, copper, ethylene glycol, lead, manganese, methanol, molybdenum, nickel, nitrate/nitrite, radium, selenium, silver, strontium, sulfate, uranium and zinc. This is by no means an exhaustive list of substances of potential concern that can be found in produced water. Based on a literature review and analyses of the Frac Focus database in 2013 and 2016, EDF has identified 599 chemicals that may be found in Ohio oilfield brines, including 76 substances that are regulated as hazardous wastes under US EPA's Resource Conservation and Recovery Act (RCRA) program and 63 substances that US EPA has identified as "priority pollutants."
- The bill would effectively prevent ODNR from using current and future research to make sure that saline products derived from oilfield brines are as safe as reasonably possible. We believe that ODNR is the right agency in the state to make such determinations.

Mr. Chairman, for these reasons, EDF recommends the committee defer passage of Senate Bill 165. Thank you for considering our opposition to this proposed legislation.

