

Jenny Morgan--Testimony on Carbon Capture (HB 170)

Draft

I work with children. I've been a preschool teacher for over 20 years. One of my little ones, who moved on, and is now eight years old, is very sick. And you know who blame for her illness? YOU. Each and every one of you, and your legislative colleagues. What, you don't think that's fair?! Well, let me ask you this then—YOU, our legislators, are allowing radioactive, RADIOACTIVE waste from oil and gas production, to be used on our roads for de-icing and dust suppression.

What impact are these brine road applications, otherwise known as contamination events--because that's what ODNR calls oil/gas brine spills when they happen at well pads--what impact are these road applications, these deliberate brine spills, contamination events, having on our little ones? You don't know? That's why I blame you.

Did you know...WHEN brine spills are discovered at Ohio well pads, they have to be reported, within 30 minutes, by law, to Ohio's 24/7 oil/gas incident hotline (yes there is such a hotline because there are so many oil/gas related accidents happening nearly every day). At which time, the soils contaminated with the brine, have to be tested for radium levels, excavated and taken to an "approved" landfills that takes radioactive materials.

Brine spills can't be a contamination event, in one context, and a safe road application in another. It's nonsensical. BUT YOU allow it.

Chair Jones, you were a co-sponsor of a brine bill, not too long ago, that sought to commodify this toxic radioactive waste. I wonder if you are going to try and tell your colleagues, after today's testimony, that I'm just a crazy radical, and that oil gas brine isn't radioactive, or, not that radioactive, or, that bananas are just as radioactive, OR that the radium is "naturally occurring" (as if that makes any difference). Well, these are the industry talking points, after all.

But the fact is, the primary sourced facts are this: ODNR, the regulator of oil and gas, fought the commodification of this waste tooth and nail. Why? The agency conducted tests of this oil/gas brine-waste...and some samples tested over 9000 p/c of radium. Acceptable levels are 5 for drinking water...NOT 5000, 5.... and 60 for discharge to the environment. I was in a meeting with the Chief of ODNR-Div of OIL and GAS, who said this brine waste, contrary to its exempted status, IS HAZARDOUS WASTE, and that IT MUST NOT be commodified, and that the agency would love nothing better than to have the non-commodified oil/gas wastes off our roads forever, but that decision is not up to him and the agency, it's up to YOU, Ohio legislators.

I wonder, Chair, if you'll try and say: BUT "the brine spreading law only allows oil/gas waste from VERTICAL wells to be spread on the roads—vertical brine is the safe brine?" BUT the primary sourced fact is: The brine samples ODNR tested came from vertical wells!

I memorize industry talking points, because I'm devoting my life to exposing this evil FOSSIL FUEL CHARADE! AND, Ohio has many more concerned citizens who are devoting their lives to exposing this charade. And guess what? We're succeeding!

1. They said the brine waste was safe for roads—Now, thanks to Ohio activists, ODNR tested it and found it's radioactive
2. ODOT said it was ok to be apply this oil/gas waste on roads, and they did so—Now, thanks to activists, they say no more...The Ohio Turnpike Association says no more...The Ohio Department of Health says no more.
3. It was said Class II injection wells wouldn't leak...that the rock above would "seal the injection fluids in the permitted geology forever." That the waste was far below the aquifers, and that waste could not travel vertically towards these water supplies. Not true. Thanks to activists, ODNR commissioned a study on the Wash County Redbird injection well that found waste injections caused geological fractures and that waste travelled up to 1400 feet vertically, and 5 miles otherwise.

ACTIVISTS utilize primary sourced documents....NOT industry talking points.

4. It's said there's been no subsurface contamination. Now oil/gas production wells in Athens are contaminated from Class II subsurface brine migration. AND in 2021, this radioactive waste found its way to the surface via an unplugged well...and shot out millions of gallons of brine waste for 4 days, contaminated a waterway, killing fish. Do you know any of this?
5. They said fracking and injection wells wouldn't cause earthquakes, but then we had the 4.0 quake in Youngstown in 2011 that shut down the NorthStar injection well. In 2017, ODNR determined that a 3.8 magnitude earthquake, at a depth of 11,000 feet, was caused in Noble County by....and this is a quote in ODNR's own files: "this event is from an E-W striking fault in the basement...this event is from completion activity on the Antero Wehr Pad." Did you know there have been 44 seismic events since April 22, 2025 at the border of Noble and Guernsey counties, the highest was a 3.3 magnitude on 4/22. There were some ~72 seismic events in Wash county this past winter, from Jan 25 to Feb 17, 2025....the highest was 3.9 magnitudes....Depths ranges 2.4 to 10. In 2013 (Oct to Dec) there were 400 small seismic events in Harrison County. They don't know where all of the fault lines are, and now you want to add more wells.
6. They say fracking hasn't contaminated drinking water here in Ohio, but it has... in 2007, in Bainbridge, Ohio, well cement failed during a fracking operation. Methane migrated, travelled vertically, blew up a house, and contaminated more than 22 domestic water supplies and public water supply. This

is all outlined in ODNR's "Report on the Investigation of the Natural Gas Invasion of Aquifers in Bainbridge Township of Geauga County, Ohio"

7. The head of the Ohio Oil and Gas Association recently said the industry hasn't had, and I quote: "any real instances environmentally..." But ODNR records show 2500 oil/gas incidents are on file at ODNR since 2016. Gov. Kasich declared a state of emergency back in 2016 related to all of the oil and gas incidents. And signed ORDER 2016-04k. There's a 24/7 oil/gas incident hotline.

THIS is a 100-page packet that focuses on just 10 Class II injection disposal wells. It includes serial violations, contamination events, sometimes on-going contamination events. It exposes an ODNR regulatory system that is failing. And I have 87 other reports that show the same thing.

Shedding light on these on-going and regulator Ohio oil/gas incidents has the industry developing their talking points. One being: Because many of these incidents are not classified as severe or major, they really aren't that big a deal. But tell that to the Knox county couple, whose water in 2016 was completely destroyed from a nearby drilling operation. The Co. Tell that to the Barnesville community whose drinking water reservoir was shut down for more than 2 months while the EPA monitored radioactive levels in the water. Tell that to the mother whose son went to the hospital with 2nd degree burns from a pipeline explosion.

THESE contamination events are out of control in our state. ODNR-The Division of Oil & Gas Resources Management has 130 employees regulating over 65,000 production wells, tens of thousands of unplugged orphan wells, ~13 oil/gas waste "processing" facilities," over 250 Class II injection wells, brine hauling activities, 250 incident a year, and much more. AND NOW, you want them to regulate MORE? It's a very bad idea. AND, it's insane that you want to drill more holes in our Ohio geology.

I'll end with this: At the proponent testimony, you heard from a Mr. Kitchen, head of Hocking Hills Energy and Well Service. He told you he wants to convert 3 of his wells to carbon capture. Following is an ODNR Chief's ORER

ORDER 2019-39, issued Feb 21, 2019

To: Mr. Doug Kitchen, Hocking Hills Energy & Well Service, LLC

Logan, Ohio

Re: Hocking Hills Energy, Hocking County

Subj: Cease storage, recycling, treatment, and process operations

Chief makes following findings:

1. Hocking Hills Energy is storing and oilfield waste substances on a site at 32919 Logan Horns Mill Rd, Logan in Hocking County (Hocking Hills Energy Yard)

2. RC 1509.22 B2a states...no person shall store, recycle, treat, process, or dispose of in this state brine or other waste substances assoc with the exploration, develop, well stimulation, production operations, or plugging of oil and gas resrces without an order or a permit

3. On Feb 20, 2019, Div staff visited the Hocking Hills Energy Yard and inspected.

Observed all of the following:

- 500 barrel (21,000 gallon) storage tank behind the Hocking Hills Energy shop building, approx. 10 feet from a creek. The fluid in the storage tank appeared to be a mixture of brine and other oilfield waste substances; AND steady stream of liquid was noted flowing from the storage tank valve onto the ground and flowed into the adj creek. Div testd fluid: with Quantab test strips: chlorides b/t 1929 and 2497 ppm. The storage vessel did NOT have 2nry containment. A black oily substance was also noted on ground adj to storage tank.

** MY resrch: tributary going into Oldtown Creek (a tributary of... 10 feet away it says above)*

** Oldtown Creek flows into Logan City public water supply SWPA is ~3 miles downstream)*

** There are many domestic water wells right downstream, and nearby*

4. As of date of order, Hocking Hills Energy has not applied for an has not rec a PERMIT or ORDER from Div to store, recycle, treat, or process brine or other waste substances at Hocking Hills Energy Yard.

FINDINGS: 1. CHIEF finds Hocking Hills Energy is storing and processing brine or other waste substances assoc within violation of R.C 1509.22 B2a 2. Chief finds HHE is discharging brine, crude oil or other fluids assoc with exploration.....in violation of RC 1509.22 A

ORDERS: 1. HHE shall CEASE all storage and processing operations at the yard and remove all brine and other oilfield waste substances from the yard within 14 days 2. HHE shall provide all manifests and docs related to transport and disposition of oilfield waste substances from HHE yard within 21 days 3. HHE shall develop a site assess plan, including a schedule for implementation, for Div review, to determine whether there has been a release of brine or other oilfield waste substances, and if necessary, the horizontal and vertical extents of the contamination at HHE yard within 30 days. 4. Upon approval of the site assess plan by DIV, HHE shall perform the site assess and provide the DIV a site assess report containing the results of the site assess within the schedule approved by the

Chief 5. HHE shall develop a remediation plan, including a schedule for implementation, if nec, for review and approval of the Div within 30 days of completion of site assessment 6. HHE shall remediate any contamination, as nec, at Hocking Hills Energy Yard and provide the DIV a remediation report containing the results of any remedial actions taken within approved schedule. 7. Hocking Hills Energy shall not store, recycle, treat or process brine or toehr waste substances assoc with exploration, development, well stimulation, production operations, or plugging of oil and gas resources at Hocking Hills Energy Yard unless and until Hocking Hills Energy receives a Chiefs Order from the Division authorizing the storage, recycling, treating, or processing of brine or other waste substances.

I've been doing this so long, I have no illusions that anything I'm saying, no fact or study that I share, will make one bit of difference to you. The fossil fuel industry is KING in this state.

BUT, someday, when the fossil fuel lies are finally exposed like big tobacco was, and the public, at long last, turns their back from this contaminating, cancer causing industry, it will be on the record that we, the people, dug for the truths, and tried our best to get you to see, to hear!! That we tried our best to WARN YOU. AND, let it be on the record, that you ARE NOT LISTENING!