



*Preserving and protecting our precious freshwater*


May 6, 2025

TO: OHR Natural Resources Committee

SUBJ: HB 170 Opponent Testimony

For over 10 years we have witnessed the many harms of of unconventional oil and gas extraction and its infrastructure (fracking) and the many problems this highly unregulated industry has brought to the rural communities in which it operates. We see the proposed technology of carbon sequestration for CO2 waste to be a similar technology that is being promoted without adequate research and regulation to be able to safely sequester this hazardous material, especially without the due diligence that should be done to know the chemical characteristics of the waste stream and how it would interact with the materials being proposed to capture, transport and sequester this corrosive material safely underground forever. From our extensive research, we have yet to find the actual composition of waste CO2, with the requested information being withheld. We entered a FOIA to the USEPA for the reports made by a carbon sequestration operation in Illinois, Archer Daniels, and the chemical composition information was redacted. This is the most important information we wanted, so it appears the industry is intent on keeping the actual composition of CO2 waste a secret. Why? We suspect it is because they do not want to admit how toxic and corrosive the material actually is or what the variability might be in the chemical composition, same as the composition of frack waste with "proprietary" chemicals. We have a need to know exactly what would be pumped beneath the ground in Ohio, because some day, sooner or later, it will be found outside the injection zone, as has happened already with frack waste and at other carbon sequestration operations such as Archer Daniels. When the waste migrates into an aquifer or finds a conduit to the surface, such as an abandoned conventional well, which Ohio has many, what then? HB 170 introduces the same playbook as frack waste disposal with its proprietary, hazardous, and radioactive chemicals that are now getting into the environment through spills, dumping and injection well leaks with no way to remediate if contents migrate into an aquifer or surface water. Same with CO2 waste, which would immediately convert to carbonic acid in water.


One cannot help but wonder why Ohio would want primacy to take on the responsibility to safely dispose of corrosive CO2 waste forever, especially when it has been shown that Class 2 well disposal is not being done with adequate monitoring and oversight to prevent migration and even earthquakes. Pennsylvania does not have primacy for the injection of frack waste, which has slowed the disposal in that state, so the waste is being brought to Ohio. We know that injection wells have leaked in Pennsylvania and certainly in Ohio. But even so, it appears that the EPA in PA does a better job than the ODNR in Ohio, so EPA should retain primacy, at least until it can be shown that Ohio can safely regulate and oversee Class 2 wells. Complaints against the ODNR's oversight of Class 2 wells have been filed, before, and we still have no answer to our complaint and valid concerns are not addressed. Shouldn't a full study of the attached Class 2 complaint be fully investigated and resolved before Ohio and the ODNR are given more primacy responsibilities?



CO2 waste, like frack waste, has no value, so why would we want more waste threatening our environment and public health? Is Ohio volunteering to be the sacrifice state to solve all the fossil fuel waste and greenhouse gas problems for the industry? At whose expense in the long run? What wonderful largess from our legislators to take on more waste to sequester into a state that is already drilled full of holes for extraction, the injection of toxic frack waste, and now to provide the "pore holes," for the disposal of hazardous CO2 waste! Are we just the tool of the fossil fuel industry, offering to relieve their problems at our long-term expense? We know that the extractive industry LLC's are not adequately bonded for their damages, plugging and remediation over time. We have spent enough tax dollars to clean up from irresponsible LLC's that have taken the profits then fold when the cleanup is required. How is the Ohio government making its decisions? Is it the people through their elected representatives, or the moneyed interests of oil and gas? It is obvious that engaging in waste disposal for the extremely toxic by-products of fossil fuel production and burning is not a long-term economic benefit for Ohio, so why would carbon sequestration be done? We have coal ash ponds and mountains that are accumulating without remediation, landfills that are taking radioactive frack waste to be concentrated into the leachate, and leaking injection wells, condemning an already impoverished region of the state to cumulative toxic pollution without remediation – we do not need more.

We know without the generous 45Q credit that no one would be interested in sequestering carbon. It is not economical even with lax regulation and oversight. Studies to characterize the corrosive and hazardous properties of the waste would demonstrate the expensive processes that must be done to carry out carbon sequestration safely forever. The rush to primacy and the glittering generalities of HB 170 will take Ohio down the same path as fracking in which LLC's make a quick profit with government assistance while in the long run, failures will be borne by the taxpayer (a recent example is the costly Ohio abandoned well plugging program and Austin Masters frack waste facility). Any legislation or regulation in which the word "may" is used instead of "shall" should be held suspect. The question needs to be asked - who is this legislation benefiting – the short-term corporate interest or the long-term public interest? How many lobbyists and who were involved in writing this bill? How long will the government continue to subsidize the industry and what expense? Who stands to receive campaign donations as a result of offering Ohio for carbon sequestration and primacy?

There are many options to reduce CO2 production which would be much more cost effective. What could our tax dollars do to incentivize NOT creating CO2 to being with? Greenhouse gas reduction should be the goal. There are many CO2 reduction programs like weatherization, and natural carbon sequestration and renewable energy investment that are more cost-effective than burning fossil fuels. But that does not suit the fossil fuel industry and its promoters who continue to drill, baby, drill, pollute and destroy our air, water, public health and property values. This is what fracking has done. As with fracking and CO2 sequestration, the fossil fuel industry's biggest problem is the hazardous waste. Our government does not need to solve the industry's waste problem for it at our expense. The industry needs to pay for the problems it creates – not us! Lax regulation and lack of



oversight is a profit center for corporations. Why should Ohio taxpayers once again be subsidizing profits for those who pollute us? We should have learned our lesson from fracking but now the state wants to double down with even more hazardous waste disposal, saving some regions (the most affluent?) while sacrificing others (the poorest?).

If fossil fuels made a region rich, Southeast Ohio would be the richest part of the state rather than the poorest. Already the cumulative pollutants are making people less healthy and more impoverished. It is only the wealthy landowners who are getting more wealth, often leasing then leaving. No one wants to live next to or on top of toxic, hazardous, even explosive chemicals!

Tenaska is now leasing pore space in the region. It appears that the industry thinks it can do whatever it wants because our government is even willing to sacrifice private property rights as it has with unitization for fracking and eminent domain for fracked gas pipelines. We believe we deserve better and that Ohio Valley communities are just as important to protect as others. For instance, a water balance study is being funded for Central Ohio, but nothing for regions impacted by fracking and other thirsty industries like carbon sequestration and blue hydrogen where it is needed the most. We assert we do not have enough freshwater to be destroyed and that already we are reaching a tipping point to have enough clean water for drinking and other industries like agriculture. Ohio should be advancing water and public health protections for future prosperity. Ohio should not participate in CO2 waste disposal or seek primacy. Instead of being a waste state, Ohio could lead the way in clean water, clean energy and CO2 reduction - if only our government would free itself of the fossil fuel influence and stop being the tool for the fossil fuel industry's short-term profits at our long-term loss.

Thank you in advance for your thoughtful consideration of this urgent plea.

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Managing Director