



Save Ohio Parks

End Fracking Of Public Lands

Ohio House Natural Resources Committee
Senate Bill 219
Opposition Testimony
Cathy Becker, Save Ohio Parks

Chair Robb Blasdel, Vice Chair Fischer, Ranking Member Rogers, and Members of the House Natural Resources Committee,

Good morning, and thank you for the opportunity to testify regarding Senate Bill 219, which would revise the law governing oil and gas wells. My name is Cathy Becker, and I am the board president of Save Ohio Parks, a citizens group concerned about oil and gas extraction from Ohio's state parks, wildlife areas, and public lands.

Save Ohio Parks stands strongly against SB 219 for four reasons:

- It drastically speeds up the process of leasing Ohio's state parks and public lands for fracking.
- It contains multiple provisions previously vetoed by Gov. DeWine.
- It curtails the ability of the Ohio Department of Natural Resources to regulate fracking.
- Other provisions not in the best interest of state and local communities.

I'll take these items one at a time.

1. Speeding up fracking of Ohio state parks and public lands

If passed, SB 219 would:

- Give the Oil and Gas Land Management Commission only 90 days to decide on a nomination to frack public lands; currently they have 180 days.
- Require the commission to put approved nominations out for bid immediately; currently they do that the next calendar quarter.
- Require the commission to select the "highest and best bid" within 60 days; currently there is no deadline.
- Require the state agency that manages the land to execute a lease within 30 days; currently there is no time limit.

These time frames are too short. For example, 45 days are required for written public comments, and often the commission waits for several days before sending the nomination to its email list. A 90-day time frame is cutting this time too close.

In addition, leases to frack public lands are more complex than a standard lease due to safeguards that attempt to protect our parks and wildlife areas. ODNR generally has several pages of lease addendums; other agencies have their own addendums. More than 30 days is required to ensure these leases are properly executed.

2. Provisions previously vetoed by Gov. Mike DeWine

When the state budget bill was moving through the Statehouse last year, legislators inserted multiple provisions to benefit the oil and gas industry at the expense of our public lands. Gov. DeWine vetoed at least seven such provisions, including:

- Prohibiting ODNR from charging an oil and gas company more than the costs specifically outlined in the lease. Potentially the state could not fine companies that do not follow the rules or make companies pay to clean up after a spill, leak, or accident.
- Giving an oil and gas company the option to extend a lease to frack public land for an additional five years instead of three years under existing law.
- Allowing an oil and gas company to have “surface use” of state land — meaning they could frack IN our state parks and public lands. Currently Gov. DeWine set a rule of “no surface use,” meaning frack wells must be located outside state parks and wildlife areas.
- Giving an oil and gas company that has a lease to frack public lands up to 60 days to pay any advance royalties or bonuses, instead of 10 days under existing law.
- Suspending the time limit on oil and gas leases to frack public land if the land has to go through a federal NEPA process. Such a process applies to Zepernick and Leesville wildlife areas. Currently this process is counted against lease time limits.

It makes no sense to pass a bill full of provisions the governor has already vetoed. It’s just asking for the governor to veto these provisions again – and unlike with the budget bill, Gov. DeWine can’t line-item veto a regular bill – so he could simply veto the entire thing.

3. Curtail the ability of state and local agencies to regulate oil and gas operations

Several provisions weaken the ability for ODNR and local officials to regulate oil and gas operations. These include:

- Curtailing ODNR’s authority to deny requests for expedited review of permit applications. If an oil and gas company requests expedited review, the department

would have to grant that for up to 10 permits per year.

- Eliminating the requirement for a fracking permit applicant to enter into a road use maintenance agreement with local governments, instead making these agreements voluntary and expiring after three years.
- Exempting the requirement for a fracking permit holder to obtain a heavy hauling permit, even if the load size or weight of their trucks exceed legal limits.

Such provisions speed up fracking in Ohio with even less oversight than it has now, and even more risk and inconvenience to people in local areas where fracking takes place.

4. Other provisions not in the public interest

Here I would specifically like to cover a provision inserted by the Senate Energy Committee requiring ODNR to prioritize plugging orphan wells located near frack waste injection wells.

The purpose of the orphan well plugging program as defined in Ohio law is to address wells that are causing imminent health or safety risks. There are at least 20,000 orphan wells in Ohio – with estimates ranging up to 60,000 – but only a few hundred wells can be plugged in a year. That means ODNR needs to prioritize which wells should be plugged first.

Research by [Gianoutsos et al](#) shows that about 10% of orphan wells are responsible for most of the methane pollution originating from orphan wells.

Methane emissions are unhealthy and can be dangerous. A crew trying to plug an orphan well in Wayne National Forest last summer sparked an explosion of methane gas in and above the well, sending six to the hospital. Two crew members tragically died.

This 10% of orphan wells posing substantial health and safety risks should be the first wells targeted for plugging. They might or might not be located near a frack waste injection well. Yet the amended SB 219 would force ODNR to prioritize orphan wells located near injection wells, *whether or not those wells pose a risk to human health and safety*.

This defeats the purpose of the orphan well plugging program, because it is aimed at problems with injection wells, not orphan wells.

In 2021, fracking wastewater from a DeepRock Disposal Solutions injection well migrated into an abandoned well owned by Genesis Resources. [Records show](#) 362,000 gallons of toxic radioactive waste spewed out, killing hundreds of fish and amphibians in nearby streams and costing ODNR \$1.3 million to clean up.

ODNR fined Genesis Resources for the entire cost of the cleanup. Genesis's insurance company is [now suing](#) DeepRock to cover this expense.

Requiring the ODNR chief to plug orphan wells near frack waste injection wells might prevent this specific situation from happening again – but it would not prevent frack waste from migrating out of injection wells into production wells or drinking water wells.

In Washington County, which has more frack waste injection wells than any other county, fracking wastewater has [flooded](#) several production wells owned by two small oil and gas producers, destroying their family businesses.

ODNR is [being sued](#) for permitting these injection wells using old rules, Marietta City Council has passed [several resolutions](#) against injection wells, and Marietta citizens concerned about how close proposed injections wells would be to their drinking water wells are asking Gov. DeWine to issue a moratorium on injection wells in the county.

The lesson from these events is: orphan wells and injection wells are two different things and should be regulated separately. The repeated inability of injection wells to contain fracking waste should signal the need for more regulations on *injection wells*, not orphan wells. Each type of well has its own problem and should be regulated accordingly.

That concludes my opposition testimony on Senate Bill 219. Thank you again for the opportunity to testify, and I am happy to answer any questions.