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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 329
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 329's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. Hicks-Hudson and Smith

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill prohibits the application of brine from oil and gas wells on roadways and may result in significantly increased costs for political subdivisions that currently use this material for deicing and dust control.
- Under current law, some townships and counties obtain brine from oil and gas wells at little or no material cost, paying only for hauling and application. Replacing this brine with commercially available alternatives could increase costs by several dollars per lane-mile per application.
- No fiscal effect on the state is anticipated. The Ohio Department of Transportation (ODOT) discontinued the use of brine from oil and gas wells in late 2021.

Detailed Analysis

Political subdivisions

The bill expressly prohibits the surface application of brine from oil and gas wells on roads. As a result, political subdivisions that currently use this material for winter road maintenance and dust suppression could incur increased costs to switch to an alternative product. Under the bill, costs could increase several dollars per lane-mile treated. However, the overall magnitude of any increase would depend on the number of lane-miles treated and the frequency with which they are treated. Under current practice, brine from oil and gas wells is often provided at very low or no material cost by oil and gas producers, with subdivisions incurring only hauling and application expenses.

Common alternatives to oilfield brine include sodium chloride brine, calcium chloride brine, magnesium chloride brine, and blends incorporating agricultural byproducts such as beet

juice. According to industry data, sodium chloride brine is the least expensive and most widely used alternative. The Ohio Department of Transportation (ODOT) produces sodium chloride brine at a cost of less than 10¢ per gallon according to its website. If 40 gallons of brine are used to treat a lane-mile of roadway, the cost per lane-mile when using this type of solution could be less than \$4.00, not counting labor and equipment costs.

State

No fiscal effect on the state is anticipated. ODOT discontinued the use of brine from oil and gas wells in late 2021. In FY 2021, ODOT purchased approximately 308,000 gallons of oilfield brine for about \$207,000 before ending the practice. The Department now uses alternative products, primarily self-produced sodium chloride solutions mentioned above, when needed for extreme cold conditions.

Penalties

The bill also imposes criminal and civil penalties on a person that violates the prohibition against applying brine to roads and highways and are described in the LSC bill analysis. There are likely to be few new violations stemming from the new prohibition in the bill. Consequently, there would be very little impact on courts where such cases would be adjudicated.