

JENNY MORGAN (Concerned Citizen)  
TESTIMONY IN THE HOUSE—I AM OPPOSED TO HB 282  
May 26, 2021

Chair Stephens, Vice Chair Stewart and Representatives of the House--thank you for the opportunity to express my grave concerns regarding HB 282 and the commodification of gas and oil waste (brine).

Firstly, Chair Stephens I submitted my 7-page testimony to your aide, Rachel, at 2:00 p.m. yesterday. After I submitted it, I worked hard to shorten it—I know you'll appreciate that. I also came across some information that I have woven into my amended testimony. I submitted my shorter version to Rachel to replace my longer submittal in the public record. It's a good thing I edited it too because I came across a mistake on page 1 of my lengthier testimony where I mistakenly said that ODOT did the now famous 2017 study of AquaSalina. It's easy to get these acronyms confused. It was ODNR that conducted that 2017 study of AquaSalina not ODOT.

So, I awoke at 3:00 a.m. this morning. I was emailing Dispatch reporters with what I think is a pretty big scoop. You see, I reached out to the Ohio Turnpike Commission after hearing Mr. Mansbery's House testimony the other day. There was one section of his testimony where he was...well...kind of boasting about the increased demand for his AquaSalina product and his two big clients, the Ohio Department of Transportation & the Ohio Turnpike Commission.

I was curious about the Turnpike's thoughts on AquaSalina, well, since ODNR's now famous 2017 study that found such high levels of radioactivity in the product. Anyway, the Commission got back to me right back to me right away. I received an email yesterday from someone in the Ohio Turnpike Commission's legal department. They wrote:

“The Maintenance Department advised that the Commission did not purchase any AquaSalina last season. The Commission purchased Meltdown Apex-C from EnviroTech Services LLC through ODOT Contract during the 2020/2021 seasons. (See attached resolution and Meeting Minutes). We used up any AquaSalina we had remaining during 2020/2021 that was left over from the prior season purchases.

As she references in her email, she also sent the minutes from the Commissions's Nov, 2020 meeting. Here is an excerpt from the section of the meeting where the Commission unanimously votes to NOT use AquaSalina. It reads like this:

**General Counsel:** Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00.

**Chairman:** Who did we use last year, Tony?

**Chief Engineer:** Mr. Chairman and Commission Members, we used AquaSalina and have actually used them for the last couple of years.

**Chairman:** That is what I thought. They did not bid this time, did they?

**Chief Engineer:** Mr. Chairman and Commission Members, we are purchasing this from the ODOT Cooperative Purchasing Program, which there is a price on there for AquaSalina, 16704 but due to the issues and complaints that ODOT and the Commission are having with regard to the potential health risks of AquaSalina we decided not to use it this year and let ODOT continue with their investigation and evaluation of AquaSalina.

**Chairman:** Thank you very much. Any other questions or comments? Hearing none, please call the roll.

**MOTION:** A motion to adopt *Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00* was made by Chairman Hruby, seconded by Ms. Johnson, and approved by all Commission Members present. Resolution No. 72-2020.

**Chairman:** The resolution passes unanimously. Please continue Tony

Well, that's what I sent to the reporters anyway. I thought they'd be interested in knowing that our Ohio Legislators are considering to widely commodify a product that the Ohio Turnpike Commission has stopped using due to...how do they say it.... "due to the issues and complaints that ODOT and the Commission are having with regard to the potential health risks of AquaSalina."

I thought they would also be interested in reviewing Mr. Mansbery's testimony where he is, seemingly, misleading this House and boasting that he needs this legislation to pass because he needs to make more deicer for his two big clients (ODOT and the Turnpike Commission). You did notice that Mr. Mansbery lost out on 375,000 with that unanimous Commission vote?

I also sent the reporters that ODNR 2017 AquaSalina study that that the Turnpike Commission has undoubtedly seen, that found AquaSalina to be radioactive and exceeding radium limits. I thought they would also be interested in ODNR's recent study of some 120 *vertical* gas/oil wells that found the radioactivity of the waste to be off the charts.

I also sent the reporters a copy of ODNR's 13 concerns that they have about HB 282 and SB 171. These concerns ODNR has submitted to each of you with their alarm bells ringing. They are concerned it takes away important regulatory safety controls. Concerned that the radium limits are being raised from 120 pCi/L to 22,500, an 18,700% increase. AND, there is there 12<sup>th</sup> concern:

**"The bill allows for any person to use the commodity for ice and dust control. The long-term impact for private use is unknown. Regarding its radioactive content, commercial use for road spreading and personal use at home present entirely different human exposure risks."**

I also sent them an interesting document regarding a 2016 ODNR Order to Duck Creek Energy. Remember the Mogador facility that Mr. Mansbery said he opened due to demand for his product? Well, ODNR found that Duck Creek Energy, Inc. had:

Stored, recycled, treated, and processed brine or other oilfield waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at the **Duck Creek Energy, Inc. Mogadore Facility**, *without an order or permit.*

Duck Creek Energy, Inc. was ordered to:

1. Cease all operations at the Mogadore Facility and remove all brine and other waste substances from the Mogadore facility until and unless Duck Creek Energy, Inc. received a Chief's Order from the Division authorizing Duck Creek Energy, Inc.'s operations at the Mogadore Facility
2. Provide all manifests and documents related to the transportation and disposition of the brine and other waste substances from the Mogadore Facility upon request of the Division
3. Remediate any contamination at the location
4. And restore the site to its previous condition.

And finally, I shared with the reporters... that I had called Lowes Corporate headquarters yesterday because I am was confused as to whether or not AquaSalina can be sold at retail stores. I received an email yesterday clarifying this for me. The email said:

"There is no provision in current state statute that authorizes retail store (off the shelf) sales of oil and gas brine. The Division (ODNR) learned of the past retail sale of AquaSalina that was outside of the legal authority of Duck Creek's operating order and (ODNR) prevented further sales."

And just like that, Chair Stephens, and fellow House members, at 4:45 a.m. this morning, it came to me. I realized that ODNR is, and has been, a big, huge THORN in Dave Mansbery's side. AND he wants, he needs YOU to take that thorn out! And this legislation, if it becomes law, will do just that. It will strip ODNR of its regulatory power. The agency clearly sounds the alarm in their comments to you.

You see, after the famous 2017 ODNR study came out, that found high radium levels in AquaSalina, the bad press about AquaSalina exploded. News articles, tv stories: *Radioactive brine is being used on our Ohio roads!* It has haunted Mr. Mansbery's company, that makes AquaSalina, to this day. Remember, he lost a \$375,000 contract with the Turnpike Commission.

AND he *tried* to squelch the story, he did! He said in interviews that ODNR told him the test was faulty. Senator Dolan back in March, 2013, was repeating the same thing, that the ODNR results could not be trusted. BUT the stories on radioactive AquaSalina kept coming, and he is still trying to shake the bad press.

And I have to hand it to Dave, his lawyer, and his paid engineer, Dr. Rish.... they have their elevator speech down, complete with visual aids (remember the 4 jars?):

AquaSalina is the most effective, environmentally safe road applicant out there. It keeps Ohio drivers safe, reduces risks from dirty raw brine, saves water, money, our water sources from rock salt contamination, and our injection wells from being overrun with waste. It's the ideal road product, AND we need more of it...more AquaSalina, AND more from other gas/oil companies waiting in the wings to turn their gas/oil waste into a commodity to benefit our communities. In other words, the private sector needs to be liberated from the regulatory shackles of the Ohio Department of Natural Resources.

It might be a persuasive argument, if you didn't know some of the history of AquaSalina. How ODNR pulled a jug right off the shelf from Hartville Hardware, up in northern Ohio, and how it tested just shy of 3000 pCi/L. I'm sure you know what the limit for radium 226/228 being discharged into the environment is-- 120 pCi/L! This limit is outlined in ORC 3701:1-38-12 Appendix C Table II.

I daresay Chair Stephens and House members, IF AquaSalina was the most effective and environmentally friendly road applicant out there, ODOT and everyone else would be using it readily, selling it and singing its praises, but they don't and they aren't. Instead, the Ohio Turnpike Commission has decided not to use it *although* Mr. Mansbery has told you the opposite.

Mr. Mansbury might *say* he wants HB 282 to pass because he is trying to meet demand for his great product, to help solve the gas and oil disposal problem, to save us from that dirty, raw brine, but my guess is... Mr. Mansbury wants HB 282 to pass so he can get his jugs of AquaSalina back on the shelves, and to ensure that ODNR causes him no more headaches or lose any more market share.

So, my question to you is: Do you think Mr. Mansbery is an unbiased actor, a do-gooder looking to make a difference, OR, is he a business man trying to manipulate this House for his own self-interest? It's a valid question—A desperately important question because we are dealing with highly radioactive gas and oil brine, that is a fact.

You are being presented here with two drastically different narratives when it comes to gas and oil brine and the safety of it. Do you know anything about how Dave Mansbery filters the raw radioactive brine to “clean it up?” Neither do I, neither does anyone because I think it’s proprietary. Theoretically he could use an expensive reverse osmosis system to remove the radium, but that would be too expensive AND, anyway, it would filter out all of the salts that melt the ice and snow. The fact is, you can’t filter out the radioactive radium without rendering it useless as a deicer.

No educated citizen (unpaid citizen) would call a liquid with nearly 3000 pCi/L “clean.” Radioactivity and heavy metals are not “environmentally friendly?” Are you confident when you looked at the 4 containers Mr. Mansbery showed you in his testimony that the “cleaned up” product was safe from radium and heavy metals? Cuz we all know by now that water can look deliciously clean and be very VERY dangerous. You can’t see radium or heavy metals.

Are you confident that Mr. Mansbery, a businessman who has a significant financial interest in this Bill, is telling you the truth? Are you confident that Dr. Rish, an engineer who has been on Mr. Mansbery’s payroll, I think he said since 2004, and who thusly has a financial interest, is telling you the truth?

The opponents of this bill are not opposing the commodification of gas/oil waste because doing so will bring them financial gain. Dr. Weatherington-Rice has worked on this issue, out of passion for our human and environmental health, for 35 years. She is my hero! She has a bachelors in Earth Science, a Masters from OSU in Geology & Mineralogy, and a PhD in Soil Science, AND she has been sounding the alarm about the radioactivity of gas and oil brine on our roads since 1984. You might think this “cleaned up” version of gas/oil brine that Dave is selling you is safe, BUT it’s not. That’s why Dr. Weatherington-Rice is here, why we are all here, why we’ve been here to stop this in the past and why will be her for EVERY time it’s tried in the future.

ODNR’s study of AquaSalina is a real world, hands on, good old-fashioned scientific study, and it showed AquaSalina is radioactive. AND the real life, hands on study of the waste from 120 vertical wells showed the waste is highly radioactive. These are real world studies NOT a computer model simulation like the opponents are citing.

The half-life of radium 226 is one thousand six hundred years, as I understand it. That means the nearly 3000 pCi in that that one liter, in that one jug of AquaSalina from Hartville Hardware, will decay to a mere 1500 pCi for your descendants to deal with in the year 3600. This 1500 pCi is still more than 10 x the present limit for radium being discharged into the environment. And let us not forgot that when radium decays, it creates radon, the second leading cause of lung cancer.

I’ll end with this: ODNR, the long-time regulator of gas and oil brine, has submitted to you their concerns about this bill, again with red flags and alarm bells ringing. Their 12<sup>th</sup> concern outlined in their comments says:

“The long-term impact for private use is unknown. Regarding its radioactive content, commercial use for road spreading and personal use at home present entirely different human exposure risks.” The long-term internal exposure to radium increases the risk of developing bone and other cancers that may not be realized until many years after exposure begins.

If I, or anyone I love, God forbid, comes down with bone cancer, or, lung cancer, I want to know that I did EVERYTHING I could to prevent this Bill. I hope you will join me.

Thank you,

Jenny Morgan  
Westerville, Ohio  
[Jennymorgan2@mac.com](mailto:Jennymorgan2@mac.com)

Please see the enclosed documents

1. Ohio Turnpike Commission Minutes
2. University of Akron Study on AquaSalina and Other Products
3. The ODNR 2017 study on AquaSalina
4. My Witness Slip