



OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS RESOURCES MANAGEMENT



Comments regarding

S.B. No. 171

- The bill eliminates all current statutes that regulate the spreading of conventional oil & gas brine for ice and dust control for brine that is deemed a “commodity” by a third party of which the Division has no input.
- The bill eliminates current statutory requirements for local government approval for the spreading of conventional oil & gas brine for ice and dust control on that government’s roads for brine that is determined a “commodity”.
- Exempts “commodity” brine spreading from ten minimum safety standards for spreading, reporting requirements, and bonding and insurance requirements for brine haulers established in current law.
- Prevents cradle to grave tracking of brine hauling and disposal in Ohio. An owner could report brine production at a well, but without reporting requirements of “commodity” brine spreading, the Division would have no record of its disposal.
- Previously amended the statute to decrease the one-time brine hauler registration fee from \$500 to \$50 in response to past versions of the legislation.
- If the “brine” is a commodity and a third party approves the use, the draft states that no provision of Revised Code may apply to it. Thus, once a commodity always a commodity.
- The bill prescribes the criteria that the Division must use for approval as a commodity but, it also eliminates the Divisions ability to conduct regulatory oversight in a manner consistent with routine inspection policies established to ensure the safety of the public and the environment from Division permitted activities. The bill only allows testing four times a year by the Division.
- The bill requires the Division to accept the approval of third-party entities evaluation that the Division had no knowledge of, input on, or any legal authority to require any input on.
- Two of the listed third-party approvers that directly affect if brine is a “commodity” are and may be out of state with no Ohio regulatory oversight.
- The proscribed acceptance limit for Ra-226 @20,000 pCi/l and Ra-228 @2,500 pCi/l are inconsistent with concentrations currently approved in other States such as North Dakota and Colorado for the spreading of conventional oil & gas brine for ice and dust control. This value is four times higher than some other states that regulate brine spreading.
- 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 it’s radioactive content, commercial use for road-spreading and personal use at home present entirely different human exposure risks.
- The bill requires the Division to approve brine as a commodity using criteria as a one-time approval process and specifically prohibits any future changes or updates to the process regardless of unanticipated or unintentional

consequences of its use.

- Because the Division regulates brine spreading, the Division will have to fulfill public records requests and answer questions of the public even though the Division had no part in the approval and cannot stop the brine as qualifying as a “commodity”.