



Senators Frank Hoagland and Michael Rulli

Sponsor Testimony for Senate Bill 171
Senate Agriculture and Natural Resources Committee
May 18, 2021

Senator Rulli:

Chairman Schaffer, and members of the Senate Agriculture and Natural Resources Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 127. This bill aims to create a framework for the sale of brine water, an otherwise useless by-product of “vertical” oil and gas wells, to be used to help the de-icing of our roads. Refined brine water is not raw brine, the immediate by-product from the oil and gas wells. It is brine, refined through an extensive process to the point where all oil and gas products are removed. This bill seeks to create public standards for this environmentally safe product and have it classified as a commodity that can be sold for de-icing legally, legitimately, and with proper regulation. The current regulations on this product are very cumbersome due to it being in the same category as raw brine, which is full of contaminants that refined brine water is not. Recycled brine water currently: is used by churches, retail establishments, colleges, universities and local governments to keep parking lots and sidewalks safe for patrons, has been tested and is widely used by our Ohio Department of Transportation (ODOT) and the Ohio Turnpike to keep our roads safe during the winter months, is 70% less corrosive than rock salt on our infrastructure and constituent’s vehicles. We are simply trying to take this environmentally friendly product and make it regulated and accessible for everyday consumers.

My joint sponsor, Senator Hoagland, can share in greater detail why this legislation is vitally important for Ohioans.

Senator Hoagland:

Even with the new regulations and framework of this bill for brine water, it will still be the most regulated product for the de-icing of our roads. Under current law, raw brine can be used at a rate of up to 3,000 gallons per lane mile by local governments that enact a resolution to do so. The problem is that any entity or person wanting to use this refined, more environmentally-friendly

brine water fall under the same regulations as raw brine. Currently, any entities or persons using the refined brine water must register with ODNR as a “brine hauler”, pay \$50, and prepare an annual report to ODNR specifying the specific locations and amounts where they spread the product gallon-for-gallon (even if it’s a 2 gallon jug).

This bill does not include the recycling or reuse of water from horizontal fracking wells. The water from these wells does not contain sufficient salt so it will freeze and not melt snow or ice to keep our roads safe. This legislation provides ODNR the ability to maintain the oversight of this recycling program and ongoing testing, puts scientific testing standards in the statute to ensure utilization of recycled brine water poses an insignificant threat to public health, safety or the environment as reported by several authorities, and prevents further government regulation unless the recycled brine water fails to meet these standards. At such point, ODNR can suspend the sale of the product.

Senator Rulli and I have had a conversation with ODNR. We asked: Is brine a hazard to our environment? Why does brine not have a HAZMAT placard assigned to it?

The answers to these questions were vague and offered little clarity to the possibilities that brine is an hazard to the environment. After that conversation, Senator Rulli and I thought long and hard about this legislation. I can assure the members of this committee that neither of us have any interest in contaminating our environment.

Thank you again for your time - we would be happy to answer any questions the committee may have.