#### As Introduced

# 132nd General Assembly Regular Session 2017-2018

S. B. No. 165

## **Senators Dolan, Skindell**

Cosponsors: Senators Hottinger, Schiavoni, Sykes

### A BILL

То	enact section 1509.228 of the Revised Code to	1
	establish conditions and requirements for the	2
	sale of brine from certain oil or gas operations	3
	as a commodity and to exempt such a commodity	4
	from requirements otherwise applicable to brine.	5

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

<b>Section 1.</b> That section 1509.228 of the Revised Code be	6	
enacted to read as follows:	7	
Sec. 1509.228. (A) As used in this section, "commodity"	8	
means brine from a vertical well that is processed or recycled	9	
to remove free oil, dissolved volatile organic compounds, and	10	
other contaminants in accordance with an order, permit, or	11	
approval issued under section 1509.22 or 1509.227 of the Revised		
Code.	13	
(B) A holder of a permit, order, or approval issued under	14	
section 1509.22 or 1509.227 of the Revised Code who produced a	15	
commodity and who is seeking to sell the commodity shall	16	
demonstrate to the chief that the intended use of the commodity		
is not expected to result in damage or injury to public health.	18	

safety, or the environment. The holder may submit a copy of any	19		
of the following to the chief, and such submission is sufficient			
to constitute the demonstration required under this section:	21		
(1) Documentation that the department of transportation	22		
has approved the commodity for deicing or snow control;	23		
(2) Documentation that the commodity, with or without a	24		
corrosion inhibitor, is listed on the most recent pacific	25		
northwest snowfighters qualified products list;	26		
(3) Documentation from a private certification entity	27		
approved by the department of transportation.			
(C) A commodity for which a demonstration has been made	29		
under division (B) of this section is exempt from any provision	30		
of the Revised Code applicable to brine, and the holder of a	31		
permit, order, or approval issued under section 1509.22 or	32		
1509.227 of the Revised Code who made the demonstration may sell	33		
the commodity for purposes of surface application in deicing,	34		
dust control, portable restrooms, or any other purpose approved			
by the chief.	36		
(D) The chief may establish reporting requirements as are	37		
reasonably necessary to confirm that the production and use of	38		
the commodity complies with the requirements of this chapter.			
The chief may, at reasonable times, collect samples of the	40		
commodity. However, the chief shall not collect more than four	41		
samples of a commodity annually from a person who sells a			
commodity as authorized under this section.	43		
(E) Except as provided in this section, the chief shall	44		
not adopt any rules, policies, or procedures establishing or			
imposing additional requirements applicable to commodities that			
have met the demonstration requirement of division (B) of this			

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