

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 171**

**Senators Hoagland, Rulli**

---

**A BILL**

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

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

**Section 1.** 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 that is not from a horizontal well that is processed 9  
or recycled to remove free oil, dissolved volatile organic 10  
compounds, and other contaminants in accordance with an order, 11  
permit, or approval issued under section 1509.22 or 1509.227 of 12  
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 of the division of oil and gas 17  
resources management that the intended use of the commodity is 18  
not expected to result in damage or injury to public health, 19

safety, or the environment. The holder shall submit a copy of 20  
both of the following to the chief, and such submission is 21  
sufficient to constitute the demonstration required under this 22  
section: 23

(1) Results of a representative sample of the commodity 24  
analyzed by a laboratory certified under section 3746.04 of the 25  
Revised Code confirming that the commodity does not exceed any 26  
of the following limits: 27

(a) Arsenic 5.0 mg/l; 28

(b) Cadmium 0.2 mg/l; 29

(c) Chromium 1.0 mg/l; 30

(d) Copper 1.0 mg/l; 31

(e) Lead 1.0 mg/l; 32

(e) Mercury 0.05 mg/l; 33

(f) Selenium 5.0 mg/l; 34

(g) Zinc 10 mg/l; 35

(h) Barium 50 mg/l; 36

(i) Benzene 0.31 mg/l; 37

(j) Toluene 17.5 mg/l; 38

(k) Ethylbenzene 29 mg/l; 39

(l) Xylenes 10 mg/l; 40

(m) Radium-226 20,000 picocuries/l; 41

(n) Radium-228 2,500 picocuries/l. 42

(2) One of the following: 43

(a) Documentation that the department of transportation 44  
has approved the commodity for deicing or snow control; 45

(b) Documentation that the commodity, with or without a 46  
corrosion inhibitor, is listed on the most recent Pacific 47  
northwest snowfighters qualified products list; 48

(c) Documentation from a private certification entity 49  
approved by the department of transportation. 50

(C) A commodity for which a demonstration has been made 51  
under division (B) of this section is exempt from any provision 52  
of the Revised Code applicable to brine, and the holder of a 53  
permit, order, or approval issued under section 1509.22 or 54  
1509.227 of the Revised Code who made the demonstration may sell 55  
the commodity for purposes of surface application in deicing, 56  
dust control, portable restrooms, or any other purpose approved 57  
by the chief. 58

(D) The chief may establish reporting requirements as are 59  
reasonably necessary to confirm that the production of the 60  
commodity complies with the requirements of this chapter. The 61  
chief shall, at reasonable times, collect samples of the 62  
commodity. However, the chief shall not collect more than four 63  
samples of a commodity annually from a person who sells a 64  
commodity as authorized under this section. The chief shall 65  
provide the holder of the permit, order, or approval issued 66  
under section 1509.22 or 1509.227 of the Revised Code with a 67  
copy of the results of any sampling of the commodity completed 68  
by the chief. The chief shall include with the copy all 69  
supporting data associated with the results. 70

(E) The chief may order the suspension of the sale of a 71  
commodity authorized under this section if samples of the 72

commodity show that it exceeds any chemical or radiological 73  
standard established under division (B) (1) of this section. The 74  
holder of the permit, order, or approval issued under section 75  
1509.22 or 1509.227 of the Revised Code shall provide 76  
information acceptable to the chief confirming that the 77  
commodity meets those standards prior to resuming sale of the 78  
commodity. 79

(F) Except as provided in this section, the chief shall 80  
not adopt any rules, policies, or procedures establishing or 81  
imposing additional requirements applicable to commodities that 82  
have met the demonstration requirement of division (B) of this 83  
section. 84