A BILL

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

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

Section 1. That section 1509.228 of the Revised Code be enacted to read as follows:

Sec. 1509.228. (A) As used in this section, "commodity" means brine that is not from a horizontal well that is processed or recycled to remove free oil, dissolved volatile organic compounds, and other contaminants in accordance with an order, permit, or approval issued under section 1509.22 or 1509.227 of the Revised Code.

(B) A holder of a permit, order, or approval issued under section 1509.22 or 1509.227 of the Revised Code who produced a commodity and who is seeking to sell the commodity shall demonstrate to the chief of the division of oil and gas resources management that the intended use of the commodity is not expected to result in damage or injury to public health,
safety, or the environment. The holder shall submit a copy of both of the following to the chief, and such submission is sufficient to constitute the demonstration required under this section:

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

   (a) Arsenic 5.0 mg/l;
   (b) Cadmium 0.2 mg/l;
   (c) Chromium 1.0 mg/l;
   (d) Copper 1.0 mg/l;
   (e) Lead 1.0 mg/l;
   (f) Mercury 0.05 mg/l;
   (g) Selenium 5.0 mg/l;
   (h) Zinc 10 mg/l;
   (i) Barium 50 mg/l;
   (j) Benzene 0.31 mg/l;
   (k) Toluene 17.5 mg/l;
   (l) Ethylbenzene 29 mg/l;
   (m) Xylenes 10 mg/l;
   (n) Radium-226 20,000 picocuries/l;
   (o) Radium-228 2,500 picocuries/l.

   (2) One of the following:
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(a) Documentation that the department of transportation has approved the commodity for deicing or snow control;

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

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

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

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

(E) The chief may order the suspension of the sale of a commodity authorized under this section if samples of the
commodity show that it exceeds any chemical or radiological standard established under division (B)(1) of this section. The holder of the permit, order, or approval issued under section 1509.22 or 1509.227 of the Revised Code shall provide information acceptable to the chief confirming that the commodity meets those standards prior to resuming sale of the commodity.

(F) Except as provided in this section, the chief shall 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 section.