

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