



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

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### **Sub. H.B. 393\***

132nd General Assembly  
(As Reported by H. Energy & Natural Resources)

Rep. DeVitis

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## **BILL SUMMARY**

- Establishes conditions and requirements for the sale of brine from certain oil or gas operations as a commodity for use in activities such as deicing, snow control, and dust control.
- Exempts commodities from requirements otherwise applicable to brine.

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## **CONTENT AND OPERATION**

### **Introduction**

The use of fluids to stimulate oil and gas well operations<sup>1</sup> produces waste known as brine, which is waste water with a high saline content that includes other substances.<sup>2</sup> Generally, under current law, a person is prohibited from processing or disposing of brine without a permit or order issued by the Chief of the Division of Oil and Gas Resources Management.<sup>3</sup> The bill establishes a system by which a person may sell brine as a commodity if the brine does not come from a horizontal well and is processed or recycled to remove all of the following:

- (1) Free oil;

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\* This analysis was prepared before the report of the House Energy and Natural Resources Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete

<sup>1</sup> Well stimulation helps to increase the production of oil and gas from a well.

<sup>2</sup> See R.C. 1509.01(U), not in the bill.

<sup>3</sup> R.C. 1509.22, not in the bill. The Division is under the authority of the Department of Natural Resources.

- (2) Dissolved volatile organic compounds; and
- (3) Other contaminants.

The processing or recycling of the brine must be conducted in accordance with a permit, order, or approval issued by the Chief of the Division.<sup>4</sup>

### **Requirements prior to the sale of brine**

If a holder of a permit, order, or approval ("holder")<sup>5</sup> wants to sell a commodity processed as specified above,<sup>6</sup> the holder must demonstrate to the Chief that the intended use of the commodity is not expected to result in damage or injury to public health, safety, or the environment. In doing so, the holder may submit a copy of any of the following to the Chief:

- (1) Documentation that the Department of Transportation (ODOT) has approved the commodity for deicing or snow control;
- (2) Documentation that the commodity, with or without a corrosion inhibitor, is listed on the most recent Pacific Northwest Snowfighters qualified products list; or
- (3) Documentation from a private certification entity approved by ODOT.

If a holder submits one of the above forms of documentation, that submission is sufficient to constitute the demonstration required under the bill.<sup>7</sup>

### **Commodity exemption**

Once a holder submits one of the above forms of documentation, the holder's commodity, for which the permit, order, or approval has been issued, is exempt from any provision of Ohio law applicable to brine. The holder may then sell the commodity for purposes of surface application in deicing, dust control, portable restrooms, or any other purpose approved by the Chief.<sup>8</sup>

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<sup>4</sup> R.C. 1509.228(A).

<sup>5</sup> See R.C. 1509.22 and 1509.227, not in the bill.

<sup>6</sup> R.C. 1509.228(A).

<sup>7</sup> R.C. 1509.228(B).

<sup>8</sup> R.C. 1509.228(C).



## Additional requirements

The Chief may establish reporting requirements as are necessary to confirm that the production and use of the commodity complies with the requirements of the Oil and Gas Law. The Chief must, at reasonable times, collect samples of the commodity. However, the Chief cannot collect more than four samples of a commodity annually.<sup>9</sup> In addition, the Chief cannot adopt any rules, policies, or procedures establishing or imposing additional requirements applicable to commodities that have met the bill's demonstration requirements.<sup>10</sup>

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## HISTORY

ACTION	DATE
Introduced	10-26-17
Reported, H. Energy & Natural Resources	---

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<sup>9</sup> R.C. 1509.228(D).

<sup>10</sup> R.C. 1509.228(E).

