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H.B. 95
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Skindell

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SUMMARY

- Prohibits the disposal of brine from oil and gas operations by deep well injection, by land application, and in surface or ground water.
- Eliminates the per barrel injection well fee associated with the disposal of brine by deep well injection.
- Prohibits the use of brine in enhanced recovery operations, which are operations used for the secondary or tertiary recovery of oil or natural gas.
- Eliminates the authority of a board of county commissioners, a board of township trustees, and the legislative authority of a municipal corporation to permit, by resolution, the surface application of brine on roads.
- Prohibits the conversion of a well to a use other than its original purpose (for example, converting from an oil and gas production well to an injection well).
- Establishes criminal penalties for a violation of the bill's prohibitions.

DETAILED ANALYSIS

Brine disposal

Under current law, brine derived from oil and gas operations may be disposed of in an injection well. An injection well is a type of well that is drilled into rock formations for the disposal of oil-field waste water that is produced during the hydraulic fracturing process. This waste water, or brine, includes all saline water that results from, or is produced in connection with, an oil or gas well.¹ A person seeking to drill an injection well for the disposal of brine must obtain, from the Chief of the Division of Oil and Gas Resources Management,² a permit to drill

¹ R.C. 1509.01(U).

² The Division is part of the Department of Natural Resources.

the injection well and an additional permit to dispose of the brine.³ Brine also may be treated, recycled, and applied to roads for purposes of ice control, under certain conditions.⁴

The bill makes various changes regarding the disposal of brine. First, it prohibits anyone from disposing of brine using underground injection, by land application, and in surface or ground water. Instead, brine only may be disposed of by a method approved by the Chief that does not involve underground injection, disposal on the land, or in surface or ground water. Under current law, a person is only prohibited from disposing of brine in or on the land or in surface or ground water if the disposal causes or could reasonably be anticipated to cause damage or injury to public health or safety or the environment.⁵

Whoever negligently violates the bill's prohibition is subject to a fine of \$100 to \$1,000 for a first offense and a fine of \$200 to \$2,000 for each subsequent offense.⁶

Second, because the bill prohibits brine injection, it repeals the law that levies a per-barrel injection well fee.⁷

Third, the bill prohibits the use of brine in association with enhanced recovery operations, including the underground injection of brine for those operations.⁸ Enhanced recovery generally means the secondary or tertiary recovery of oil or natural gas. Whoever negligently violates this prohibition is subject to a fine of \$100 to \$1,000 for a first offense and a fine of \$200 to \$2,000 for each subsequent offense.⁹ Current law allows brine to be used for enhanced recovery operations, but requires the issuance of a permit from the Chief to do so.¹⁰

Last, the bill repeals the law that authorizes a board of county commissioners, a board of township trustees, and the legislative authority of a municipal corporation to permit, by resolution, the surface application of brine on roads.¹¹

Conversion of wells

The bill prohibits a person from converting a well to a use other than its original purpose. For example, an oil and gas production well cannot be converted to an injection well.¹² Whoever negligently violates this prohibition is subject to a fine of \$100 to \$1,000 for a

³ R.C. 1509.06 and 1509.22. See ODNR "Underground Injection Control" *available at:* <http://oilandgas.ohiodnr.gov/regulatory-sections/underground-injection-control>

⁴ R.C. 1509.22 and 1509.226.

⁵ R.C. 1509.22.

⁶ R.C. 1509.99(E).

⁷ R.C. 1509.22(H).

⁸ R.C. 1509.21(B).

⁹ R.C. 1509.99(E).

¹⁰ R.C. 1509.21(A).

¹¹ R.C. 1509.226, repealed.

¹² R.C. 1509.051.

first offense and a fine of \$200 to \$2,000 for each subsequent offense.¹³ Under current law, a person may convert a well to use other than its original use if the person obtains a permit to do so issued from the Chief.¹⁴

HISTORY

Action	Date
Introduced	02-21-19

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¹³ R.C. 1509.99(E).

¹⁴ R.C. 1509.05.