

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 545

**Representative Holmes, A.
Cosponsor: Representative Riedel**

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 may submit a copy of any 20
of the following to the chief, and such submission is sufficient 21
to constitute the demonstration required under this section: 22

(1) Documentation that the department of transportation 23
has approved the commodity for deicing or snow control; 24

(2) Documentation that the commodity, with or without a 25
corrosion inhibitor, is listed on the most recent Pacific 26
northwest snowfighters qualified products list; 27

(3) Documentation from a private certification entity 28
approved by the department of transportation. 29

(C) A commodity for which a demonstration has been made 30
under division (B) of this section is exempt from any provision 31
of the Revised Code applicable to brine, and the holder of a 32
permit, order, or approval issued under section 1509.22 or 33
1509.227 of the Revised Code who made the demonstration may sell 34
the commodity for purposes of surface application in deicing, 35
dust control, portable restrooms, or any other purpose approved 36
by the chief. 37

(D) The chief may establish reporting requirements as are 38
reasonably necessary to confirm that the production and use of 39
the commodity complies with the requirements of this chapter. 40
The chief shall, at reasonable times, collect samples of the 41
commodity. However, the chief shall not collect more than four 42
samples of a commodity annually from a person who sells a 43
commodity as authorized under this section. 44

(E) Except as provided in this section, the chief shall 45
not adopt any rules, policies, or procedures establishing or 46
imposing additional requirements applicable to commodities that 47

have met the demonstration requirement of division (B) of this
section.

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