Ohio Legislative Service Commission

Bill Analysis

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S.B. 178

130th General Assembly
(As Introduced)

Sen. Skindell

BILL SUMMARY

- Prohibits the disposal of brine by deep well injection, by land application, and in association with enhanced recovery, and makes conforming changes.
- Accordingly, eliminates the per-barrel injection well fee.
- Prohibits the conversion of a well to a use other than its original purpose, and makes conforming changes.

CONTENT AND OPERATION

Brine disposal

The bill prohibits anyone from placing or causing to be placed brine in or on the land or in surface or ground water.[1] Current law prohibits anyone from placing or causing to be placed brine, crude oil, natural gas, or other fluids associated with the exploration or development of oil and gas resources in surface or ground water or in or on the land in quantities or in a manner that actually causes or could reasonably be anticipated to cause either of the following:

(1) Water used for consumption by humans or domestic animals to exceed the standards of the Safe Drinking Water Act; or

(2) Damage or injury to public health or safety or the environment.[2]

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[1] R.C. 1509.22(A)(1).

[2] R.C. 1509.22(A)(2).

The bill retains that prohibition as it applies to substances other than brine. It then specifies that the existing prohibition and the bill's prohibition regarding brine apply regardless of whether the brine, crude oil, natural gas, or other fluids have been treated in a public water system or other treatment system or process.[3]

Under the bill, brine from any well must be disposed of only by methods approved by the Chief of the Division of Oil and Gas Resources for testing or implementing a new technology or method of disposal. The bill eliminates current law under which brine also may be disposed of by injection into an underground formation, including annular disposal if approved by rule of the Chief, in accordance with a permit issued by the Chief; by surface application to roads; and in association with a method of enhanced recovery. As a result of the bill's prohibition regarding brine disposal, it also eliminates current law that specifies that brine from exempt Mississippian wells cannot be discharged directly into Ohio waters.[4]

The bill then specifically prohibits a person from injecting brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production into an underground formation.[5] It also prohibits the Chief from issuing a permit for such injection.[6] The bill retains current law authorizing the Chief to adopt rules authorizing tests to evaluate whether fluids or carbon monoxide may be injected in a reservoir. However, it specifically excludes brine from that provision.[7]

As a result of the above changes, the bill repeals current law that does all of the following:

(1) Requires the issuance of a permit for the injection of brine and other waste substances, establishes procedures and requirements governing that issuance, and requires the Chief to adopt rules governing such injection;[8]

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[3] R.C. 1509.22(A)(3).

[4] R.C. 1509.22(C)(1).

[5] R.C. 1509.22(D)(1).

[6] R.C. 1509.22(D)(3).

[7] R.C. 1509.22(D)(2).

[8] R.C. 1509.22(D)(1), (3), and (5).

(2) Levies a per-barrel injection well fee, and provides for the calculation and collection of the amounts owed;[9] and

(3) 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 to roads, and establishes requirements governing such resolutions and surface application.[10]

Additionally, the bill prohibits the disposal of brine in association with a method of enhanced recovery.[11] Current law, largely retained by the bill with the exception of brine, prohibits a person from conducting secondary or additional recovery operations, including any underground injection of fluids, without a permit to do so from the Chief.[12]

Finally, the bill makes necessary conforming changes in other statutes.[13]

Conversion of wells

The bill prohibits a person from converting a well to a use other than its original purpose.[14] Accordingly, it eliminates the prohibition in current law against converting a well to any use other than its original purpose without a permit to do so issued by the Chief.[15] The bill then makes necessary conforming changes.[16]

HISTORY

ACTION	DATE
Introduced	08-14-13

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[9] R.C. 1509.22(H).

[10] R.C. 1509.226, repealed.

[11] R.C. 1509.21(B).

[12] R.C. 1509.21(A).

[13] R.C. 1509.02, 1509.06(G), 1509.222, 1509.223, and 1509.224.

[14] R.C. 1509.051.

[15] R.C. 1509.05.

[16] R.C. 1509.01(EE)(1), 1509.06(A) and (K), and 1509.08.