



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Division of Oil & Gas Resource Management

Richard J. Simmers, Chief

2045 Morse Road, Bldg. F-3

Columbus, OH 43229-6693

phone: 614/265-6922

fax: 614/265-6910

September 4, 2014

Mr. Jon M. Eltringham, Jr.
813 Westbourne Avenue
Zanesville, OH 43701

**RE: Application to Operate a Facility
E & R Energy Services, LLC
Muskingum County**

Dear Mr. Eltringham:

The Division of Oil and Gas Resource Management (DOGRM) received the revised drawings and description for the proposed E & R Energy Services, LLC facility. Based on the significant changes to the drawings and facility scope of operations, I am returning to you the application submitted on June 3, 2014 and one set of the drawings, description and other documents received on August 28, 2014. Please review the application form and documents as a complete submittal to ensure everything is still accurate and represents the proposed design, construction and operations. I also had a few specific comments after reviewing the revised drawings (received August 28th), outlined below:

- The location of the existing pond was not shown on the drawings or visible on the aerial map. Controls should be taken to prevent potential discharge of contaminated runoff from entering the pond.
- The diversion channel detail referenced in the August 26th letter from Cody Ward was not included on sheet 2.
- The volume considered for spill containment (sheet 3) of the liquid wastes does not represent the plumbing and gravity flow operations between frac tanks 1 and 2 and tanks 3 and 4. Therefore, containment volume should be increased to store the volume of both tanks, or operation and management of the tanks should be closely monitored to prevent a condition where the spill containment would be insufficient.
- Provide information on the management of the filter media from the filter pods. This material will be TENORM and testing for radium 226 and 228 needs to be included in your testing protocol.
- Lawful management and disposal of all wastes shall be in compliance with Ohio Revised Code (ORC) Section 1509.22(C)(1). Manifests and logs documenting the volumes, origin, and final disposition of these materials should be maintained on-site to verify compliance with the law.
- The SPCC plan was provided but does not appear to represent the operations that have been described for this proposed facility. SPCC plan is required under CFR Title 40 and was not reviewed as part of this request for a Chief's Order.

The division is currently writing draft administrative rules to clarify ORC Section 1509.22. Upon the effective date of these future rules, facilities with a temporary Chief's Order to Operate a Facility will have 120 days to come into compliance with those rules. To better align existing facilities with the anticipated content of these rules, you may want to consider the following recommendations:

- Perform a geotechnical analysis to ensure a stable access road and site. At a minimum, the analysis should contain analysis of the proposed slopes, soils analysis for determining bearing capacities, optimum compaction and moisture content.
- Perform an environmental assessment of the existing site to establish a reclamation standard in the event that the business would cease operations. The installation of monitoring wells should also be considered.
- Ensure separation of oil and gas brine and other waste substances from the rest of the operation, in order to be compliant with existing laws.
- Generate record drawings of the constructed site.
- Develop a radiation protection and management plan for the handling of radium 226 and radium 228 and the protection of the environment, workers and the public.

Upon verification of the application submittal and clarification of the questions within this letter, please resubmit the complete application for processing of the Chief's order to operate. You may contact me at 614/265-6905 and/or by email at beth.pratt@dnr.state.oh.us with any questions.

Sincerely,



Beth A. Pratt, P.E.
DOGRM Engineer

C: Tim Linn, P.E., Linn Engineering, Inc.
Rocky King, Regional Supervisor, DOGRM
Blake Arthur, P.E., DOGRM Engineer