



# Ohio Department of Natural Resources

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Division of Oil & Gas Resource Management  
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August 29, 2014

Mr. Scott McCrea  
Dynamic Structures, Inc., dba ClearCreek  
3790 State Route 7  
New Waterford, Ohio 44445

**RE: Chief's Order To Operate a Facility  
Columbiana County, Ohio**

Dear McCrea:

Thank you for submitting the application for a temporary Chief's Order to Operate a Facility. On and after January 1, 2014, a temporary authorization, in the form of the Chief's Order, is required to operate a facility that stores, recycles, treats, or processes waste substances associated with oil and gas exploration and production operations. The storage of residual liquids and solids from the washing of trucks and other vessels hauling oil and gas waste substances would be considered a facility under Section 1509.22 of the Ohio Revised Code (ORC).

The Division of Oil & Gas Resource Management (DOGRM) received the application for an order to operate a facility on August 21, 2014, submitted by Dynamic Structures, Inc., dba ClearCreek. After review of the application and supporting documents, it was found that the submittal was lacking in details that are necessary for DOGRM to evaluate impacts to the surrounding environment and to worker and public safety. Please address the following questions and items:

- The layout of the site provided insufficient detail to define the boundary of the facility. Please provide views that clearly show the physical boundary of the facility.
- Provide cross-sections and/or other details pertaining to the spill containment and the management of stormwater on the site. Specifically, DOGRM is concerned with the potential of contaminated materials leaving the site in the event of a spill and/or surface runoff that has come into contact with any contaminated materials. Also provide the storage capacity of the containment identified in the schematic. It is unclear from the schematic how the portable containment and secondary containment functions. The containment areas appear to be isolated from the operations and the storage containers.
- Provide details on the management of all materials to be handled at the site. Item no. 8 states that solids are cleaned out of the trucks. How are the solids managed once removed from the vessel? Are they solidified? Are they transported and disposed of at a landfill in Ohio? How are the solids classified? Are they tested for TENORM? The solids being managed at the site would be considered TENORM and must be tested and managed as per ORC Section 1509.074.
- The applications states that the liquids transported for disposal are going to a licensed waste water treatment facility. Please identify the facility that is taking the liquid waste water. The liquid likely contains brine and must be lawfully disposed as per 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.

- 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.

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:

- Generate engineered plans of the existing site and any future modifications to the site.
- Review the siting of the facility and the potential impact of the facility to the environment and the public health and safety. This review would consider flood plain impacts and distance to sole source aquifers or public water supplies, protected lands, adjacent neighbors, etc.
- A geotechnical analysis should be performed to ensure the site is stable and capable of handling existing and future loading from the operations.
- Perform an environmental assessment of the site to establish a reclamation standard in the event that the business would cease operations.
- 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.

If you have any questions, please feel free to contact me at 614/265-6905.

Sincerely,



Beth A. Pratt, P.E.  
Division of Oil and Gas Resource Management

C: Blake Arthur, P.E.  
Bob Worstall, Deputy Chief