



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

**Richard J. Simmers, Chief**  
**Division of Oil and Gas Resources Management**  
2045 Morse Road – Bldg. F-2  
Columbus, OH 43229-6693  
Phone: (614) 265-6922, Fax: (614) 265-6910

## **ORDER BY THE CHIEF**

February 6, 2015

**ORDER NO. 2015-28**

**TO: E&R Energy Services, LLC**  
**8645 East Pike**  
**Norwich, OH 43767**

**RE: E & R Norwich Facility**  
**Perry Township, Muskingum County**

**SUBJECT: Temporary Authorization to Store, Process, and Treat Brine and Other Waste**  
**Substances Pursuant to R.C. 1509.22**

Pursuant to Ohio Revised Code Section 1509.22, the Chief of the Division of Oil and Gas Resources Management ("Chief" or "Division") issues the following Order:

### **BACKGROUND:**

- (1) E&R Energy Services, LLC (E & R Energy Services) proposes to operate a storage, treatment, and processing facility located at 8645 East Pike, Norwich, Ohio in Muskingum County ("E & R Norwich Facility"). The E & R Norwich Facility will receive brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources. The E & R Norwich Facility will also be a clean-out and washing facility for trucks and vessels that contain residue related to oil and gas production operations.
- (2) Division (B)(2)(a) of R.C. 1509.22 states, in pertinent part, that "On and after January 1, 2014, no person shall store, recycle, treat, process, or dispose of in this state brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources without an order or a permit issued under this section or section 1509.06 or 1509.21 of the Revised Code or rules adopted under any of those sections."
- (3) On October 14, 2014, the Division received an application from E & R Energy Services requesting to process, treat, and temporarily store brine and other waste substances associated with the exploration, development, well stimulation, production operations, or

plugging of oil and gas resources at the Norwich Water and Materials Handling Facility. In its application, E & R Energy Services supplied the Division with information and details regarding its proposed operations. The brine and other waste substances will be processed to separate the solids from the liquids. The liquids will be collected and stored on site until transported to a Class II injection well for disposal. The settled solids will be removed from the storage tanks and taken to an approved facility for solidification prior to lawful disposal. Technically enhanced naturally occurring radiological materials (TENORM) received or generated from processing of the materials managed at the facility will be handled in accordance with the Radiological Protection Plan (RPP) provided by E & R Energy Services for the E & R Norwich Facility.

**ORDER:**

**IT IS HEREBY ORDERED:**

E & R Energy Services has temporary approval to process, treat, and temporarily store brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources, subject to the following conditions:

- (1) E & R Energy Services shall conduct all operations in compliance with R.C. Chapter 1509 and Ohio Adm.Code 1501:9.
- (2) Brine shall not be disposed of in a manner not specified in R.C. 1509.22(C)(1)(a) through R.C. 1509.22(C)(1)(c). Disposal of brine pursuant to R.C. 1509.22(C)(1)(d) requires separate written approval by the Chief.
- (3) E & R Energy Services shall conduct all operations at the E & R Norwich Facility in accordance with the application submitted to the Division for this facility.
- (4) E & R Energy Services shall implement erosion and sediment control Best Management Practices (BMPs) as defined in the drawings submitted to the Division with E&R Energy Services' application for the Norwich Water and Materials Handling Facility.
- (5) E & R Energy Services shall implement the RPP for the E & R Norwich Facility and shall continuously update the protocols and procedures in the plan based on results of radiological surveys outlined in the RPP.
- (6) E & R Energy Services shall provide record drawing to the Division that detail the constructed site and delineate the boundaries of the E & R Norwich Facility upon the completion of the final site work.
- (7) E & R Energy Services shall notify the Division one week prior to commencement of operations in order to provide the Division with an opportunity to inspect the facility prior to commencement.

- (8) E & R Energy Services shall maintain waste management records for the E & R Norwich Facility and shall provide the records to the Division upon request. The records shall include, but not be limited to, manifests of all incoming waste substances, final disposition of the waste substances, and characterization results of testing performed to determine the concentration of radium-226 and radium-228 on all technologically enhanced naturally occurring radioactive materials (TENORM) at the E & R Norwich Facility in accordance with R.C. 1509.074.
- (9) This Chief's Order shall terminate upon any of the following, whichever occurs first:
- a) The Division issues a permit to E & R Energy Services for the E & R Norwich Facility pursuant to rules promulgated under R.C. 1509.22(C);
  - b) The Division denies a permit to E & R Energy Services for the E & R Norwich Facility pursuant to rules promulgated under R.C. 1509.22(C); or
  - c) Six months after the effective date of rules adopted under R.C. 1509.22(C).

02/06/2015  
Date

Scott R. Hill for Richard J. Simmers  
Richard J. Simmers, Chief  
Division of Oil and Gas Resources Management

Addressee is hereby notified that this action is final and effective and may be appealed pursuant to Section 1509.36 of the Ohio Revised Code. If the Order is appealed to the Ohio Oil and Gas Commission, the appeal must be in writing and must set forth the Orders complained of and the grounds upon which the appeal is based. Such appeal must be filed with the Oil and Gas Commission, 2045 Morse Road, Building H-3, Columbus, Ohio 43229-6693, within thirty (30) days after receipt of this Order.

In addition, within three (3) days after the appeal is filed with the Oil and Gas Commission, notice of the filing must be submitted to Richard J. Simmers, Chief, Division of Oil and Gas Resources Management, Ohio Department of Natural Resources, 2045 Morse Road, Building F, Columbus, Ohio 43229-6693.

CERTIFIED MAIL No: 91 7199 9991 7034 1928 6002

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Norwich Water and Material Handling Facility  
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cc:    Legal Section  
         Steve Opritza, Permitting Manager  
         Engineering Section  
         Mike Mitchell, Muskingum County Oil and Gas Inspector