



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-3
Columbus, OH 43229-6693
Phone: (614) 265-6922, Fax: (614) 265-6910

ORDER BY THE CHIEF

February 11, 2015

ORDER NO. 2015-44

TO: Dynamic Structures, Inc.
dba Clear Creek
3790 State Route 7
New Waterford, Ohio

RE: Clear Creek Facility
Fairfield Township, Columbiana County

SUBJECT: Temporary Authorization to Temporarily Store 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) Dynamic Structures, Inc., dba Clear Creek ("Clear Creek") proposes to operate a truck and vessel washing facility to be located at 44592 State Route 14 Unit B, Columbiana, Ohio in Columbiana County ("Clear Creek Facility"). The Clear Creek Facility will be a clean-out and washing facility for trucks and vessels that contain residual brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources.
- (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 August 21, 2014, the Division received an application from Clear Creek requesting to temporarily store brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas

resources at Clear Creek Facility. In its application, Clear Creek supplied the Division with information and details regarding its proposed operations. At the Clear Creek facility, residual brine and other waste substances associated with oil and gas will be removed from trucks and vessels, and will be temporarily stored on-site in closed vacuum boxes for transportation off-site for lawful disposal. There is no on-site processing or solidification of the accumulated solids or liquids. 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 Clear Creek for the Clear Creek Facility.

ORDER:

IT IS HEREBY ORDERED:

Clear Creek has temporary approval to 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) Clear Creek 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) Clear Creek shall conduct all operations at the Clear Creek Facility in accordance with the application submitted to the Division for this facility.
- (4) Clear Creek shall implement the RPP for the Clear Creek Facility and shall continuously update the protocols and procedures in the plan based on results of radiological surveys outlined in the RPP.
- (5) Clear Creek shall maintain spill containment for all waste handling operations at the Clear Creek Facility.
- (6) Clear Creek shall notify the Division two weeks prior to commencement of operations in order to provide the Division with an opportunity to inspect the facility prior to commencement.
- (7) Clear Creek shall maintain waste management records for the Clear Creek 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 Clear Creek Facility in accordance with R.C. 1509.074.

- (8) This Chief's Order shall terminate upon any of the following, whichever occurs first:
- a) The Division issues a permit to Clear Creek for the Clear Creek Facility pursuant to rules promulgated under to R.C. 1509.22(C);
 - b) The Division denies a permit to Clear Creek for the Clear Creek 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).

2/11/2015
Date

John R. Kell 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 1918 9198

91 7199 9991 7034 1918 9198

cc: Legal Section
Steve Opritza, Permitting Manager
Engineering Section
Mike Mitchell, Muskingum County Oil and Gas Inspector