

**As Reported by the House Energy and Natural Resources Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 393**

**Representative DeVitis**

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**A BILL**

To enact section 1509.228 of the Revised Code to 1  
establish conditions and requirements for the 2  
sale of brine from certain oil or gas operations 3  
as a commodity and to exempt such a commodity 4  
from requirements otherwise applicable to brine. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1509.228 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 1509.228.** (A) As used in this section, "commodity" 8  
means brine that is not from a horizontal well that is processed 9  
or recycled to remove free oil, dissolved volatile organic 10  
compounds, and other contaminants in accordance with an order, 11  
permit, or approval issued under section 1509.22 or 1509.227 of 12  
the Revised Code. 13

(B) A holder of a permit, order, or approval issued under 14  
section 1509.22 or 1509.227 of the Revised Code who produced a 15  
commodity and who is seeking to sell the commodity shall 16  
demonstrate to the chief that the intended use of the commodity 17  
is not expected to result in damage or injury to public health, 18  
safety, or the environment. The holder may submit a copy of any 19

of the following to the chief, and such submission is sufficient 20  
to constitute the demonstration required under this section: 21

(1) Documentation that the department of transportation 22  
has approved the commodity for deicing or snow control; 23

(2) Documentation that the commodity, with or without a 24  
corrosion inhibitor, is listed on the most recent pacific 25  
northwest snowfighters qualified products list; 26

(3) Documentation from a private certification entity 27  
approved by the department of transportation. 28

(C) A commodity for which a demonstration has been made 29  
under division (B) of this section is exempt from any provision 30  
of the Revised Code applicable to brine, and the holder of a 31  
permit, order, or approval issued under section 1509.22 or 32  
1509.227 of the Revised Code who made the demonstration may sell 33  
the commodity for purposes of surface application in deicing, 34  
dust control, portable restrooms, or any other purpose approved 35  
by the chief. 36

(D) The chief may establish reporting requirements as are 37  
reasonably necessary to confirm that the production and use of 38  
the commodity complies with the requirements of this chapter. 39  
The chief shall, at reasonable times, collect samples of the 40  
commodity. However, the chief shall not collect more than four 41  
samples of a commodity annually from a person who sells a 42  
commodity as authorized under this section. 43

(E) Except as provided in this section, the chief shall 44  
not adopt any rules, policies, or procedures establishing or 45  
imposing additional requirements applicable to commodities that 46  
have met the demonstration requirement of division (B) of this 47  
section. 48