

1501:9-4-01**Definitions.**

As used in chapter 1501:9-4 of the Administrative Code:

(A) "Amendment" means a written authorization of the chief to make a revision to a certified oil and gas waste facility. "Amendment" means any of the following:

- (1) Any substantial alteration in the operational processes at an oil and gas waste facility;
- (2) Any substantial alteration in the volume of brine or other waste substances that could be stored, treated, recycled, or processed at the oil and gas waste facility;
- (3) Any substantial alteration in the equipment or appurtenances used to perform the operations at the oil and gas waste facility;
- (4) Any substantial alteration to the design or construction of the oil and gas waste facility;
- (5) Any alteration to the design or construction of the oil and gas waste facility that reduces the ability of the oil and gas waste facility to safely operate; protect public health and safety, or minimize damage to natural resources; or
- (6) Any alteration that results in an adjustment of the oil and gas waste facility boundary.

(B) "Applicant" means a person that submits an application for a permit to operate an oil and gas waste facility.

(C) "Background sample" means a sample collected from a reference area for comparison with samples collected on site. The reference area should have the same physical, chemical, geological, and biological characteristics as the site being investigated, but has not been affected by activities on the site.

(D) "Barrel" means a quantity of liquid equal to forty-two U.S. gallons.

(E) "Brine" has the same meaning as in section 1509.01 of the Revised Code.

(F) "Certification documents" means a submittal of documents to the chief that includes all of the following:

- (1) A certification form;
- (2) The record drawings of the facility;

- (3) A modification summary form, if applicable;
- (4) A verification of integrity inspection and testing results; and
- (5) A recommendation of occupancy from the board of building standards.
- (G) "Certification form" means a signed and sealed form by a professional engineer who has personal professional knowledge of the construction of the oil and gas waste facility that is the subject of an application that includes the statement that "The application documents were designed in accordance with all applicable statutes and rules adopted under them and the oil and gas waste facility was constructed in reasonably close conformity with the approved application, including all approved material modifications."
- (H) "Chief" means the chief of the division of oil and gas resources management.
- (I) "Closure" means the cessation of all storage, recycling, treatment, or processing of brine or other waste substances for the purpose of permanently terminating any portion of the operations at an oil and gas waste facility.
- (J) "Construction" means any alteration of the earth, including soil, sediment, rock, sand, gravel, and organic material; or the assemblage or initiation of assemblage of any infrastructure, building, structure, fixtures, or portions thereof for the purpose of creating an oil and gas waste facility. "Construction" does not include the short-term storage of equipment or materials; activities to protect sensitive areas or habitats; seasonal tree and vegetative cutting; or any activity that does not exceed one acre of earth disturbance conducted for the preparation of an oil and gas waste facility.
- (K) "Containment" means primary containment or secondary containment.
- (L) "Contaminant of concern" means a contaminant for the storing, recycling, treating, or processing of brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources.
- (M) "Decommissioning plan" means a plan that contains all of the following:

  - (1) A schedule to decommission an oil and gas waste facility;
  - (2) A description of the closure and of the cleaning of all containments and equipment for unrestricted use or conditional release; and
  - (3) A description of the removal and proposed final disposition of all brine and other waste substances from the oil and gas waste facility.

(N) "Decommissioning report" means a report that includes all of the following:

- (1) All manifests for the final disposition of all brine and other wastes substances removed from the oil and gas waste facility;
- (2) The final disposition of all piping, equipment, liners, rig mats, or other appurtenances used as part of the oil and gas waste facility; and
- (3) All analytical results.

(O) "Division" means the division of oil and gas resources management, Ohio department of natural resources.

(P) "Drill cuttings" means the soil, rock fragments, and pulverized material that are removed from well as defined in 1509.01 of the Revised Code and that may include a de minimus amount of fluid that results from a drilling process.

(Q) "Environmental professional" has the same meaning as in 40 C.F.R. 312.10.

(R) "Facility plans" means the plans submitted to the chief for an oil and gas waste facility, that include all of the following:

- (1) Signed and sealed by a professional engineer;
- (2) Compliant with the Ohio Building Code;
- (3) Prepared using commonly accepted drafting standards;
- (4) Clear, legible, and drawn to a scale on American National Standards Institute (ANSI) size D; and
- (5) And all other information required in rule 1501:9-4-04 of the Administrative Code.

(S) "Financial Assurance" means any of the following:

- (1) Surety bond executed by a surety company authorized to do business in this state;
- (2) Cash;
- (3) Irrevocable letter of credit issued by any bank organized or transacting business in this state; or
- (4) Negotiable certificate of deposit issued by any bank organized or transacting business in this state.

- (T) "Fluid" means a waste substance that fails the United States Environmental Protection Agency standard "SW-846 Test Method 9095B: Paint Filter Liquids Test" and can be reused in a drilling operation or disposed of in an injection well without processing other than settling or filtration.
- (U) "Industry standard" means the criteria within a particular field or industry that are generally the minimal accepted requirements followed by the members of that field or industry.
- (V) "Letter of commencement" means a written approval of the chief to commence storing, recycling, treating, processing, or disposing of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at an oil and gas waste facility.
- (W) "Long-term oil and gas waste facility" means an oil and gas waste facility that stores, recycles, treats, or processes brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources authorized under section 1509 of the Revised Code, section 1571 of the Revised Code, division 1501:9 of the Administrative Code, or conditions of a permit issued under those authorities.
- (X) "Manifest" means a shipping document that describes the brine or other waste substances when it is transported by any means other than a pipeline and contains a description of the brine or other waste substances, the name of the person that generated the brine or other waste substances, the volume of brine or other waste substances, and the destination of the brine or other waste substances.
- (Y) "Material modification" means any of the following that occurs during construction, in accordance with rule 1501:9-6-07 of the Administrative Code:
- (1) Any substantial alteration to the design or construction of an oil and gas waste facility;
  - (2) Alteration to the design or construction of the oil and gas waste facility that reduces the ability of the oil and gas waste facility to safely operate, protect public health and safety, or minimize damage to natural resources; or
  - (3) Any alteration that results in an adjustment of the oil and gas waste facility boundary.
- (Z) "Modification summary form" means a form prescribed by the chief that is submitted electronically to the division that includes all modifications made to an approved application, is updated daily upon performance of a modification, and is made

available for review by the division at the oil and gas waste facility site during construction.

(AA) "Naturally occurring radioactive material" or "NORM" has the same meaning as in section 3748.01 of the Revised Code.

(BB) "Notice of application" means a notification provided by the division that an application for a permit for an oil and gas waste facility has been submitted to the division, which includes all of the following information as applicable:

(1) The name and address of the applicant;

(2) The township, county and address or coordinates of the oil and gas waste facility;

(3) The phone number, website address and mailing address of the division;

(4) The name, title, email, and telephone number of the applicant's contact;

(5) A description of each type of waste substance that will be stored, processed, treated, or recycled by the oil and gas waste facility;

(6) The proposed maximum volume of brine and each other waste substances that is proposed to be stored or used in any phase of processing, treatment, or recycling at the oil and gas waste facility;

(7) A statement to all parties required to be notified pursuant to this chapter that the division will consider all written comments received by the division, within thirty calendar days of the posting of the public notice on the division's website; and

(8) A statement to an owner of real property, who receives the notice of application pursuant to this chapter, that within five business days of receipt of the notice of application, the owner of real property is required to provide notice of application to each residence in an occupied dwelling that is located on the owner's parcel of real property.

(CC) "Ohio Building Code" means the requirements established in Chapter 4101:1 of the Administrative Code.

(DD) "Oil and gas waste facility" or "facility" means all buildings, structures, portions of a building or structure, vessels, containers, equipment, pipelines, and other fixtures at a location for the purpose of storing, recycling, treating, processing, or disposing of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources authorized

under Chapter 1509 of the Revised Code, section 1571 of the Revised Code, division 1501:9 of the Administrative Code, or conditions of a permit issued under those authorities. "Oil and gas waste facility" does not include any of the following:

- (1) Operations authorized by a permit issued under section 1509.06 of the Revised Code, including associated exploration, development, well stimulation, production operations, or plugging of oil and gas resources that take place at a well site and only serve operations at that well site;
- (2) Operations authorized by a permit issued under section 1509.21 of the Revised Code and operations authorized by a permit issued pursuant to section 1509.22 (D) of the Revised Code and rules adopted under it;
- (3) Storing of brine or other waste substances in a vehicle, vessel, or container at locations for less than seventy-two hours for which a manifest has been generated in accordance with paragraph (B) of rule 1501:9-6-08 of the Administrative Code;
- (4) A facility used by a government authority to store brine used solely for ice and/or dust control in accordance with an approved brine spreading resolution subject to section 1509.226 of the Revised Code; or
- (5) A facility that disposes of other waste substances pursuant to a permit issued under Chapter 3734 of the Revised Code and rules adopted under it.

(EE) "Oil and gas waste facility boundary" means the boundary delineated for an oil and gas waste facility and includes all areas physically altered for construction and related to the operation of the facility including erosion and sediment controls, storm water management and pipelines.

(FF) "Oil and gas waste facility permit" means an authorization to store, recycle, treat, process, or dispose of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources under this chapter.

(GG) "Original condition" means the site conditions existing prior to the construction and operation of an oil and gas waste facility.

(HH) "Other waste substances," "waste substance," or "waste" means a substance that results from the exploration, development, well stimulation, production operations, or plugging of oil and gas resources. "Other waste substances," "waste substance," or "waste" does not include wastes associated with gas processing facilities or pipelines not regulated under Chapter 1509 of the Revised Code and any rules adopted under it.

"Other waste substances," "waste substance," or "waste" includes, but is not limited to, the following:

- (1) Drill cuttings, used proppants, used filter media, lost circulation materials, and used drilling muds;
- (2) Solids generated from the storing, recycling, treating, or processing of drill cuttings, used proppants, used filter media, lost circulation materials, and used drilling muds;
- (3) Drill cuttings, used proppants, used filter media, lost circulation materials, and used drilling muds that are stored, recycled, treated, or processed as ingredients to create a product;
- (4) Earthen materials mixed with brine or any substances listed in paragraph (GG)(1) of 1501:9-3-01 of the Administrative Code;
- (5) Oil, gas, or condensate that is not removed from the substance prior to acceptance at a facility; and
- (6) Non-potable water resulting, obtained, or produced from the exploration, drilling, stimulation, testing, workover, plugging of an oil and gas well or production of oil or gas.

(II) "Permittee" means a person who has been issued an oil and gas waste facility permit under this rule.

(JJ) "Person" has the same meaning as in section 1509.01 of the Revised Code.

(KK) "Pipeline" means pipe, associated appurtenances, and conveyances that are installed or used for the transportation of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources "Pipeline" also means pipe, appurtenances, and conveyances used to transport brine to a class II disposal well. "Pipeline" does not include process piping.

(LL) "Preliminary site review" means a site visit conducted by the chief that includes the applicant or the applicant's designee and the professional engineer, if applicable, who is responsible for preparing the drawings or the professional engineer's designee to review the location of a proposed oil and gas waste facility.

(MM) "Preoperational site review" means a site visit conducted by the chief that includes the permittee's designee and the professional engineer who is responsible for

- preparing the record drawings or their designee to review an oil and gas waste facility to ensure accuracy of the certification documents.
- (NN) "Primary containment" means a structure or equipment that is or will be in direct contact with brine or with other waste substances to prevent a release of the brine or other waste substance, including but not limited to a tank, vessel, dike, pipe, liner, vault, or other equipment.
- (OO) "Process piping" or "piping" means pipe, associated appurtenances, and conveyances associated with storing, processing, treating, or recycling activities at an oil and gas waste facility for which a permit has been issued pursuant to rule 1501:9-6 of the Administrative Code.
- (PP) "Processing" or "process" means to subject brine or other wastes to mechanical or physical procedures.
- (QQ) "Production operation" has the same meaning as in section 1509.01 of the Revised Code.
- (RR) "Professional engineer" and "professional surveyor" have the same meanings as in section 4733.01 of the Revised Code.
- (SS) "Qualified person" means a person that has specific training, expertise and experience that meets common industry standards for performing specific testing and inspections to verify component and system integrity and is not an employee or operator of the oil and gas waste facility whose components or systems are being assessed.
- (TT) "Reagent" means a product or chemical used in processing or treating brine or other waste substances.
- (UU) "Reclamation" means actions taken upon closure of an oil and gas waste facility to decommission, assess, remediate, and restore a former oil and gas waste facility site to conditions that do not present a threat to human health or safety or to the environment.
- (VV) "Recommendation of occupancy" means approval of a building or structure for the purpose under which the building or structure is to be used.
- (WW) "Recycling" or "recycle" means to process or treat brine or other waste substances in order to use again.
- (XX) "Record" means information developed and maintained during the operation of an oil and gas waste facility. "Record" includes, but is not limited to, logs of storm water discharge, verification of integrity results, manifests, analytical testing results related to the manifests, standard operating procedures, and log of inspections.



(YY) "Record drawings" means a revised set of drawings generated from the as-built construction drawings that are signed, sealed, and submitted by a professional engineer after completion of construction of an oil and gas waste facility that reflect all modifications made during construction to an application approved under rule 1501:9-6 of the Administrative Code and show the dimensions, geometry, and location of all elements of the work completed.

(ZZ) "Remedial action plan" means a plan prepared by an environmental professional that describes mitigations of any negative impacts from the operation of the oil and gas waste facility and the potential to cause harm to human health, safety, or the environment and includes all of the following:

- (1) A means to determine the vertical and horizontal extents of the contaminants' migration;
- (2) Appropriate cleanup standards for any contaminants of concern
- (3) A course of action on how to remediate the contaminated soils, ground water, and surface water; and
- (4) A schedule of implementation.

(AAA) "Remedial action report" means a detailed report prepared by an environmental professional that explains all remedial actions performed pursuant to a remedial action plan and includes all of the following:

- (1) A tabular summary of all groundwater, surface water, and soil sampling analytical laboratory results;
- (2) A map identifying sample locations;
- (3) A description of and rationale for all sampling activities;
- (4) A description of sampling protocols;
- (5) All analytical laboratory data;
- (6) Manifest(s) for the lawful disposal or recycling of waste substances removed during the remedial actions; and
- (7) Conclusions of the environmental professional upon completion of the remedial action phase.

(BBB) "Secondary containment" means a structure, including but not limited to, a tank, vessel, berm, dike, pipe, liner, vault, curbing, drip pan, sump, or other equipment constructed or placed in a manner to temporarily contain a release of brine or other waste substance from primary containment and to prevent the brine or other waste substance from coming into contact with the ground water or the land, or to be discharged or likely to be discharged into surface water.

(CCC) "Short-term oil and gas waste facility" means an oil and gas waste facility that allows for temporary storing, recycling, treating, or processing of brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources authorized under Chapter 1509 of the Revised Code, Chapter 1571 of the Revised Code, division 1501:9 of the Administrative Code, or conditions of a permit issued thereunder.

(DDD) "Site assessment plan" means a plan prepared and performed by an environmental professional that sets forth the criteria and evaluations to be used to determine if operations of an oil and gas waste facility impacted the soil, surface water, and/or groundwater, which describes screening and visual inspection of the oil and gas waste facility and soil samples, groundwater, and surface water samples analyzed for contaminants of concern and includes a schedule of implementation.

(EEE) "Site assessment report" means a report prepared by an environmental professional that describes the sampling methodology and rationale, procedures for collection of samples, comparison of analytical data to background samples, conclusions based on the comparison of the analytical data determining whether remedial actions are necessary, and all supporting laboratory results.

(FFF) "Site restoration inspection" means an inspection by the chief with the permittee or the permittee's designee to review the site of a reclaimed oil and gas waste facility to ensure compliance with the approved site restoration plan.

(GGG) "Site restoration plan" means a plan that details the proposed restoration of an oil and gas waste facility and that includes construction documents prepared by a professional engineer and an implementation schedule.

(HHH) "Solid" means a waste substance that passes the United States Environmental Protection Agency standard "SW-846 Test Method 9095B: Paint Filter Liquids Test."

(III) "Stabilization" means treating a waste to permanently bind or eliminate the fluid content in the waste substance.

(JJJ) "Stabilization agent" means a material such as portland cement, quick lime (calcium oxide), or other material approved by the chief that binds or chemically reacts with

the liquid component in a waste and results in a solid that when compressed does not release brine or other liquid.

(KKK) "Storing" or "store" means to accumulate or collect with a means for ultimate disposal of the brine or other waste substances.

(LLL) "Surface facility" means a facility that is solely connected to a class II disposal well for the purposes of filtering, storing, or filtering and storing brine prior to injection and the facility has a total nominal storage volume of 12,000 barrels or less.

(MMM) "Suspension" means a waste substance that is not a solid and is not a fluid.

(NNN) "Technologically enhanced naturally occurring radioactive material" or "TENORM" has the same meaning as in section 3748.01 of the Revised Code. "TENORM" includes all of the following if the radionuclide concentrations have been increased by or as a result of past or present human activities:

(1) Proppants previously used in a well;

(2) Oil-based drilling mud, water-based drilling mud, brine, and other fluids that have been circulated in a well;

(3) Solids accumulated in pipes, valves, or equipment that convey brine or oil and gas waste substances;

(4) Solids that have settled to the bottom of containments that have been used to store, recycle, treat, or process brine or oil and gas waste substances;

(5) Rinsate generated from the cleaning or washing of vessels, containments, pipes, or equipment associated with a production operation or the transportation of brine and other waste substances;

(6) Filter media used to remove particulates and solids from oil and gas related fluids; and

(7) Any other material that is mixed with any substance identified in this paragraph.

(OOO) "Temporary" means a period of time that does not exceed one year from the receipt of a letter of commencement.

(PPP) "Treating" or "treat" means to subject brine or other waste substances to chemical procedures.

(QQQ) "Verification of integrity" means the testing or inspection in accordance with industry standards of all primary containment, secondary containment, equipment, piping systems, and other appurtenances at the oil and gas waste facility that are performed by a qualified person and are of the appropriate type for the component and system being tested or inspected.

(RRR) "Well" has the same meaning as in section 1509.01 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	1509.03, 1509.22
Rule Amplifies:	1509.01, 1509.02, 1509.03, 1509.22