



Testimony to the Ohio House of Representatives, House Energy and Resources Committee

Rep. Al Landis Chairman

Rep. Christine Hagan Vice Chair

Rep. Michael O'Brien Ranking Member

Committee Persons: Mr. Antani, Mr. Bocchieri, Ms. Cyde, Mr. Edwards, Mr. Leland, Mr. Schaffer, Mr. Stein, Mr. Thompson, Mr. Wiggam

re: sub HB 393

January 30, 2018

Good Afternoon Mr. Chairman,

Thank you for this opportunity to enter testimony on sub HB 393 concerning the impact of this legislation to allow the sale of oil and gas wastewater as a marketable commodity.

My name is Tim Kettler and I am testifying as a board member of Coshocton Environmental and Community Awareness Inc. (CECA), a non-profit Coshocton County environmental advocacy and education organization. I am a resident of Monroe Township, Coshocton County where I have been a property owner for the past 32 years. I am an Ohio EPA Certified Wastewater Operator and have been in business in the wastewater handling and treatment field for 32 years serving residential, commercial and industrial clients. Because of my professional and community activities, I have the daily opportunity to speak with residents and homeowners, friends and family from around the state about environmental issues. The most common feedback I hear is that folks generally don't know anything about the issue of "brine" spreading nor do they understand the impacts of this undesirable disposal practice and the potential for immediate health and safety risks.

The geology and soil structure of Coshocton and many rural Ohio counties is problematic for domestic wastewater treatment systems. Much of our approach in recognizing and resolving these treatment and disposal issues also apply to the surface disposal of oil and gas wastewater. As you may know, Household Sewage Treatment Systems (HSTS) are recognized as Class V injection wells and present a real challenge. These injection wells generally discharge partially treated and treated effluent *above the deepest* Underground Source of Drinking Water (USDW) and in fact, *above the uppermost* Underground Source of Drinking Water. We must control these discharges to ensure that these treated, and partially treated effluents do not short circuit the treatment process and dangerously find their way into our fresh water resources which include springs, ponds, artesian wells and old, shallow, hand-dug and drilled water wells. Coshocton County is subject to seasonally high ground water tables as well as permeable rock and shallow bed rock with major fissures. These are all limiting conditions when considering surface disposal of any wastewater including oil and gas

wastewater. Many of the county's rural residents, including my own family utilize surface water for their water supply. We also live on a dirt road, built on exposed bed rock with major fissures and the township does not spread oil and gas wastewater along our property frontage at our request.

The Ohio Department of Health (ODH), The Ohio Environmental Protection Agency (OEPA) and Local Health Departments (LHD) have instituted stringent regulations to deal with HSTS treatment and disposal problems on a case by case basis. The casual and indiscriminate application of oil and gas wastewater from potentially unknown sources, made up of unknown constituents, with little control over migration and applied directly to problematic surfaces flies in the face of the progress already made and the need for future protections to safeguard fresh water resources from any type of surface contamination. This contamination becomes more likely as surface applications are encouraged to increase, driven by a marketed commodity designed to create and increase profit for the dumpers.

Concern about surface application of oil and gas wastewater is not directed solely to applications on problematic surfaces. Migration from containment is also a problem for deep well injection, municipal wastewater treatment, industrial pre-treatment and future treatment or disposal methods. When used for road treatment oil and gas wastewater has the potential for vast and wide spread migration and unavoidably or incidentally will become a threat to fresh water resources. When it is spread on a dirt surface it will ultimately be carried away as run-off, dust in the air or on vehicles. When spread on hard surfaces direct run-off potential increases. Spread over and along water courses, culverts, storm ditches, catch basins and sewers the run-off is concentrated in systems designed to collect and direct the surface flows to the Waters of the State of Ohio. We find this an unreasonable and unjustified risk just to generate a profit for a specific group of corporations and is contrary to the suggestion that oil and gas wastewater used to mitigate dust or as a de-icer is a beneficial use. This legislation may result in nothing more than an attempt to convert what it is a known wastewater disposal cost to a windfall disposal profit at the expense of the public health and safety.

In closing we ask the chairman and committee to consider the work done by the Ohio Department of Health, the Ohio Environmental Protection Agency and Local Health Departments to improve the safety and standards of Class V injection wells. These same concerns apply to oil and gas wastewater, generally disposed of in Class II injection wells and not suited for surface disposal under less oversight than Class V injection wells. It is not acceptable to allow practices that will increase the reality that Ohio is willing to become the dumping ground for the oil and gas industry. When homeowners take the responsibility to ensure that their Class V injection wells, their septic systems, do not endanger the public health and safety it is reasonable to expect that the generators of oil and gas wastewater do the same. It is up to this committee to protect Ohioans, but this bill will not contribute to that effort.

On behalf of Coshocton Environmental and Community Awareness Inc.,

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