



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

January 3, 2014

ORDER NO. 2014-08

**TO: EnerGreen 360 Holding Company LLC
6908 Lakebrook Blvd,
Columbus, Ohio 43235**

RE: EnerGreen 360 Facility

SUBJECT: Temporary Authorization to Operate Facility 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) EnerGreen 360 LLC (“EnerGreen”) operates a treatment facility located at the East Ohio Regional Industrial Park, Warren Township, Belmont County, Ohio (“EnerGreen 360 Facility”). EnerGreen receives drill cuttings, processes the drill cuttings, and reuses the drill cuttings at the facility. Any drill cuttings that cannot be reused will be disposed of at a landfill.
- (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 December 27, 2013, the Division received an application from EnerGreen requesting to operate the EnerGreen 360 Facility. In its application, EnerGreen supplied the Division with information and details regarding its operations.

ORDER:

IT IS HEREBY ORDERED:

EnerGreen has temporary approval to operate the EnerGreen 360 Facility in the State of Ohio, subject to the following **conditions**:

- (1) EnerGreen 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 pursuant to R.C. 1509.22(C)(1)(d) requires separate written approval by the Chief.
- (3) This Chief's Order shall terminate upon any of the following, whichever occurs first:
 - a) The Division issues a permit to EnerGreen for the EnerGreen 360 Facility pursuant to rules promulgated under to R.C. 1509.22(C);
 - b) The Division denies a permit to EnerGreen for the EnerGreen 360 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).

1/3/14
Date

Jon Rayfield, Deputy Chief
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 7030 3103 6597

cc: Eric Vendel, Legal Counsel, DOGRM
Rocky King, Region Supervisor
Steve Opritza, Permitting Manager
Erica Freeman, Surety Section
Engineering Section
Andrew Corder, Belmont County Oil and Gas Inspector