



# 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**

June 20, 2014

**ORDER NO. 2014-182**

**TO: ATP Unlimited, LLC**  
**128 Steubenville Ave**  
**Cambridge, OH 43725**

**RE: ATP Unlimited, LLC Truck Washing Facility**  
**Noble County, Noble Township**

**SUBJECT: Temporary Authorization to Store and Process 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) ATP Unlimited, LLC (“ATP Unlimited”) proposes to operate a truck and vessel washing facility to be located at 48059 Outpost Road, Caldwell, Ohio in Noble County (“ATP Unlimited Truck Washing Facility”). The ATP Unlimited Truck Washing Facility will be a clean out facility for truck and vessel residue related to oil and gas production operations. The proposed facility will have the capability to process liquids for reuse or disposal at permitted injection wells. Any residual drilling muds, other solids, or sludge will be solidified for transport and disposal at a licensed solid waste facility. Technologically enhanced naturally occurring radioactive material (TENORM) will not be accepted at the ATP Unlimited Truck Washing Facility unless it has been tested at an oil and gas well site and is able to be disposed of at a licensed solid waste facility.
- (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 April 9, 2014, the Division received an application from ATP Unlimited requesting to recycle and process materials associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at the ATP Unlimited Truck Washing Facility. In its application, ATP Unlimited supplied the Division with information and details regarding its proposed operations.

**ORDER:**

**IT IS HEREBY ORDERED:**

ATP Unlimited has temporary approval at the ATP Unlimited Truck Washing to recycle and process materials associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources, subject to the following conditions:

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

Date June 20, 2014

Justin R. Kill 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 1303 5552

cc: Eric Vendel, Legal Counsel, DOGRM  
Rocky King, Region Supervisor  
Steve Opritza, Permitting Manager  
Engineering Section  
Eric Conrad, Noble County Oil and Gas Inspector



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JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

June 20, 2014

ATP Unlimited, LLC  
128 Steubenville Ave  
Cambridge, OH 43725

To Whom It May Concern:

RE: Stabilization of brines and other waste substances

ATP Unlimited, LLC is receiving this letter because ATP Unlimited, LLC has been issued Chief's Order 2014-182 to store and process brine or other waste substances pursuant to R.C. 1509.22. Division (C)(1) of R.C. 1509.22 states that brine from a horizontal well can only be disposed of by injection into a Class II injection well, in association with a method of enhanced recovery, or in a manner approved by a permit or an order issued by the Chief that authorizes an alternative method of brine disposal. If wastes containing amounts of brine are being solidified with compressible bulking agents, such as sawdust or auto-fluff, the use of such bulking agents may release brine when the waste is transported and/or placed in a landfill. In order to eliminate the release of brine during transportation or placement in a landfill, liquid and semi-solid oil and gas wastes that contain free liquids must be stabilized with Portland cement, quick-lime (CaO), and other materials that may be approved by the Chief. Stabilization with these agents binds the liquid waste component to the stabilizing agent resulting in a stable solid that passes the paint filter test.

All facilities that are operating under a Chief's order authorized under R.C. 1509.22 must ensure that all oil and gas wastes are stabilized with agents as referenced above.

Please note that the above process does not eliminate the responsibility to test for levels of radium 226 and radium 228 in all technologically enhanced naturally occurring radioactive material (TENORM), pursuant to R.C. 1509.074.

Sincerely,

*Richard J. Simmers*

Richard Simmers  
Chief, Division of Oil and Gas Resources Management