



Ohio Department of Natural Resources

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Richard J. Simmers, Chief
Division of Oil and Gas Resources Management
2045 Morse Road – Bldg. F-2
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ORDER BY THE CHIEF

November 26, 2014

ORDER NO. 2014-541

TO: Austin Master Services, LLC
355 Circle Progress Drive
Pottstown, PA 19464

RE: AMS Martins Ferry Facility
Belmont County, Martins Ferry Township

SUBJECT: Temporary Authorization to Process, Recycle, and Treat 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) Austin Master Services, LLC (“AMS”) proposes to construct and operate a treatment, processing, and storage facility to be located at 801 North First Street, Martins Ferry, Ohio in Belmont County (“AMS Martins Ferry Facility”). The AMS Martins Ferry Facility will receive brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources for characterization and stabilization prior to transport to disposal facilities. AMS will also provide truck and vessel washing services at the AMS Martins Ferry 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 October 30, 2014, the Division received an application from AMS requesting to treat, process, and temporarily store brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and

gas resources at the AMS Martins Ferry Facility. In its application, AMS supplied the Division with information and details regarding its proposed operations. Brine and other waste substances received at the facility will be tested for radiological concentration of Radium 226 and Radium 228 prior to processing and packaging for shipping to an appropriate disposal facility. Transportation of the material will be by truck or railcar, and the materials may be shipped to a disposal facility in Ohio or out of state. Any residual liquid wastes will be taken to a facility permitted under division (B)(2)(a) of R.C. 1509.22 by the Division for treatment or to a Class II injection well for disposal.

ORDER:

IT IS HEREBY ORDERED:

AMS has temporary approval at the AMS Martins Ferry Facility to process, temporarily store, and treat brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources, subject to the following conditions:

- (1) AMS 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) AMS shall conduct all operation at the AMS Martins Ferry Facility in accordance with the application submitted to the Division for this facility.
- (4) AMS shall load test the overhead cranes to be used in the facility and obtain a certification from a certified Occupational Safety and Health Administration qualified technician before using the cranes.
- (5) AMS shall install and maintain spill containment for all waste handling operations at the AMS Martins Ferry Facility.
- (6) AMS shall implement the Radiological Protection Plan ("RPP") submitted to the Division with the application for the AMS Martins Ferry Facility and shall continuously update the protocols and procedures in the plan based on the results of the radiological surveys outlined in the RPP.
- (7) AMS shall construct all modifications to the existing facilities structural, electrical, and mechanical systems in accordance with the Ohio Building Code.

- (8) AMS shall provide record drawing to the Division that detail the constructed site and delineate the boundaries of the AMS Martins Ferry Facility upon the completion of the final site work.
- (9) AMS shall notify the Division two weeks prior to commencement of operations, in order to provide the Division with an opportunity to inspect the facility prior to commencement.
- (10) AMS shall maintain waste management records for the AMS Martins Ferry Facility and provide those records to the Division upon request. The records shall include, but not be limited to, manifests of all incoming waste substances, final disposition of the waste substances, and characterization results of testing performed to determine the concentration of radium-226 and radium-228 on all technologically enhanced naturally occurring radioactive materials (TENORM) at the AMS Martins Ferry Facility, in accordance with R.C. 1509.074.
- (11) This Chief's Order shall terminate upon any of the following, whichever occurs first:
 - a) The Division issues a permit to AMS for the AMS Martins Ferry Facility pursuant to rules promulgated under to R.C. 1509.22(C);
 - b) The Division denies a permit to AMS for the AMS Martins Ferry 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).

Nov. 26, 2014
Date

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.

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CERTIFIED MAIL No: 91 7199 9991 7034 1928 0987

cc: Eric Vendel, Legal Counsel, DOGRM
Brent Bear, Region Supervisor
Steve Opritza, Permitting Manager
Engineering Section
Andrew Corder, Belmont County Oil and Gas Inspector