



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Richard J. Simmers, Chief
Division of Oil and Gas Resources Management
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Phone: (614) 265-6922, Fax: (614) 265-6910

ORDER BY THE CHIEF

June 16, 2015

ORDER NO. 2015-304

**TO: XTO Energy Inc.
502 Keystone Drive
Warrendale, PA 15086**

**RE: XTO Energy Inc. West #1H Facility
Belmont County, York Township**

**SUBJECT: Temporary Authorization to Treat 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) XTO Energy Inc. (“XTO”) proposes to operate a mobile water treatment system to be located on the XTO Energy Inc. West #1H horizontal well pad at 57889 Mount Victory Road, Jacobsburg, Ohio in Belmont County (“West #1H Facility”). The West #1H Facility will receive brine and wastewater associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources for treatment and on-site storage. The treated brine and wastewater will be recycled for use at this and other XTO-owned oil and gas exploration and production operations.
- (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 March 9, 2015, the Division received an application from XTO requesting to temporarily store and recycle brine and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and

gas resources at the West #1H Facility. In its application, XTO supplied the Division with information and details regarding its proposed operations. The West #1H Facility will treat flowback and produced waters from XTO wells for reuse in stimulation operations for XTO wells. The waters will be chemically treated for pH, disinfection, flocculation and clarification, and then processed for separation of solids, oil and grease, and other chemically bound contaminants. All settled and accumulated semi-solids and solids from the wastewaters will be stored in sealed roll-off containers prior to being transported for either lawful disposal at a landfill or solidification at a facility authorized under R.C. 1509.22. Technically enhanced naturally occurring radiological materials (TENORM) generated from the recycling processes at the facility will be managed in accordance with the Radiological Protection Plan ("RPP") provided by XTO for the West #1H Facility.

ORDER:

IT IS HEREBY ORDERED:

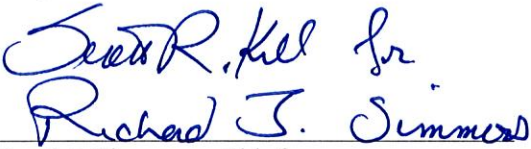
XTO has temporary approval at the West #1H Facility to treat and process brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources, subject to the following conditions:

- (1) XTO shall conduct all operations at the West #1H Facility in compliance with R.C. Chapter 1509 and Ohio Adm.Code 1501:9.
- (2) Brine shall not be disposed of in this state 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) XTO shall conduct all operations at the West #1H Facility in accordance with the application submitted to the Division for this facility. XTO shall notify the Division prior to implementing any changes in operations at the West #1H Facility.
- (4) XTO 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.
- (5) XTO shall provide the Division a drawing showing the location and boundaries of the West #1H Facility upon completion of construction and prior to commencement of operations.
- (6) XTO shall maintain records for the West #1H Facility and provide those records to the Division upon request. The records shall include, but not be limited to, manifests of all incoming brine and waste substances, as applicable, final disposition of brine and 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) generated at the West #1H Facility in accordance with R.C. 1509.074.

- (7) XTO shall implement the Radiological Protection Plan ("RPP") submitted to the Division with the application for the West #1H Facility and shall continuously update the protocols and procedures in the plan based on the results of the radiological surveys outlined in the RPP.
- (8) This Chief's Order shall terminate upon any of the following, whichever occurs first:
- a) The Division issues a permit to XTO for the West #1H Facility pursuant to rules promulgated under R.C. 1509.22(C);
 - b) The Division denies a permit to XTO for the West #1H 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).
 - d) The location for the mobile water treatment system changes from 57889 Mount Victory Road, Jacobsburg, Ohio.
 - e) The ownership of the operation changes.

Date

6/10/2015


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.

XTO Energy Inc.
Treatment and Processing Operations
XTO Energy Inc. West #1H Facility
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CERTIFIED MAIL No: 91 7199 9991 7035 0958 3363

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