



Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Eric Vendel, Chief

Division of Oil and Gas Resources Management
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ORDER BY THE CHIEF

September 22, 2020

ORDER NO. 2020-214

**TO: Duck Creek Energy, Inc.
7033 Mill Road
Brecksville, Ohio 44141**

**RE: Duck Creek Energy, Cleveland Facility
City of Cleveland, Cuyahoga County, Ohio**

**SUBJECT: Temporary Authorization to Store, Recycle, 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) Duck Creek Energy, Inc. ("DCE") proposes to operate an oil and gas waste treatment facility located within the industrial complex at 2850 West Third Street, Cleveland, Ohio in Cuyahoga County, latitude 41.456794, longitude -81.684386 ("Cleveland Facility"). DCE proposes to store, recycle, treat, and process brine associated with the production operations of conventional wells for reuse as AquaSalina, which is used for de-icing or dust control.
- (2) Division (B)(2)(a) of Revised Code 1509.22 states, in pertinent part, that "***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 July 2, 2020, the Division received an application from DCE requesting authority to temporarily store, recycle, treat and process brine and other oilfield waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources at the Cleveland Facility. The Division received updates on September 3, 2020 and September 16, 2020. For the purposes of this Order,

DCE's original application and submittals of subsequent information are referred to collectively as "the application." In the application, DCE supplied the Division with information and details regarding the proposed operations. DCE proposes to accept, store, recycle, treat, and process brine from conventional well production for lawful disposal or reuse. The solids will be filtered from the brine. The liquid waste will either be processed and treated for reuse as AquaSalina or disposed of at a permitted injection well. The solid wastes generated during filtration and processing will be taken to an authorized waste facility under Section 1509.22 of the Revised Code for lawful disposal.

FINDINGS:

- (1) The Chief finds that the application and subsequent submissions are in order and that an Order to operate the Cleveland Facility may be issued.

ORDER:

IT IS HEREBY ORDERED:

DCE has approval at the Cleveland Facility to temporarily store, recycle, treat, and process brine and other oilfield waste substances associated with the production operations of conventional wells, subject to the following conditions:

- (1) DCE shall conduct all operations at the Cleveland Facility in compliance with Revised Code Chapter 1509 and Ohio Administrative Code 1501:9.
- (2) DCE shall conduct all operations at the Cleveland Facility in accordance with the application submitted to the Division for this facility. DCE shall notify and obtain the approval of the Division prior to implementing any changes in operations at the Cleveland Facility.
- (3) Brine shall not be disposed of in a manner not specified in Revised Code 1509.22(C)(1)(a) through 1509.22(C)(1)(c). Disposal of brine pursuant to Revised Code 1509.22(C)(1)(d) requires separate written approval by the Chief.
- (4) DCE shall implement the Radiological Protection Plan (RPP) approved by the Division as part of the application for the Cleveland Facility and shall continuously update the protocols and procedures in accordance with the plan.
- (5) DCE shall lawfully dispose of all waste substances accepted or generated at the Cleveland Facility. Waste substances intended for final disposal shall not be stockpiled on site.
- (6) DCE shall stabilize oilfield waste substances by adding quicklime (CaO), Portland cement, or an alternate stabilization agent approved by the Chief if the waste substance is to be disposed of in this state at a licensed solid waste landfill. If the waste substance is to be transported or disposed of out of state, DCE shall comply with all applicable state and federal laws.

- (7) DCE shall not store more than seven thousand six hundred twenty barrels of brine or other waste substances at the Cleveland Facility.
- (8) DCE shall not store more than two thousand two hundred fifty-three barrels of processed and treated brine at the Cleveland Facility.
- (9) Transportation and spreading of the processed and treated brine shall be in accordance with R.C. 1509.222 through R.C. 1509.226.
- (10) DCE shall maintain brine and other waste substance management records for the Cleveland 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 and final disposition of all outgoing processed brine and other oilfield waste substances and the identification of each purchaser and volume purchased of all the processed and treated outgoing brine at the Cleveland Facility.
- (11) The Division may at any time collect samples of the processed and treated brine for independent testing and analysis.
- (12) DCE shall notify the Division in writing when DCE permanently terminates operations at the Cleveland Facility.
- (13) DCE shall remove all structures and equipment associated with the Cleveland Facility, remediate contamination resulting from the operations at the Cleveland Facility, and restore the site to pre-operating conditions, as approved by the Chief, upon DCE permanently terminating the operations at the Cleveland Facility.
- (14) This Chief's Order shall terminate upon any of the following, whichever occurs first:
 - a) The Division issues a permit to DCE for the Cleveland Facility pursuant to rules promulgated under Revised Code 1509.22(C);
 - b) The Division denies a permit to DCE for the Cleveland Facility pursuant to rules promulgated under Revised Code 1509.22 (C);
 - c) Six months after the effective date of rules adopted under Revised Code 1509.22(C);
 - d) The location of the Cleveland Facility changes from latitude 41.456794, longitude - 81.684386, Cleveland, Ohio in Cuyahoga County; or
 - e) The ownership of the Cleveland Facility changes from DCE.

September 22, 2020
Date

/s/ Eric Vendel
Eric Vendel, 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 A-2, 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 Eric Vendel, 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: 9414811699945829338144