

House Bill 393/SB 165 fact sheet

HB 393 and SB 165 will allow cancer-causing “brine” from vertically drilled oil and gas wells to be a legally sold commodity if the seller makes a one-time paperwork filing showing that this radioactive oil and gas waste has been approved for use elsewhere.

HB 393 and SB 165 remove and restrict Ohio DNR authority. ODNR will only be allowed to accept limited documentation that would supposedly demonstrate that the product is “not expected to result in damage or injury to public health and safety or the environment” before it issues a permit or order allowing the sale of “brine.” No proof will be necessary to document the commodity is safe.

HB 393 and SB 165 will prohibit the chief from future rulemaking that would protect public health or the environment.

HB 393 and SB 165 will not only legalize others to sale radioactive oil and gas waste as a commodity; they also would give bulletproof protection to the drilling industry against liability.

HB 393 and SB 165 will also extend to ORC 1509.222 and 1509.223, which will remove crucial oversight of the transportation and application of the radioactive commodity. No longer would haulers of the radioactive commodity be required to file an annual report on the location, date, time and amounts of “brine” transported and disposed of at each location.

HB 393 and SB 165 do not provide standards for testing of the product to prove its safety. No chemical disclosure or lab results are required.

HB 393 and SB 165 limit the number of tests the chief can request to four annually.

HB 393 and SB 165 appear to be a step in deregulation of this radioactive liquid.



ODNR testing results of conventional brine for radioactivity



as quoted in the ODNR report:

...Advise Nature’s Own Source/AquaSalina that the average radioactivity in AquaSalina exceeds the 40 CFR 141.66 Drinking Water limits for combined Ra-226 and Ra-228 by a factor of 300, thus human consumption of any amount of AquaSalina is highly discouraged. (ODNR Interoffice Memo 7/26/17)

Advise Nature’s Own Source/AquaSalina that the radioactivity in AquaSalina exceeds State of Ohio discharge to the environment limits for Ra-226 and Ra-228 as delineated in Ohio Administrative Code 3701:1-38-12, Appendix C, Table II, Effluent Concentrations. (ODNR Interoffice Memo 7/26/17)...

Combined radium Ra226/Ra228 concentration in the Nature’s Own Source/AquaSalina container purchased from Hartville Hardware was the highest identified in this study at 2,491 pCi/l. (ODNR Interoffice Memo 7/26/17)

The USEPA National Primary Drinking Water Regulation, 40 CFR 141.66 limits combined Ra226 and Ra-228 in drinking water to 5.0 pCi/l. All sample results (except the DOT tap water) exceed the regulation. (ODNR Interoffice Memo 7/26/17)

All sample results (except the DOT samples) exceed the state of Ohio discharge to the environment limits for Ra-226 and Ra-228 as delineated in Ohio Administrative Code 3701:2-38-12, Appendix C, Table II, Effluent Concentrations. (ODNR Interoffice Memo 7/26/17)

WARNING! We see House Bill 393 as an industry attempt to deregulate waste fluids from the oil and gas production industry. These waste have proved to be radioactive. If HB 393 and its companion bill in the Senate, (SB 165) were to pass the Ohio legislature, the public would never know where these radioactive waste fluids from vertical wells have been spread. It will not be that ODNR won’t tell us, they won’t know either! Currently, if a local government wants to spread the liquid waste from the oil and gas industries, they must pass a local resolution and provide that to ODNR. Under HB 393 a local resolution will not be required, if the fluids come from vertical wells and your local elected officials may not even know it is being used.

