

Notice

This Engineering Guide was recently converted to a PC format and it has not been proof read by our engineering staff. Therefore, it is subject to change at a later date.

Ohio EPA

Division of Air Pollution Control

Engineering Section

Engineering Guide #54

Question:

What is the policy on the use of brine (as obtained from the exploration, drilling or production of oil or gas) as a dust suppressant for unpaved roadways and parking areas? (this question was submitted by Dennis Bush of the Northeast District Office on August 7, 1981).

Answer:

The use of brine as a dust suppressant for unpaved roadways and parking areas, as well as for control of dust or ice on any roads, streets, highways, or other similar land surfaces, is permissible only as provided in Section 1509.226 of the Ohio Revised Code (ORC). If permissible under ORC Section 1509.226, then brine may also be used pursuant to the fugitive dust control requirements of OAC rule 3745-17-08(B)(2) or as a control measure to achieve compliance with OAC rule 3745-17-08(B)(2) or as a control measure to achieve compliance with OAC rule 3745-15-07 (air pollution nuisances prohibited).

Discussion:

ORC Section 1509.226 (hereinafter "Section"), a copy of which is attached to this guide as Attachment I, became effective on April 12, 1985. It sets up a program for the use of brine for surface application to roads, streets, highways, and other similar land surfaces for the control of dust or ice. A program is established for three groups of potential users of brine for such application. These are: (1) local governments, (2) State and federal governments, and (3) all others. The following briefly summarizes the key provisions of this Section.

If any local government (Board of County Commissioners, Board of Township Trustees, or the legislative authority of a Municipal Corporation) wishes to permit the surface application of brine to roads, streets, highways, and other similar land surfaces it owns or has the right to control

for the control of dust or ice, it must adopt a resolution that permits such application as provided in this Section. A local government must follow certain administrative procedures, such a voting by the Board or legislative authority and public noticing, in adopting a resolution.
[Division (A) of Section]

The Section also requires that a copy of the resolution be submitted by a Board or legislative authority to the Chief of the Division of Ohio and Gas, Ohio Department of Natural Resources (hereinafter "Chief"), within 30 days after the adoption of the resolution. The resolution is subject to the standards on brine application set forth in Divisions (B)(1) through (B)(9) of this Section. It must at a minimum specify these brine application standards. These standards read as follows:

"(1) Brine shall not be applied:

- (a) to a water-saturated surface;
 - (b) directly to vegetation near or adjacent to surface being treated;
 - (c) within twelve feet of structures crossing bodies of water or crossing drainage ditches;
 - (d) between sundown and sunrise, except for ice control.
- (2) The discharge of brine through the spreader bar shall stop when the application stops;
 - (3) The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied;
 - (4) The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter;
 - (5) The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve-foot-wide road or three gallons per sixty square feet on unpaved lots;
 - (6) The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine applications;

- (7) Any valves that provide for tank draining other than through the spreader bar shall be closed during the brine application and transport;
- (8) The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface;
- (9) Only the last twenty-five per cent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five per cent of the applicator vehicle's contents shall be discharged under atmospheric pressure."

If the resolution contains these standards without any addition or qualification, it is deemed effective at the time it is submitted to the Chief without any further action by the Chief. All other resolutions must comply with and be no less stringent than these standards as well as any rules concerning brine surface application that may be adopted by the Chief under the authority of ORC Section 1509.22, and any other rules of the Chief. If the resolution contains any additions or qualifications, the Chief must either approve or disapprove the resolution within 15 days of its receipt. [Division (R) of Section]

If any State or federal government (Department, Agency, or instrumentality of this State or the United States) wishes to permit the surface application of brine to roads, streets highways, and other similar land surfaces it owns or has the right to control for the control of dust or ice, it must prepare and submit guidelines for such application. It does not have to adopt a resolution as a local government must do. As in the case of resolutions, the guidelines must also meet the standards on brine application set forth in Divisions (B)(1) through (B)(9) of this Section. The process of obtaining approval from the Chief for guidelines is identical to that for resolutions. [Division (B) of Section]

If any person (e.g., industry, commercial establishment, or any individual), other than any local, state, or federal government, wishes to apply brine to a road, street, highway, or other similar land surface it owns or has a legal right or obligation to maintain, it must file a written plan for such application with the Board of County Commissioners in the county where such road, street, highway, or other similar land surface is located. The Board may approve or disapprove such plans. If it approves a plan, the plan must comply with ORC Chapter 15098, any rules

adopted under this Chapter, and any resolutions adopted by the Board. Any plan (or revised plans) must contain the following information:

- "(1) Identify the sources of brine to be used under the plan;
- (2) Identify by name, address, and registration certificate, if applicable, any transporters of the brine;
- (3) Specifically identify the places to which the brine will be applied; and
- (4) Specifically describe the method, rate, and frequency of application." [Division (C) of Section]

The Board may attach terms and conditions to the approval of a plan (or revised plan) and may revoke approval for any violations under ORC Chapter 1509, any rules adopted under this Chapter, any resolutions adopted by the Board, or the terms and conditions attached by the Board. Also, certain administrative procedures, such as a public notice, public hearing, recording of all plans (and revised plans) in the Board's Journal, are required. Furthermore, any approval, disapproval, or revocation of approval of a plan (or revised plan) by the Boards must be performed by the adoption of a resolution. Once a plan is approved, the Board must send a copy of the plan to the Chief. For any plans (or revised plans) which are revoked, the Board must notify the Chief of the revocation. [Division (D) of Section]

This Section specifically prohibits any person from doing the following:

- "(1) Apply brine to a water-saturated surface;
- (2) Apply brine directly to vegetation adjacent to the surface of roads, streets, highways, and other surfaces to which brine may be applied." [Division (E) of Section]

This Section also contains certain reporting requirements for all users (local, state, federal governments and persons) of brine for surface application. By April 15 of each year, each user must file a report with the Chief concerning the brine applied within his or its jurisdiction. The report must include the quantities transported and the sources and application points during the last preceding calendar year and any other information that the Chief may require. [Division (F) of Section]

Any local, State, or federal government that applies brine pursuant to this Section may do so with its own personnel, vehicles, and equipment without registration under or compliance with ORC Section 1509.222 or 1509.223 and without filing for a surety bond or other security required by ORC Section 1509.225. However, this Section does require that each such entity legibly identify the vehicles used to apply brine with reflective paint in letters no less than 4 inches in height, indicating the word "BRINE" and that the vehicle is a vehicle of a particular governmental body. Except for the above exemptions, such entities must transport brine in accordance with ORC Sections 1509.22 to 1509.226. [Division (G) of Section]

A plan for surface application of brine submitted for approval must be accompanied by a nonrefundable fee of \$50 made payable to the general fund of a the county. The plan is valid for one year from the date of its approval unless it is revoked before that time. It may be renewed by refileing within 30 days of the anniversary of the date on which the original plan was approved. The Board must notify the Chief of any renewals and nonrenewals of plans and the renewals become effective upon receipt by the Chief. [Division (H) of Section]

Any resolution is effective for one year following the date of its adoption and from month to month thereafter until the Board or legislative authority terminates the authority granted in the original resolution by another resolution. The terminations become effective not less than 7 days after enactment of the resolution. A copy of the resolution must be sent to the Chief. [Division (I) of Section]

This Section does not indicate how long guidelines are effective. So, it must be assumed that guidelines remain in effect until revised.

An example of Special Terms and Conditions, which have been approved by the DAPC, for the surface application of brine to roads and parking lots that require permits, is attached to this guide as Attachment II. Please note that any fugitive dust control plan submitted pursuant to OAC rule 3745-17-08 (B) or OAC rule 3745-15-07 and which indicates that brine will be used for surface application to unpaved roads and parking lots should be accompanied by a copy of a valid resolution, guideline, or plan, whichever is appropriate. If not such resolution, guideline, or plan is provided by the applicant, then the fugitive dust control plan is unacceptable and no permit should be issued.

January 13, 1987

Attachment I

Am. Sub. H.B. No. 501

(B) THE SURETY BOND PROVIDED FOR IN THIS SECTION SHALL BE EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE. THE CHIEF SHALL NOT APPROVE ANY BOND UNTIL IT IS PERSONALLY SIGNED AND ACKNOWLEDGED BY BOTH PRINCIPAL AND SURETY, OR AS TO EITHER BY HIS ATTORNEY IN FACT, WITH A CERTIFIED COPY OF THE POWER OF ATTORNEY ATTACHED THERETO. THE CHIEF SHALL NOT APPROVE SUCH BOND UNLESS THERE IS ATTACHED A CERTIFICATE OF THE SUPERINTENDENT OF INSURANCE THAT THE COMPANY IS AUTHORIZED TO TRANSACT A FIDELITY AND SURETY BUSINESS IN THIS STATE. ALL BONDS SHALL BE GIVEN IN A FORM TO BE PRESCRIBED BY THE CHIEF.

(C) IF A REGISTERED TRANSPORTER IS FOUND LIABLE FOR A VIOLATION OF SECTION 1509.22, 1509.222, OR 1509.223 OF THE REVISED CODE OR A RULE, ORDER, TERM, OR CONDITION OF A CERTIFICATE INVOLVING, IN ANY CASE, DAMAGE OR INJURY TO PERSONS OR PROPERTY, OR BOTH, THE COURT MAY ORDER THE FORFEITURE OF ANY PORTION OF THE BOND, CASH, OR OTHER SECURITIES REQUIRED BY THIS SECTION IN FULL OR PARTIAL PAYMENT OF DAMAGES TO THE PERSON TO WHOM THE DAMAGES ARE DUE. THE TREASURER OF STATE AND THE CHIEF SHALL DELIVER THE BOND OR ANY CASH OR OTHER SECURITIES DEPOSITED IN LIEU OF BOND, AS SPECIFIED IN THE COURTS ORDER, TO THE PERSON TO WHOM THE DAMAGES ARE DUE; HOWEVER, EXECUTION AGAINST THE BOND, CASH, OR OTHER SECURITIES, IF NECESSARY, IS THE RESPONSIBILITY OF THE PERSON TO WHOM THE DAMAGES ARE DUE. THE CHIEF SHALL NOT RELEASE THE BOND, CASH, OR SECURITIES REQUIRED BY THIS SECTION EXCEPT BY COURT ORDER OR UNTIL TWO YEARS AFTER THE DATE ON WHICH A REGISTRATION IS TERMINATED.

Sec. 1509.226. (A) IF A BOARD OF COUNTY COMMISSIONERS, A BOARD OF TOWNSHIP TRUSTEES, OR THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION WISHES TO PERMIT THE SURFACE APPLICATION OF BRINE TO ROADS, STREETS, HIGHWAYS, AND OTHER SIMILAR LAND SURFACES IT OWNS OR HAS THE RIGHT TO CONTROL FOR CONTROL OF DUST OR ICE, IT MAY ADOPT A RESOLUTION PERMITTING SUCH APPLICATION AS PROVIDED IN THIS SECTION. IF A BOARD OR LEGISLATIVE AUTHORITY DOES NOT ADOPT SUCH A RESOLUTION, THEN NO SUCH SURFACE APPLICATION OF BRINE IS PERMITTED ON SUCH ROADS, STREETS, HIGHWAYS, AND OTHER SIMILAR SURFACES. IF A BOARD OR LEGISLATIVE AUTHORITY VOTES ON A PROPOSED RESOLUTION TO PERMIT

SUCH SURFACE APPLICATION OF BRINE, BUT THE RESOLUTION FAILS TO RECEIVE THE AFFIRMATIVE VOTE OF A MAJORITY OF THE BOARD OR LEGISLATIVE AUTHORITY, THE BOARD OR LEGISLATIVE AUTHORITY SHALL NOT ADOPT SUCH A RESOLUTION FOR ONE YEAR FOLLOWING THE DATE ON WHICH THE VOTE WAS TAKEN. THE BOARD OR LEGISLATIVE AUTHORITY SHALL HOLD AT LEAST ONE PUBLIC HEARING ON ANY PROPOSAL TO PERMIT SURFACE APPLICATION OF BRINE UNDER THIS DIVISION AND MAY HOLD ADDITIONAL HEARINGS. THE BOARD OR LEGISLATIVE AUTHORITY SHALL PUBLISH NOTICE OF THE TIME AND PLACE OF EACH SUCH PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE POLITICAL SUBDIVISION AT LEAST FIVE DAYS BEFORE THE DAY ON WHICH THE HEARING IS TO BE HELD.

(B) IF A BOARD OR LEGISLATIVE AUTHORITY ADOPTS A RESOLUTION PERMITTING THE SURFACE APPLICATION OF BRINE TO ROADS, STREETS, HIGHWAYS, AND OTHER SIMILAR LAND SURFACES UNDER DIVISION (A) OF THIS SECTION, THE BOARD OR LEGISLATIVE AUTHORITY SHALL, WITHIN THIRTY DAYS AFTER THE ADOPTION OF THE RESOLUTION, PREPARE AND SUBMIT TO THE CHIEF OF THE DIVISION OF OIL AND GAS A COPY OF THE RESOLUTION. ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THIS STATE OR THE UNITED STATES THAT WISHES TO PERMIT THE SURFACE APPLICATION OF BRINE TO ROADS, STREETS, HIGHWAYS, AND OTHER SIMILAR LAND SURFACES IT OWNS OR HAS A RIGHT TO CONTROL SHALL PREPARE AND SUBMIT GUIDELINES FOR SUCH APPLICATION, BUT NEED NOT ADOPT A RESOLUTION UNDER DIVISION (A) OF THIS SECTION PERMITTING SUCH SURFACE APPLICATION.

- (1) BRINE SHALL NOT BE APPLIED:
 - (a) TO A WATER-SATURATED SURFACE;
 - (b) DIRECTLY TO VEGETATION NEAR OR ADJACENT TO SURFACES BEING TREATED;
 - (c) WITHIN TWELVE FEET OF STRUCTURES CROSSING BODIES OF WATER OR CROSSING DRAINAGE DITCHES;
 - (d) BETWEEN SUNDOWN AND SUNRISE, EXCEPT FOR ICE CONTROL.
- (2) THE DISCHARGE OF BRINE THROUGH THE SPREADER BAR SHALL STOP WHEN THE APPLICATION STOPS;
- (3) THE APPLICATOR VEHICLE SHALL BE MOVING AT LEAST FIVE MILES PER HOUR AT ALL TIMES WHILE THE BRINE IS BEING APPLIED;
- (4) THE MAXIMUM SPREADER BAR NOZZLE OPENING SHALL BE THREE QUARTERS OF AN INCH IN DIAMETER;
- (5) THE MAXIMUM UNIFORM APPLICATION RATE OF BRINE SHALL BE THREE THOUSAND GALLONS PER

MILE ON A TWELVE-FOOT-WIDE ROAD OR THREE GALLONS PER SIXTY SQUARE FEET ON UNPAVED LOTS;

- (6) THE APPLICATOR VEHICLE DISCHARGE VALVE SHALL BE CLOSED BETWEEN THE BRINE COLLECTION POINT AND THE SPECIFIC SURFACES THAT HAVE BEEN APPROVED FOR BRINE APPLICATION;
- (7) ANY VALVES THAT PROVIDE FOR TANK DRAINING OTHER THAN THROUGH THE SPREADER BAR SHALL BE CLOSED DURING THE BRINE APPLICATION AND TRANSPORT;
- (8) THE ANGLE OF DISCHARGE FROM THE APPLICATOR VEHICLE SPREADER BAR SHALL NOT BE GREATER THAN SIXTY DEGREES FROM THE PERPENDICULAR TO THE UNPAVED SURFACE;
- (9) ONLY THE LAST TWENTY-FIVE PERCENT OF AN APPLICATOR VEHICLE'S CONTENTS SHALL BE ALLOWED TO HAVE A PRESSURE GREATER THAN ATMOSPHERIC PRESSURE; THEREFORE, THE FIRST SEVENTY-FIVE PER CENT OF THE APPLICATOR VEHICLE'S CONTENTS SHALL BE DISCHARGED UNDER ATMOSPHERIC PRESSURE.

IF A RESOLUTION OR GUIDELINES CONTAIN ONLY THE STANDARDS LISTED IN DIVISION (B)(1) TO (9) OF THIS SECTION, WITHOUT ADDITION OR QUALIFICATION, THE RESOLUTION OR GUIDELINES SHALL BE DEEMED EFFECTIVE WHEN SUBMITTED TO THE CHIEF WITHOUT FURTHER ACTION BY THE CHIEF. ALL OTHER RESOLUTIONS AND GUIDELINES SHALL COMPLY WITH AND BE NO LESS STRINGENT THAN THIS CHAPTER, RULES CONCERNING SURFACE APPLICATION THAT THE CHIEF SHALL ADOPT UNDER DIVISION (C) OF SECTION 1509.22 OF THE REVISED CODE, AND OTHER RULES OF THE CHIEF. WITHIN FIFTEEN DAYS AFTER RECEIVING SUCH OTHER RESOLUTIONS AND GUIDELINES, THE CHIEF SHALL REVIEW THEM FOR COMPLIANCE WITH THE LAW AND RULES AND DISAPPROVE THEM IF THEY DO NOT COMPLY.

The board, legislative authority, or department, agency, or instrumentality may revise and resubmit any resolutions or guidelines that the chief disapproves after each disapproval, and the chief shall again review and approve or disapprove them within fifteen days after receiving them. The board, legislative authority, or department, agency, or instrumentality may amend any resolutions or guidelines previously approved by the chief and submit them, as amended, to the chief. The chief shall receive, review, and approve or disapprove the amended resolutions or guidelines on the same basis and in the same time as original resolutions or guidelines. The board, legislative authority, or department, agency, or instrumentality shall not implement amended resolutions or guidelines until they are approved by the chief under this division.

(C) ANY PERSON, OTHER THAN A POLITICAL SUBDIVISION REQUIRED TO ADOPT A RESOLUTION UNDER DIVISION (A) OF THIS SECTION OR A DEPARTMENT, AGENCY, OR

INSTRUMENTALITY OF THIS STATE OR THE UNITED STATES, WHO OWNS OR HAS A LEGAL RIGHT OR OBLIGATION TO MAINTAIN A ROAD, STREET, HIGHWAY, OR OTHER SIMILAR LAND SURFACE MAY FILE WITH THE BOARD OF COUNTY COMMISSIONERS A WRITTEN PLAN FOR THE APPLICATION OF BRINE TO THE ROAD, STREET, HIGHWAY, OR OTHER SURFACE. THE BOARD NEED NOT APPROVE ANY SUCH PLANS, BUT IF IT APPROVES A PLAN, THE PLAN SHALL COMPLY WITH THIS CHAPTER, RULES ADOPTED THEREUNDER, AND THE BOARD'S RESOLUTIONS, IF ANY. DISAPPROVED PLANS MAY BE REVISED AND RESUBMITTED FOR THE BOARD'S APPROVAL. APPROVED PLANS MAY ALSO BE REVISED AND SUBMITTED TO THE BOARD. A PLAN OR REVISED PLAN SHALL:

- (1) IDENTIFY THE SOURCES OF BRINE TO BE USED UNDER THE PLAN;
- (2) IDENTIFY BY NAME, ADDRESS, AND REGISTRATION CERTIFICATE, IF APPLICABLE, ANY TRANSPORTERS OF THE BRINE;
- (3) SPECIFICALLY IDENTIFY THE PLACES TO WHICH THE BRINE WILL BE APPLIED; AND
- (4) SPECIFICALLY DESCRIBE THE METHOD, RATE, AND FREQUENCY OF APPLICATION.

(D) THE BOARD MAY ATTACH TERMS AND CONDITIONS TO APPROVAL OF A PLAN, OR REVISED PLAN, AND MAY REVOKE APPROVAL FOR ANY VIOLATION OF THIS CHAPTER, RULES ADOPTED THEREUNDER, RESOLUTIONS ADOPTED BY THE BOARD, OR TERMS OR CONDITIONS ATTACHED BY THE BOARD. THE BOARDS SHALL CONDUCT AT LEAST ONE PUBLIC HEARING BEFORE APPROVING A PLAN OR REVISED PLAN, PUBLISHING NOTICE OF THE TIME AND PLACE OF EACH SUCH PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY AT LEAST FIVE DAYS BEFORE THE DAY ON WHICH THE HEARING IS TO BE HELD. THE BOARD SHALL RECORD THE FILINGS OF ALL PLANS AND REVISED PLANS IN ITS JOURNAL. THE BOARD SHALL APPROVE, DISAPPROVE, OR REVOKE APPROVAL OF A PLAN OR REVISED PLAN BY THE ADOPTION OF A RESOLUTION. UPON APPROVAL OF A PLAN OR REVISED PLAN, THE BOARD SHALL SEND A COPY OF THE PLAN TO THE CHIEF. UPON REVOKING APPROVAL OF A PLAN OR REVISED PLAN, THE BOARD SHALL NOTIFY THE CHIEF OF THE REVOCATION.

(E) NO PERSON SHALL:

- (1) APPLY BRINE TO A WATER-SATURATED SURFACE;
- (2) APPLY BRINE DIRECTLY TO VEGETATION ADJACENT TO THE SURFACE OF ROADS, STREETS HIGHWAYS, AND OTHER SURFACES TO WHICH BRINE MAY BE APPLIED.

(F) EACH POLITICAL SUBDIVISION THAT ADOPTS A

RESOLUTION UNDER DIVISIONS (A) AND (B) OF THIS SECTION, EACH DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THIS STATE OR THE UNITED STATES THAT SUBMITS GUIDELINES UNDER DIVISION (B) OF THIS SECTION, AND EACH PERSON WHO FILES A PLAN UNDER DIVISIONS (C) AND (D) OF THIS SECTION SHALL ON OR BEFORE THE FIFTEENTH DAY OF APRIL OF EACH YEAR, FILE A REPORT WITH THE CHIEF CONCERNING BRINE APPLIED WITHIN HIS OR ITS JURISDICTION, INCLUDING THE QUANTITIES TRANSPORTED AND THE SOURCES AND APPLICATION POINTS DURING THE LAST PRECEDING CALENDAR YEAR AND SUCH OTHER INFORMATION IN SUCH FORM AS THE CHIEF REQUIRES.

(G) ANY POLITICAL SUBDIVISION OR DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THIS STATE OR THE UNITED STATES THAT APPLIES BRINE UNDER THIS SECTION MAY DO SO WITH ITS OWN PERSONNEL, VEHICLES, AND EQUIPMENT WITHOUT REGISTRATION UNDER OR COMPLIANCE WITH SECTION 1509.222 OR 1509.223 OF THE REVISED CODE AND WITHOUT THE NECESSITY FOR FILING THE SURETY BOND OR OTHER SECURITY REQUIRED BY SECTION 1509.225 OF THE REVISED CODE. HOWEVER, EACH SUCH ENTITY SHALL LEGIBLY IDENTIFY VEHICLES USED TO APPLY BRINE WITH REFLECTIVE PAINT IN LETTERS NO LESS THAN FOUR INCHES IN HEIGHT. INDICATING THE WORD "BRINE" AND THAT THE VEHICLE IS A VEHICLE OF THE POLITICAL SUBDIVISION, DEPARTMENT, AGENCY, OR INSTRUMENTALITY. EXCEPT AS STATED IN THIS DIVISION, SUCH ENTITIES SHALL TRANSPORT BRINE IN ACCORDANCE WITH SECTIONS 1509.22 TO 1509.226 OF THE REVISED CODE.

(H) A SURFACE APPLICATION PLAN FILED FOR APPROVAL UNDER DIVISION (C) OF THIS SECTION SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE OF FIFTY DOLLARS, WHICH SHALL BE CREDITED TO THE GENERAL FUND OF THE COUNTY. AN APPROVED PLAN IS VALID FOR ONE YEAR FROM THE DATE OF ITS APPROVAL UNLESS IT IS REVOKED BEFORE THAT TIME. AN APPROVED REVISED PLAN IS VALID FOR THE REMAINDER OF THE TERM OF THE PLAN IT SUPERSEDES UNLESS IT IS REVOKED BEFORE THAT TIME. ANY PERSON WHO HAS FILED SUCH A PLAN OR REVISED PLAN AND HAD IT APPROVED MAY RENEW IT BY REFILEING IT IN ACCORDANCE WITH DIVISIONS (C) AND (D) OF THIS SECTION WITHIN THIRTY DAYS BEFORE ANY ANNIVERSARY OF THE DATE ON WHICH THE ORIGINAL PLAN WAS APPROVED. THE BOARD SHALL NOTIFY THE CHIEF OF RENEWALS AND NONRENEWALS OF PLANS. EVEN IF A RENEWED PLAN IS APPROVED UNDER THOSE DIVISIONS, THE PLAN IS NOT EFFECTIVE UNTIL NOTICE IS RECEIVED BY THE CHIEF, AND UNTIL NOTICE IS RECEIVED, THE CHIEF SHALL ENFORCE THIS CHAPTER AND RULES ADOPTED

THEREUNDER WITH REGARD TO THE AFFECTED ROADS, STREETS, HIGHWAYS, AND OTHER SIMILAR LAND SURFACES AS IF THE PLAN HAD NOT BEEN RENEWED.

(I) A RESOLUTION ADOPTED UNDER DIVISION (A) OF THIS SECTION BY A BOARD OR LEGISLATIVE AUTHORITY SHALL BE EFFECTIVE FOR ONE YEAR FOLLOWING THE DATE OF ITS ADOPTION AND FROM MONTH TO MONTH THEREAFTER UNTIL THE BOARD OR LEGISLATIVE AUTHORITY, BY RESOLUTION, TERMINATES THE AUTHORITY GRANTED IN THE ORIGINAL RESOLUTION. THE TERMINATION SHALL BE EFFECTIVE NOT LESS THAN SEVEN DAYS AFTER ENACTMENT OF THE RESOLUTION, AND A COPY OF THE RESOLUTION SHALL BE SENT TO THE CHIEF.

(J) AS USED IN THIS SECTION, "BOARD OF COUNTY COMMISSIONERS" INCLUDES ANY OTHER COUNTY LEGISLATIVE AUTHORITY ESTABLISHED BY LAW.

Sec. 1509.23. Rules ~~and regulations~~ of the chief of the division of oil and gas may ~~include rules and regulations specifying safety~~ SPECIFY practices to be followed in the drilling of wells and production of oil and gas FOR PROTECTION OF PUBLIC HEALTH OR SAFETY OR TO PREVENT DAMAGE TO NATURAL RESOURCES, including specification of devices. MINIMUM distances THAT WELLS AND OTHER EXCAVATIONS, STRUCTURES, AND EQUIPMENT SHALL BE LOCATED FROM WATER WELLS, STREETS, ROADS, HIGHWAYS, RAILROAD TRACKS, and BUILDINGS, AND OTHER methods of operation ~~to safeguard against hazards to life, limb, and property.~~

Sec. 1509.24. The chief of the division of oil and gas, with the approval of the technical advisory council on oil and gas created in section 1509.38 of the Revised Code, may ~~establish~~ ADOPT, amend, modify, or rescind rules ~~and regulations~~ relative to minimum acreage requirements for drilling units, and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from boundaries of tracts, drilling units, AND other wells, ~~and from streets, roads, highways, railroad tracks, and buildings~~ for the purpose of conserving oil and gas reserves ~~and the safety of persons.~~ Rules ~~and regulations~~ made pursuant to this section and special orders made under section 1509.25 of the Revised Code shall apply only to new wells to be drilled or existing wells to be deepened, plugged back, or reopened to a source of supply different from the existing pool for the purpose of extracting oil or gas in their natural state.

Sec. 1509.31. Whenever the entire interest of an

oil and gas lease is assigned or otherwise transferred, the assignor or transferor shall notify the holders of the royalty interests, and if a well or wells exist on the lease, the division of oil and gas, of the name and address of the assignee or transferee by certified mail, return receipt requested, not later than thirty days after the date of the assignment or transfer.

Attachment II

APPLICATION NUMBER:

FACILITY NAME:

EQUIPMENT DESCRIPTION: Unpaved roads and parking lots

COMPANY ID: Plant roadways and parking areas

SPECIAL TERMS AND CONDITIONS

(A) The unpaved road segments and parking lots which are covered by this Permit to Operate and which are subject to the requirements of paragraph (B) of OAC rule 3745-17-08 are listed in the sections below:

Unpaved parking lots:

<u>identification</u>	<u>approximate, one-way mileage of road segment</u>
1. Maint. Adm.	0.45
2. Main Gate	0.50
3. Processing Area	1.00
4. South Gate	0.45
5. Shops Area	0.35

Other unpaved road segments:

<u>identification*</u>	<u>approximate, one-way mileage of road segment</u>
1. (1-2)	.5
2. (3-4)	.5
3. (4-5)	.6
4. (6-7)	.3
5. (7-8)	.7
6. (9-10)	.5

* The numbers in parentheses refer to the unpaved road checkpoint system. (See Figure I). The unpaved road segments and parking lots

listed above are shown schematically in Figures I and II, respectively.

(This condition in no way limits the applicability of other requirements of the Ohio Administrative Code to this source).

- (B) The control requirements for the property identified above are specified in the following:

All unpaved road segments and parking lots which are listed in (A) above shall periodically be treated with brine or any other equivalent or better dust suppressant approved for the use by (Field Office) in order to minimize or eliminate, at all times, visible emissions of fugitive dust generated by vehicular traffic. When brine (as obtained from the exploration, drilling or production of oil or gas) is used for controlling fugitive dust from the unpaved road segments and parking lots, the following restrictions shall be followed:

1. (Facility Name) shall possess a valid (resolution, guideline, or plan) pursuant to Section 1509.226 or the Ohio Revised Code in order to use brine for surface application to the unpaved road segments and parking lots which are listed in (A).
2. Pursuant to Division (F) of Section 1509.226 of the Ohio Revised Code, by not later than April 15 of each year, (Facility Name) shall file a report with the Chief of the Division of Oil and Gas, Ohio Department of Natural Resources, concerning the brine applied within its jurisdiction including the quantities transported and the sources and application points during the last preceding calendar year and any other information that the Chief may require. A copy of such report shall also be filed with the (Field Office) by the same deadline.
3. Brine shall not be applied:
 - (a) to a water-saturated surface;

- (b) directly to vegetation near or adjacent to surfaces being treated;
 - (c) within twelve feet of structures crossing bodies of water or crossing drainage ditches;
 - (d) between sundown and sunrise, except for ice control.
4. The discharge of brine through the spreader bar shall stop when the application stops;
 5. The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied;
 6. The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter;
 7. The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve-foot-wide road or three gallons per sixty square feet on unpaved lots;
 8. The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application;
 9. Any valves that provide for tank training other than through the spreader bar shall be closed during the brine application and transport;
 10. The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface;
 11. Only the last twenty-five per cent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five per cent of the applicator vehicle's contents shall be discharged under atmospheric pressure.

The Director of the Ohio EPA reserves the right to require the facility to increase the frequency of brine applications, consistent with Section 1509.226

of the Ohio Revised Code, in order to minimize or eliminate visible emissions of fugitive dust pursuant to OAC rule 3745-17-08 (B).