As an Ohio citizen, I urge JCARR committee members to refuse ODNR’s rules re: oil & gas Class II injection wells as woefully inadequate to protecting our Drinking water, our agricultural soils, and the health & wellbeing of Ohioans now and in the future.

I stand with science, not with the oil & gas and those who financially benefit from rules that protect the oil & gas profits and Not the future and sustainability of Ohio’s Water, Air, Soil and health of our people.

I quote and support the respected ohio scientist, Dr. Julie Weatherington-Rice’s Synopsis of ODNR’s lack of using science in these rules. (see bio below)

- “We spent all summer commenting over and over again on the three new rules packages from ODNR Oil and Gas. They took absolutely NONE of our recommendations and basically made a point that they took none in a leading paragraph. The Waste Facilities Rules and the Class II injection wells rules are considered final and have been sent to JCARR. ODNR will hold a final hearing by zoom on Nov. 29th where we will have one more chance to put in our comments and then everything goes to an in-person hearing at JCARR on Dec. 6th which we intend to pack and where we will again submit our comments for the record. At least the Class II rules have direct bearing on Columbus’s water supply and all the Class II wells in the watershed. There is absolutely no reason why someone could not build a waste facility in the watershed as well.
- The setbacks for surface water reservoir intakes are woefully inadequate and do not try to protect the reservoirs, only the intakes.
- The rules make the assumption that the earth is flat and do not factor in downhill slope when determining distances from springs, ponds, streams, etc. and other sources of water even though we all know that a spring up hill and over a ridge will have greater protection than a spring down hill at the same distance. But in the eyes of these rules, both are considered equal for distance of setbacks.
- Both sets of rules ignore a huge number of geologic hazards when determining where these facilities can be built. For instance, nothing precludes them from being located in sinkhole territory, over an old peat bog, on top of a Sole Source Aquifer or in a yellow, orange or red area of vulnerability on a county scale ground water pollution potential map.
- They also don’t check to make sure the applicant is following local ordnances or building limitations if they exist.
- This is not only a water contamination issue, it’s also a structural integrity issue. I recommended setting up a task force to come up with a list of geologic hazards that should be avoided, recommended the agencies and divisions who should be included and even volunteered to participate. Nothing. They did not even include wording that said that the applicant should screen for geologic hazards with the Division of Geologic Survey who are assigned the job of mapping these hazards and are the repository of all the information. I could go on and on, but you get the picture.

Dr. Julie Weatherington-Rice is the Sr. Scientist for the local engineering firm of Bennett & Williams who specialize in the installation and management of public water supplies and the protection of our water, soil and air. She hold a BSEdu in Earth Science Education, a MS in Geology and PhD in Soil Science, all from Ohio State. She first began working with the Franklin Soil and Water Conservation District in 1974. She later served as their first Urban Conservationist under a special two year grant from the Ohio Legislature. She is currently
developing a virtual PowerPoint and video training program for new soil scientists in cooperation with the Association of Ohio Pedologists and the Ohio Dept. Of Health. Among other training videos will be a series on the geology and soils of the Franklin County MetroParks.

Sincerely,
Greg Pace
Co-organizer- ColumbusBillOfRights.org
1362 Erickson Road, Columbus OH 43227
I am writing because I am very concerned over specific restrictions and language that remain in our administrative rules these include: OAC 3304:1-21-14 B (3) contains language that has been used and abused to summarily dismiss, reject, and deny Blind Vendors/Licensees due process rights through our grievance process. Additionally, 3304:1-21-14 (B) 3 contains illegal restrictions depriving Blind Vendors/Licensees of due process through an evidentiary hearing as required by 20 USC §107d–1(a) and 34 CFR §395.13. This relates to when a Blind Vendor/ Licensee is adversely affected by actions taken by the BEP/BSVI/OOD. These restrictions run counter-productive to the federal regulations and should be removed from this rule. I strongly encourage JCARR and OOD to read and review the federal regulations governing the Randolph Sheppard act listed above and ask that these illegal restrictions be removed from this rule thus giving Blind Vendors/Licensees access to due process rights in Ohio. A simplistic solution is to mirror the federal statues governing grievances in the Randolph Sheppard act. I and others believe that when a grievance is denied that BSVI/OOD must explain why and provide the grievant with what the appeals process is such as how to request a federal arbitration. A grievance process should be fair and balanced and it currently is not as it is heavily weighted in favor of BSVI/OOD and gives Blind Vendors/Licensees virtually no recourse to resolve disputes when they arise.

The word “cured” is used in this rule while I recognize this is a legal term I want to point out that most Blind Vendors/Licensees are not attorneys thus I believe this word should be changed to “correct” because that what any Blind Vendor/Licensee is being ask to correct rule violations within a certain time frame.

H says “Market and promote the BE program” This statement or rule is vague at best and should be more detailed and specific for example it should say “Find, solicit, develop, and enter into Bureau Grantor Agreements for new BE facilities and new BE sites.”

Says, (A) Whenever a facility or site becomes available or is proposed to become available, BE shall first determine whether a temporary bureau operator agreement is required to ensure continued operations as outlined in paragraph (E) of rule 3304:1-21-06 of the Administrative Code. If continued operations are not required, BE shall determine with active participation from OVRC whether the facility or site should be attached to another facility, split into separate sites, reconfigured, abandoned, posted, or placed under a TBOA. What this should say is “(A) Whenever a facility or site becomes available or is proposed to become available, BE shall in consultation with the local selection panel first determine whether a temporary bureau operator agreement is required to ensure continued operations as outlined in paragraph (E) of rule 3304:1-21-06 of the Administrative Code. If continued operations are not required, BE shall
determine with active participation from OVRC whether the facility or site should be attached to another facility, split into separate sites, reconfigured, abandoned, posted, or placed under a TBOA.”

Thanks for your time and efforts in making sure that Blind Vendors/Licensees in Ohio are treated fairly, professionally, and have an equitable grievance process!

Sincerely,
Frank Bragassa
Phone: 513-399-2828
December 6, 2021

TO: JOINT COMMITTEE ON AGENCY RULE REVIEW

SUBJ: 12/6/21 Hearing Item #56

Dear Committee Members:

Unconventional Oil and Gas Development (UOGD or fracking) has been operating in Ohio for ten years, and by now, it is apparent the industry is causing extensive harms and costs to the public. It is a dereliction of duty that the Ohio Department of Natural Resources’ Division of Oil and Gas Resource Management (DOGRM) has not made rules and improvements until now, even combining the two different facilities into one rulemaking process which truncates the needed review. Until UOGD is better regulated to protect the environment and public health and is bonded to pay for its damages, JCARR will want to take this opportunity for rulemaking to look closely at known facts, not only in Ohio, but in other states in which fracking has taken place. Increasingly, there is documentation of problems that need to be addressed in regulations, starting with the Halliburton Loophole, that falsely classified frack waste as “non-hazardous,” which is totally erroneous and downright dangerous. This is just one example of how the industry has operated on the legislative level to make lobbying for loose regulations a profit center. The fracking industry has been given special allowances from the beginning that no other industry in the U,S. can have. That tells us that this will not end well, and now we have enough information to prove it. JCARR needs to require that DOGRM take the time and make the effort to achieve better oversight and regulations before the boom industry becomes a bust and the Ohio taxpayer is forced to clean up the mess, if even possible. The necessary fiscal analysis needs to be done so that all costs of frack waste handling, processing and disposal are considered.

The facts speak for themselves:

1) **The true costs of handling frack waste are not being calculated and considered.** While it is difficult for concerned community members to obtain the exact statistics, by now, the DOGRM may already have a good idea of the true costs caused by UOGD may not be worth the revenue. A close scrutiny needs to be made of the expenses of the division to regulate frack waste and the externalized costs of waste handling and disposal. It is obvious no one was prepared for the outcomes of the “gold rush” of fracking on the region, especially due to the massive amounts of water destruction and need for cheap waste disposal of billions of gallons and millions of tons of frack waste. Even though the DOGRM has a dramatic increase in responsibilities and duties for oversight of the oil and gas industry, it does not appear they were funded to adequately oversee the highly unregulated industry of fracking that was growing exponentially. Certainly, state and federal regulations were grossly inadequate from the beginning.
2) **In the 10 years that fracking has operated in Ohio, the externalized costs of harms to public health and environmental clean-up and remediation have been accumulating.** It is important for JCARR to review the expanding body of knowledge compiled by Physicians for Social Responsibility in the 7th Edition of **COMPENDIUM OF SCIENTIFIC, MEDICAL, AND MEDIA FINDINGS DEMONSTRATING RISKS AND HARMS OF FRACKING (UNCONVENTIONAL GAS AND OIL EXTRACTION)**. These risks and cost of harms need to be quantified and compared to the revenue for the processing of frac waste to know the true cost/benefit of allowing lax regulations. It is profitable for the industry to transfer the real costs to the taxpayers. Even though many people made money from leasing and royalties from fracking, no one wants the waste. By now, there is enough justification to support conducting a full a [Health Impact Study (HIS)](https://www.jcarr.org/his) for Southeast Ohio in heavily fracked regions taking massive amounts of waste with the associated truck traffic and diesel fumes, but that is not being done despite numerous health complaints and pollution events to justify it.

3) **Lack of regulation is a civil rights violation, and exhibits environmental justice issues.** To have the ability to protest the location of an injection well or waste processing facility is a basic human right which is denied by the DOGRM’s regulations. Zoning is required for these facilities handling toxic waste, which is required for any other comparable industrial operation. Many of the frack waste handling and disposal facilities are located in regions of low income and high unemployment. Those that have the means are raising opposition, but to little avail, and sometimes those who resist are threatened with lawsuits and receive “cease and desist,” letters. The industry has bullied its way into the regions of Ohio of low income and high unemployment, promising jobs to people who are desperate enough for income to take jobs that will expose them to serious health risks. The human rights violations by the fracking industry are numerous and well-documented.

4) **Frack waste is not adequately tested and characterized to ensure safe handling and disposal.** Despite of massive amounts of “produced water” being generated by fracking, the toxic soup has not been fully tested to know what is in it. Not only are there proprietary chemicals added to freshwater, there are the toxic and radioactive chemicals that fracking brings to the surface. These are hazardous, radioactive elements that were once safely buried beyond human contact, now brought to the surface. The fact that frack waste is produced, handled, processed, and disposed of without full characterization of what’s in it after years of operation and with knowledge of potentially high toxicity is dangerous now that we know injection wells leak and surface facilities have many ongoing violations. Regarding injection wells, we have asked the OEPA and the USEPA to do actual air monitoring of injection well sites. Injection wells are classified as de minimis emitters, so no air permits are required. But we know they smell, and they billow noxious air like the Silcor facility in Cambridge, Ohio, located in a highly trafficked area with documentation of releases and environmental complaints and air pollution. A [flir video of the facility](https://www.jcarr.org/his) shows the air pollution, and this needs to be studied to fully characterized the air pollution caused by large injection wells. We believe air permits may be required for large facilities to be more protective of human
health, especially because the setback distances are inadequate and toxic chemicals like benzene and radioactive particulate matter can become airborne while unloading and processing frack waste.

5) **Processing and disposing of frack waste is not economically beneficial to the public and for the state.** Ohio has allowed the approximately 50 “Chiefs Orders” facilities that include truck washing and processing operations to handle the massive amount of waste that fracking creates with no regulation. Ohio is now the dumping ground of choice for other states. What does it say when the industry and other states find it cheaper and easier to truck waste to Ohio for processing and disposal? Plans to bring frack waste to Ohio via barge have been made repeatedly, something that we have opposed for many years for obvious reasons. In our efforts, we have gathered over 80,000 signatures opposing the barging of frack waste. We presented an exhaustive report on the hazards of such a proposal to the USCG. We don’t know if it was the science, and/or our opposition and/or a change in administration that made the Coast Guard decide not to certificate barges for carrying waste on our rivers needed for drinking water. We feel we narrowly escaped disaster by being able to have at least one regulatory agency look at frack waste for what it really is – highly uncharacterized, toxic, radioactive, and laced with “proprietary chemicals” and “forever chemicals,” still mostly untested and uncharacterized. We do not know if diesel fluids are included in what goes into injection wells, which is the one thing the USEPA prohibits, but we do know they are used in drilling fluids, so every load of frack waste should be tested for diesel range organics at the very least before injection. The industry balks at the cost to do extensive testing, but that is what is needed and to avoid doing so is yet another subsidy to the frack waste profiteers.

6) **Further studies are needed to identify places where injection wells should not be allowed, and conventional wells should not be re-purposed for injection.** What a disaster it would be for frack waste to be found in large drinking water sources like the Ohio River. Now it is known that injection wells leak and communicate with other producing and orphaned wells and have contaminated surface water; it is obvious that more regulation is needed to ensure frack waste does not migrate outside the zone of injection. At the very least, every injection well needs to have a monitoring well to make sure the contents do not escape, but we cannot get adequate regulations to do this. So when considering cost, this is not something the JCARR can only look at as far as the profits to be made by the many Limited Liability Corporations that are making money by the easy processing and disposal of frack waste with inadequate regulation. Without better regulations, even the EPA is unable to respond to residents’ concerns. The ODNR has been charged to be the sole agency for responsibility to permit fracking and frack waste facilities, and it is obvious it is not up to the task. Whether it is because of inadequate funding or the lack of political will and/or regulations, the ODNR should at least admit that they are unable to be as protective to the environment and public health as they should be under the existing regulations, with the proposed regulations not much better. The regulations as proposed despite the history of industry harms demonstrate the ODNR’s lack of will to do the right thing by failing to address serious
known problems in the current rules. We seriously question the location of many injection wells and frack waste processing facilities near homes, schools and drinking water resources, and the injection wells operating near coal mines. We have instances in which it is indicated frack waste is migrating into abandoned coal mines in proximity, and that along with subsurface pressurization problems require further studies. Once again, monitoring wells are needed.

7) The JCARR should require economic projections on the cumulative costs to adequately monitor the frack waste industry and the additional costs for clean-up, what it will cost to plug an injection well, and what it will cost for a major spill or deliberate release. We recall the deliberate dumping by Ben Lupo and D&L Energy using a stormwater drain – how do we know that is not still happening without better regulations, monitoring and water and soil testing? Despite the many complaints to the DOGRM about potential toxic releases, very little water, air or soil sampling is done, so the true costs are not yet known. But there is enough data by now to show the costs to the agency and the public for the lack of regulations, and these public costs need to be considered, not just the cost to the business.

In summary, the proposed rules allow the industry to externalize costs so the Ohio taxpayer is accountable for them, including health care costs. The fact that frack waste has not been adequately tested to be characterized to know what is in each load that is injected means that no one will be held accountable for the toxic chemicals that are released. The LLC waste processor merely needs to declare bankruptcy when it becomes obvious an injection well has leaked or a Chiefs Order facility has dumped. There is not enough in severance taxes and bonds to keep the public from having to pay for the UOGD cleanup at this rate, resulting in public cost just like that left by conventional drilling for the proper closure of the abandoned oil and gas wells in Ohio. UOGD is well-versed in how to externalize its costs upon the public, and JCARR needs to be aware of that and really look at how much poorer Ohioans will be as a result of sacrificing land and clean air and water to turn Southeast Ohio and the Ohio River Valley into a frack waste dumping ground. To ignore the costs already without looking beyond the business profits means that JCARR would also be complicit with the ODNR to allow these reckless operations to continue without adequate regulation. If someone would take a close look, it is likely they would find that the costs already outweigh the business profits and state revenue that is brought for the short-term when compared to the long-term costs, not even considering what it does to property values and the EJ issues, health problems and degraded quality of life for those living near these facilities. This is an important opportunity for JCARR to demand the DOGRM provide calculations for the true costs of the cheap handling and disposal of frack waste and propose rules that will be more protective of the environment and public health and the Ohio taxpayer.

Thank you in advance for your thoughtful consideration of the serious deficiencies in rules and fiscal analysis as demonstrated by the DOGRM’s inadequate attempt at revising regulations that are known to be in need of serious overhaul.
Sincerely,

Leatra Harper  
Managing Director

With copy to:

Mary Mertz  
Director, Ohio Department of Natural Resources  
2045 Morse Road  
Columbus, Ohio 43229

Eric Vendel  
Chief, Division of Oil and Gas Resources Management  
2045 Morse Rd, Building F  
Columbus, Ohio 43229

Governor Mike DeWine  
Riffe Center, 30th Floor  
South High Street  
Columbus, Ohio 43215
Chairmen Callender, Vice-Chair Gavarone, and members of the Joint Committee on Agency 
Rule Review, my name is Lauren Blauvelt-Copelin. I am the Vice President of Government 
Affairs and Public Advocacy for Planned Parenthood Advocates Ohio, Planned Parenthood of 
Greater Ohio, and Planned Parenthood of Southwest Ohio Region.

Planned Parenthood health centers have collectively been providing high-quality reproductive 
health care, including abortions, to patients in Ohio for over a hundred years. Planned 
Parenthood health centers have also consistently abided by the regulations on the disposal of 
infectious waste, which includes disposal of embryonic and fetal tissue from a procedural 
abortion.

Abortion providers and the advocacy organizations that support us across the state work 
tirelessly to ensure we know about new regulatory requirements and legislative attacks on how 
to provide abortion care. All of the medical facilities provide high-quality care in an ever-
changing regulatory environment. Time and again, new medically unnecessary regulations are 
forced upon Planned Parenthood health centers and independent abortion providers by the 
legislature and the Ohio Department of Health, and each time health centers and their staff must 
struggle to find a way to comply with the new regulations and continue to provide high-quality 
patient-centered care to their patients.

When S.B. 27 was signed into law, Planned Parenthood and other abortion providers started 
making significant efforts to determine compliance with the law, but soon realized this would be 
extremely difficult, if not impossible, without further clarification. Other abortion providers in the 
state and us have reached out to the Department of Health multiple times through written 
comments seeking clarification on the rules. The Ohio Funeral Directors Association sent a 
memo to explain the impossibility of complying with the statute if ODH does not add more 
clarity. So far, we have not received any clarification, including the proposed rules.

While we have raised several issues with these rules directly with ODH we recognize JCARR 
has limited jurisdiction in this process. Therefore I will conserve testimony to where we believe 
the rules conflict with legislative intent. ODH has not prepared a complete and accurate rule 
summary and fiscal analysis of the proposed rules for S.B. 27.
Section 3726.14 of S.B. 27 reads, “Not later than ninety days after the effective date of this section, the director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to carry out sections 3726.01 to 3726.13 of the Revised Code.” The rules provided by ODH are grossly deficient in providing guidance so that we can carry out the requirements the legislature outlined in sections 3726.01 to 3726.13, from what type of cremation is allowed, to the lack of exceptions for tissue to be sent to a crime lab or pathologist, a lack of forms prescribed in S.B. 27, and potential risk to patient privacy, just to name a few. Therefore, these rules conflict with legislative intent by not following the requirements of S.B. 27.

The proposed rules omit rules to prescribe a patient consent form, despite this being required under S.B. 27. There is a rule prescribing a patient consent form for patients under 18 years of age, unmarried, and unemancipated. But there are no rules prescribing a consent form for a patient who is over 18 years of age, or otherwise does not need parental consent under the law. Instead, the proposed rules seem to conflate a separate form—the detachable supplemental form, which under S.B. 27, should be completed by the abortion provider and provided to the crematory operator—with the patient consent form the patient must complete. Requiring that the patient complete the detachable supplemental form, rather than the consent form, is not only contrary to the language of S.B. 27, but could also result in protected patient information being disclosed to the crematory operator, who must receive the detachable supplemental form.

Therefore, we request the rules be amended to prescribe the patient consent form and make it clear that it is separate from the detachable supplemental form. This is necessary to ensure patient privacy is protected.

In response to our previous written comments raising this issue, ODH simply stated that the rules follow the requirements of the statute. This is not an adequate response, as our comments have specifically pointed out how the rules do not follow the statutory requirements and do not provide the necessary clarity for facilities to understand what must be done to follow the requirements of the statute.

Ohio law has many requirements, both in Ohio Revised Code and Ohio Administrative Code, that deal with the documentation necessary for the cremation and interment of human bodies. As passed and signed into law S.B. 27 lists the types of documents that are not necessary for crematory operators to use when cremating embryonic and fetal tissue from procedural abortions, but the legislation does not lay out what documentation is necessary (or unnecessary) for interment of embryonic or fetal tissue from procedural abortions. These rules
being discussed in this public hearing also do not make it clear what documentation is (or is not) required for the interment of this tissue.

In response to comments provided through the interested parties, ODH has claimed it lacks authority to address this issue in the proposed rules, stating that this issue needs to be addressed by the State Board of Embalmers and Funeral Directors.

But that is in conflict with the language of S.B. 27, which clearly states that the Ohio Department of Health, not the State Board of Embalmers and Funeral Directors, is required to issue rules necessary to implement the law.

In addition to the lack of guidance around the documents necessary for interment of embryonic and fetal tissue, these rules also do not actually create the forms required for facilities to comply with the requirements in S.B. 27. The rules being discussed today “prescribe” the forms required but do not have the actual forms attached, and the facilities impacted by these new regulations have not been able to review the forms despite repeatedly asking to do so. Being able to review these forms before the rules are finalized is necessary for the facilities impacted by these new regulations, both the medical facilities that provide procedural abortions and the funeral homes and crematories they have been in touch with, to determine whether and how compliance is possible with S.B. 27. These forms very well might resolve some of the ambiguities with the law that have been raised today, or they may introduce new ambiguities into the process. Providers, as well as crematories and funeral homes, must have time to evaluate these forms and address any ambiguities with the Department of Health before they are finalized.

Finally, I want to address the accuracy of the cost analysis. When issuing rules to implement SB27, ODH is required to determine whether the requirements will have an adverse impact on businesses and if so, to complete a business impact analysis listing the costs of compliance.

Here, ODH admits the disposal requirements will have an adverse impact on businesses. However, the business impact analysis it has submitted is wholly inadequate and does not accurately convey the extremely burdensome impact of the disposal law and implementing rules.

The business impact analysis lists only the costs of copying the forms prescribed by the rules, and staff time for printing and signing the forms.
This does not come close to reflecting the true costs of the disposal requirements, which have already required abortion providers to spend hundreds of hours over months doing outreach efforts to potential vendors to attempt to comply with this law. And requiring providers to contract with funeral homes and crematories to cremate or inter all embryonic and fetal tissue from procedural abortions will result in significant costs and is, in fact, likely to be cost prohibitive. The business impact analysis must account for these added costs, but does not do so.

Even if it is ODH’s position that the business impact analysis must only account for costs imposed by the implementing rules and not the underlying statute, the analysis ODH has submitted is still inadequate.

ODH has the authority to explicitly prescribe the types of cremation used for embryonic and fetal tissue in implementing rules, but it has not done so far. If ODH refuses to amend the proposed rules to permit the more cost-effective process, its cost analysis should account for this, and acknowledge and explain the ways in which the cost for each process differs.

Additionally, the proposed rules add a requirement not present in the statute: they require all interment options provided by abortion providers to be at Ohio-licensed cemeteries. Because this additional restriction is only in the rules, the significant additional costs it entails must be included in the business impact analysis.

We, therefore, request that JCARR invalidate ODH’s proposed rules 3701-46-01 and 3701-46-02 on the grounds that the rules conflict with legislative intent and that the Ohio Department of Health did not prepare a complete and accurate fiscal analysis.

Thank you, this concludes my testimony and I can answer any questions.
To: Director Judith L. French  
From: Senator Stephen A. Huffman  
Date: December 1st, 2021  
Re: In Support of Draft Rules OAC 3901-8-17

Dear Director French,

I am writing in support of draft rules OAC 3901-8-17 as written concerning reimbursement for unanticipated out-of-network care and implementation of H.B. 388 from the 133rd General Assembly. I will address a few points that have been brought to my attention and have drawn concerns from some organizations.

The creation of geographic regions as written in the draft rules is very well written and thought out. The draft rules are parallel with the proposed rule at the federal level, this will reduce a great deal of potential confusion for all parties. The creation of these geographic regions do take into account local market rates and are based on the metropolitan and micropolitan statistical areas from the U.S. Census Bureau. This is an objective way to divide the state and should assure similar rates using a local metropolitan area. At the same time, it does not lump the rural areas into the larger cities but assures that they are compared to other rural areas around the state.

In the current rules, there is transparency and consistency in reimbursement. If a provider feels that a payment amount for a certain code is not adequate, then the provider can simply compare the amount that is received by another health plan that the provider is in network. If the provider finds that the reimbursement rate is considerably off from what he receives from another in-network provider, then they should take them to arbitration. Thus, there are built in benchmarks that each provider has to compare their reimbursement rate before they take the expensive and timely arbitration approach. The plans also must continue at all times to have an adequate provider network as currently defined by the Ohio Department of Insurance. This will prevent health plans from selectively terminating contracted providers.

The median amount should not exclude any zero dollar payments. Further, incentive or bonus payments should not be included in the calculations. Incentive or bonus payments are just that and at times they would be very difficult to calculate for each individual code. These often are
reimbursed based on quality or volumes. A provider should not be credited for these because they are billing for a code when they do not achieve the incentive. If the provider wants to be considered for a bonus, then the provider can have the opportunity by becoming an in-network provider and negotiating it as part of their contract.

In my opinion, it was always the intent of the General Assembly to include Clinical Laboratory Services in H.B. 388. I find no difference in Clinical Laboratory Services than any other reimbursable medical service that is out of network. The intent is to hold the patient harmless when they have no choice to go to an out of network provider. The language in H.B. 388 in no way carves out Clinical Laboratory Services, it also does not carve out any other provider and thus Clinical Laboratory Services should be included in the proposed rules set out by the Ohio Department of Insurance.

Regards,

[Signature]

Senator Stephen A. Huffman
5th Senatorial District
Office Number: 614-466-6247
Email: Stephen.Huffman@OhioSenate.gov
Chair Callender, Vice Chair Gavarone, and members of the Joint Committee on Agency Rule Review, thank you for the opportunity to provide written testimony regarding draft rule OAC 3901-8-17, reimbursement for unanticipated out-of-network care (related to the implementation of HB 388 passed by the 133rd Ohio General Assembly) on behalf of the Ohio Emergency Medical Physicians Alliance (OEMPA). We would also thank the Ohio Department of Insurance for their willingness to hear feedback from all stakeholders and for considering our previous comments regarding the rule.

While we are fully supportive of the patient protections provided by the law, we are concerned that the draft rule as proposed contains provisions that violate the legislative intent of the law and will add to the administrative burden and cost of healthcare, reduce healthcare cost transparency, and incentivize health plans to terminate provider contracts thereby reducing patient access to care.

Listed below are our continued primary concerns:

Creation of Geographic Regions

Section (F)(1) – The language included in the proposed draft rule (revised) in section (F)(1) defines a methodology for determining the geographic region for use by a health plan to determine an appropriate payment to a provider for out of network services. The law states that the payment shall be “The amount negotiated with in-network providers, facilities, emergency facilities, or ambulances for the service in question in that geographic region under that health benefit plan.” This amount was intended to represent the realities of local market negotiations, and not a global state-wide calculation. The proposed rule (revised) includes language which now defines a “geographic region” as being “one region for each metropolitan statistical area, as described by the U.S. Office of Management and Budget and published by the U.S. Census Bureau, and one region consisting of all other portions of the state.” The creation of these definitions of “geographic regions” ignores the realities of local free market negotiations that occur between providers and health plans in various parts of the state and would exceed the statutory authority of the legislative language.

It should be noted that the geographic regions as proposed in the draft rule, would also create inconsistencies and conflicts with the factors which the arbitrator is required to consider in a dispute resolution under statutory language. Legislative language lists the factors as follows:
(C) An arbitrator shall consider all of the following factors in rendering a decision: (bold emphasis provided)

(1) The in-network rates that other health benefit plans reimburse, and have reimbursed, that particular provider, facility, emergency facility, or ambulance for the service in question, including the factors that went into those rates such as guaranteed patient volume or availability of providers in the provider's, facility's, emergency facility's, or ambulance's geographic area;

(2) The in-network rates that the health benefit plan reimburses, or has reimbursed, other providers, facilities, emergency facilities, or ambulances for the service in question in that particular geographic area, including the factors that went into those rates such as guaranteed patient volume or availability of providers in that particular geographic area;

(3) If the health plan issuer and the provider, facility, emergency facility, or ambulance have had a contractual relationship in the previous six years, any in-network reimbursement rates previously agreed upon between the issuer and the provider, facility, emergency facility, or ambulance;

(4) The results of, or any documents submitted in the course of, a previous arbitration between the parties conducted under this section that the arbitrator considers relevant in rendering a decision.

By allowing health plans to use an MSA or the entire state non-MSA geographic regions as proposed, the arbitrator would be presented with a reported reimbursement rate that is incongruent with the realities of contract negotiations which occur at a very local level for some providers. The factors provided to the arbitrator to consider in statutory language reinforce that the “geographic region” was intended to represent the local market in which the service was provided, and not a statewide calculation.

We would recommend that “geographic regions” be defined as the region included in the three digit “geozip” using USPS postal service codes in which the healthcare service was provided.

Failure to define standards for reimbursement

In the legislative language, health plans are required to reimburse providers the “greatest of three” amounts as noted here: (bold emphasis provided)

(a) The amount negotiated with in-network providers, facilities, emergency facilities, or ambulances for the service in question in that geographic region under that health benefit plan, excluding any in-network cost sharing imposed under the health benefit plan. If there is more than one such amount, the relevant amount shall be the median of those amounts, excluding any in network cost sharing imposed under the health benefit plan. In determining the median amount, the amount negotiated with each in-network provider, facility, emergency facility, or ambulance shall be treated as a separate amount even if the same amount is paid to more than one provider. If there is no per-service amount, such as under a capitation or similar payment arrangement, the amount described in division (B)(1)(a) of this section shall be disregarded.
(b) The amount for the service calculated using the same method the health benefit plan generally uses to determine payments for out-of-network health care services, such as the usual, customary, and reasonable amount, excluding any in-network cost sharing imposed under the health benefit plan. This amount shall be determined with reduction for cost sharing that generally applies under the health benefit plan with respect to out-of-network health care services.

(c) The amount that would be paid under the Medicare program, part A or part B of Title XVIII of the Social Security Act, 42 U.S.C. 1395, as amended, for the service in question, excluding any in-network cost sharing imposed under the health benefit plan.

Under current Ohio statute and regulation there are no formulaic definitions or promulgated standards for the calculation of a “median” amount or the “usual, customary and reasonable amount” for reimbursement of a provided health care service. In the absence of a specific methodology for the determination of these amounts, there is no ability for a provider or facility to have visibility into the whether the reimbursement amount offered by the health plan is the “correct amount.” Given that the only the health plan has information regarding the contracted rates for a healthcare service within a geographic region (with concerns regarding the geographic regions noted above) there is no transparency, and likely no consistency in how different health plans would calculate these amounts. Given the absence of any defined methodology for these amounts, it is unclear how ODI would be able to hold health plans accountable for meeting the legislative standard of reimbursement. In addition, we would request that ODI include a requirement in the proposed rule that health plans disclose to the provider and the arbitrator what methodologies they used in calculating a reimbursement amount.

Ironically, this lack of transparency or consistency in reimbursement will force providers to use arbitration more frequently, solely for the purpose of gaining insight into whether or not the amount of reimbursement offered by the health plan was “correct.” This will result in increased administrative burden to providers and diversion of healthcare resources to arbitration rather than to providing patient care. Lastly, given the ability of health plans to manipulate the “median” or “usual, customary and reasonable amount” by selectively terminating the contracts of providers, it is likely that patients will be subject to narrowed provider networks and reduced access to care solely for the financial benefit of the health plan, regardless of whether the provider was delivery high-quality and cost-effective care.

We would again recommend that regarding the determination of the “median” amount, we request the following language be adopted: The “median” shall reflect amounts paid, not merely recognized by the carrier as of January 31, 2019, adjusted by CPI-U each year through the current, and shall be based on a weighted average of the total number of payments issued to individually contracted physicians in the given specialty as recognized by the carrier in the carrier’s provider directory. The weighted average may not include any zero-dollar payments and shall include the direct contracted rate in addition to the pro-rata share of any and all incentive or bonus payments. If a reference date for establishment of the median rate is not identified, we request that the ODI describe the audit process it would undertake on a scheduled basis to ensure that health plan issuers are compliant with the regulations on calculation of the median rate.

Regarding the determination of the “usual, customary, and reasonable amount,” we request that “usual, customary, and reasonable amounts” be based upon past actual payments made to providers for out of network services by the health plan issuer. These payments shall
have been made for the same or similar services, in the same geographic region in which the service was provided, and by a provider of the same specialty.

The Ohio Emergency Medical Physicians Alliance appreciates the opportunity to provide comments to the committee on OAC 3901-8-17, and we would welcome any questions that you may have regarding our concerns. Above all we want patients to be protected which is why we are not asking for this rule to be invalidated, but we do want the cooperation of the Department in further clarifying our noted areas of concern.
December 6, 2021

Testimony Before the Joint Committee on Agency Rule Review

Re: Rule Number 3901-8-17 "Reimbursement for Unanticipated Out-of-Network Care"

On behalf of the Ohio Society of Pathologists (OSP), and with the support of the College of American Pathologists (CAP) we are submitting this testimony to call upon the Joint Committee on Agency Rule Review (JCARR) to recommend the invalidation of Rule Number 3901-8-17 to the General Assembly, based upon two JCARR prongs that the rule egregiously fails to meet. We do not make this request lightly, as we have been engaged in the rule development process since its inception at the Department of Insurance. However, as we will highlight, the Department of Insurance staff did not address concerns we expressed repeatedly to them and failed to formulate the out-of-network rule in a manner that meets two of the fundamental prong criteria of JCARR, as follows.

**First, the proposed rule violates a JCARR prong by not conforming "to the intent of the legislature in enacting the statute under which the rule is proposed."** The proposed rule expressly regulates out-of-network clinical laboratory services ordered by "in-network providers" at non-facility-based locations. Reviewing the statute one can see no reference to clinical laboratory services ordered by in-network providers and no reference to non-facility-based services. Specifically, the scope of the law, as it relates to clinical laboratory services, is expressly circumscribed with reference to care "described in (A)(1) which requires "both" of the following apply: The services would be covered if provided by an in-network provider and the
services are provided to a covered person at an in-network facility." As one can see, in the case of clinical laboratory services the purview of the law is limited to out-of-network services at in-network facilities.

Moreover, as JCARR members should note, the very definition established in the law for: "Unanticipated out-of-network care" means health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies:

1. The covered person did not have the ability to request such services from an in-network provider.
2. The services provided were emergency services."

In any physician's office, a patient has "the ability" to request that clinical laboratory referrals be made in-network. The operative term in the statute is "the ability." Furthermore, unlike the proposed rule, nowhere in the statute is there an established requirement for mandatory written disclosure of out-of-network status prior to performance of a clinical laboratory analysis. As a practical matter, this kind of preemptive disclosure is not contemplated by the law and would be, in almost all clinical cases, impossible and detrimental to timely diagnosis for patients whose specimens are taken in physicians' offices, in non-facility-based locations, for referral to an outside laboratory that has no knowledge of the patient in advance.

The fact is the proposed rule fabricates a purview over clinical laboratory services, outside the facility setting, that are ordered by community-based dermatologists, urologists, OBGYNs, family practice physicians, etc., who are NOT practicing in hospitals or ambulatory surgical centers. None of these medical and physician groups were a part of the legislative process on this bill, because the focus of the law was exclusively on facility-based services in situations where patients had no ability to request in-network physician specialists. The record of the legislature and the letter of the law clearly limits this law to only out-of-network clinical laboratory services provided at in-network hospitals and facilities.
Secondly, the proposed rule violates the JCARR prong regarding a "complete and accurate rule summary." As is made abundantly clear from the text of the mandatory August 5, 2021, Business Impact Analysis (BIA) prepared by the Common Sense Initiative (CSI), the purview of the law is exclusively stated as follows:

"This rule impacts health insurers, and healthcare providers, when the insured individuals receive healthcare services under two conditions: 1) Receive emergency care at an out-of-network provider or at an out-of-network facility; 2) Receive unanticipated out-of-network care at an in-network care facility, but services are rendered by an out-of-network provider."

From our perspective, the CSI Business Impact Analysis is categorically correct in conforming to the text of the statute. The language of the rule and the accompanying rule summary does not conform to the Business Impact Analysis, by substantially expanding the breadth and application of the rule, beyond the statutory purview of the law. Accordingly, the Rule summary is defective and renders the Business Impact Analysis materially false. This incongruity creates a clear and glaring bureaucratic discrepancy that makes the Rule summary false and deceptive. This discrepancy triggers the JCARR prong that the rule analysis be "complete and accurate."

In summary, it is incumbent upon JCARR to correct the conspicuous errors of the Department of Insurance staff who inexplicably did not remedy any of these defects in the rule that we repeatedly cited during the administrative rule development process. We undertook direct discussions with the Department of Insurance staff and incurred the expense of submitting a formal legal memorandum from the Sidley Austin law firm, detailing these concerns. The Department of Insurance instead proposed a rule that both transcends and violates Ohio's Out-of-Network law as it relates to clinical laboratory services. As such, this is the very scenario of rulemaking that JCARR was established to address and remedy.
We also want to bring to JCARR’s attention that should the rule be invalidated or rescinded, the federal No Surprises Act (NSA) will take effect on January 1, 2022. The federal rule will apply to Ohio health plans not regulated by the Department. If the rule is rescinded or invalidated, the federal law will ensure that all patients in Ohio are financially protected from out-of-network bills, pending any emergency regulation issued by the Department to remedy these defects. In fact, as the result of any rule abeyance, triggered by JCARR action, the consistent application of the federal law will provide administrative relief for health care providers who will not have to contend with a bifurcated regulatory system. Accordingly, the defects in the rule can be remedied by JCARR action and General Assembly approval, without any risk to patients, while preserving the integrity of the law and the Ohio legislative process. We regret that we are forced to make this request before you today. We sincerely appreciate your consideration of these issues.

###
Comparison of Statute and Revised Rule 3901-8-17 (Out-of-Network Payment)

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<th>Statute</th>
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<td>Sec. 3902.50 (G) &quot;Unanticipated out-of-network care&quot; means health care services, <strong>including clinical laboratory services</strong>, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies: (1) The covered person did not have the ability to request such services from an in-network provider. (2) The services provided were emergency services.</td>
<td>Sec. E (7) &quot;Unanticipated out-of-network care&quot; means health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when <strong>either</strong> of the following conditions applies: (a) The covered person did not have the ability to request such services from an in-network provider. Clinical laboratory services provided by an out-of-network provider, <strong>but that are ordered by an in-network provider</strong>, shall be considered to have met the condition prescribed in paragraph (E)(7)(a) of this rule unless the provider rendering the laboratory services discloses its network status in writing to the covered person before the services are provided. (b) The services provided were emergency services.</td>
<td>The statute makes no reference to out-of-network clinical laboratory services ordered by in-network providers. For all &quot;unanticipated out-of-network care, including clinical laboratory services,&quot; the statute requires that &quot;the covered person did not have the ability to request such services from an in-network provider&quot; or the services provided are emergency services. The revised rule omits the explicitly applicable requirement that the covered person did not have the ability to request such services from an in-network provider, by inserting an &quot;either&quot; providing, alternatively, that &quot;the clinical laboratory discloses its network status in writing to the covered person before services are provided.&quot;</td>
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| Sec. 3902.51. (A)(1)(a) A health plan issuer shall reimburse an out-of-network provider for unanticipated out-of-network care when both of the following apply: (i) The services are provided to a covered person at an in-network facility. (ii) The services would be covered if provided by an in-network provider. | No comparable provision in the rule. | The revised rule transcends the explicit statutory purview of the law. The statute stipulates that in the case of clinical laboratory services the purview of the statute is limited to care "described in (A) (1)." which requires |
(2) In the case of clinical laboratory services provided in connection with care described in division (A)(1) of this section, a health plan issuer shall reimburse any out-of-network provider and any out-of-network facility that provided the clinical laboratory services.

No comparable provision in the rule.

Sec. 3902.51. (C)(4) In the case of clinical laboratory services provided in this state in connection with care described in division (A)(1) of this section, no out-of-network provider or out-of-network facility shall bill a covered person for the difference between the health plan issuer’s reimbursement and the provider’s or facility’s charge for the clinical laboratory services.

Sec. E (7)(a) Clinical laboratory services provided by an out-of-network provider, but that are ordered by an in-network provider, shall be considered to have met the condition prescribed in paragraph (E)(7)(a) of this rule unless the provider rendering the laboratory services discloses its network status in writing to the covered person before the services are provided.

The out-of-network requirement for written disclosure by clinical laboratories to patients when the services are ordered by in-network providers, including community (non-facility-based providers), has no statutory basis.

Moreover, the requirement, as a practical medical matter, cannot be reasonably implemented as clinical laboratories in receipt of specimens cannot hold specimens in abeyance pending patient notification and response.
August 18, 2021

By Email: surprisebilling@insurance.ohio.gov

Ms. Judith French  
Director  
Ohio Department of Insurance  
50 West Street, Suite 300  
Columbus, Ohio 43214

Re: Proposed Rule 3901-8-17 Reimbursement for Unanticipated Out-of-Network Care

Dear Ms. French:

The following comments are submitted on behalf of the College of American Pathologists (CAP) and the Ohio Society of Pathologists (OSP) in response to the Ohio Department of Insurance’s (the Department’s) proposed rule 3901-8-17 Reimbursement for Unanticipated Out-of-Network Care (the Proposed Rule). The Proposed Rule seeks to implement the surprise billing provisions enacted in House Bill 388 of the 133rd General Assembly.

As the world’s largest organization of board-certified pathologists and the leading provider of laboratory accreditation and proficiency testing programs, the CAP serves patients, pathologists, and the public by fostering and advocating excellence in the practice of pathology and laboratory medicine worldwide. The OSP is dedicated to promoting the field of pathology in the State of Ohio. Pathologists are physicians whose diagnoses drive care decisions made by patients, primary care and specialist physicians, and surgeons. When other physicians need more information about a patient’s disease, they often turn to pathologists, who provide specific diagnoses for each patient. The pathologist’s diagnosis and value are recognized throughout the care continuum and affect many patient encounters.

The CAP and OSP desire to minimize disruption to the provision of laboratory tests to patients. Based on our review of the Proposed Rule, however, the CAP and OSP are concerned that the Proposed Rule purports to re-interpret the plain language of the statute, Ohio Rev. Code Sections 3902.50–3902.54, and impose certain additional requirements on out-of-network clinical laboratory services providers. In particular, the Proposed Rule seeks to improperly expand the purview of the statute to all out-of-network clinical laboratory services ordered by in-network providers, which distorts the plain language of the statute, and purports to create a clinical laboratory notification requirement not contemplated by the statute. These inexplicable deviations from the statutory text, if implemented, risk creating undue administrative burden for clinical laboratories and, ultimately, hindering timely provision of patient care.
I. The Proposed Rule as Applied to Clinical Laboratory Services is Inconsistent with the Statute

The Proposed Rule extends beyond what the text of Sections 3902.50–3902.51 authorizes. Specifically, Ohio Rev. Code Section 3902.51(A)(1)(a) states as follows:

A health plan issuer shall reimburse an out-of-network provider for unanticipated out-of-network care when both of the following apply:

(i) The services are provided to a covered person at an in-network facility.

(ii) The services would be covered if provided by an in-network provider.

This section of the statute applies to out-of-network clinical laboratory services, but division (A)(2) further specifies that:

In the case of clinical laboratory services provided in connection with care described in division (A)(1) of this section, a health plan issuer shall reimburse any out-of-network provider and any out-of-network facility that provided the clinical laboratory services.\(^1\)

Notably, the statutory text governs reimbursement to out-of-network providers of clinical laboratory services in connection with unanticipated out-of-network care only when the care is provided at an in-network facility and when a health plan would cover the services if provided by an in-network provider. That is, according to the plain language of the statute, health plan issuers must reimburse out-of-network providers and out-of-network facilities providing clinical laboratory services so long as those clinical laboratory services were provided in connection with care provided to a covered person at an in-network facility and when the services would be covered if provided by an in-network provider.

The Proposed Rule, however, seeks to expand applicability of the statute to clinical laboratory services beyond the clearly-delineated circumstances in the statutory text by redefining the term “unanticipated out-of-network care.” Specifically, Section 3902.50(G) of the statute defines unanticipated out-of-network care to mean:

Health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies: (1) The covered person did not have the ability to request such services from an in-network provider. (2) The services provided were emergency services.

\(^1\) Emphasis added. Similarly, division (C)(4) of the statute states that “In the case of clinical laboratory services provided in this state in connection with care described in division (A)(1) of this section, no out-of-network provider or out-of-network facility shall bill a covered person for the difference between the health plan issuer’s reimbursement and the provider’s or facility’s charge for the clinical laboratory services.” The CAP and OSP do not separately address this provision in these comments, as the analysis is the same.
However, the Proposed Rule seeks to modify the statutory requirements as they apply to clinical laboratory services by redefining a statutory term. Specifically, Section 3901-8-17 (E)(7) of the Proposed Rule seeks to define “unanticipated out-of-network care” in the same manner as the statute, but, inexplicably includes additional requirements for clinical laboratory services:

“Unanticipated out-of-network care” means health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies:

(a) The covered person did not have the ability to request such services from an in-network provider.

Clinical laboratory services provided by an out-of-network provider, but that are ordered by an in-network provider, shall be considered to have met the condition prescribed in paragraph (E)(7)(a) of this rule unless the provider rendering the laboratory services discloses its network status in writing to the covered person before the services are provided.2

(b) The services provided were emergency services.

This Proposed Rule definition impermissibly expands the scope of the statute. Indeed, nowhere does the statute require that out-of-network clinical laboratory services be ordered by an in-network provider. Rather, as noted, the statute simply requires that such services be provided by an out-of-network provider to a covered person at an in-network facility and that the services would be covered if provided by an in-network provider.

Nor does the statute grant the Department discretion to interpret whether disclosure by an out-of-network clinical laboratory service provider of its network status to the covered person before providing services has any effect on the covered person’s ability to request such services from an in-network provider. Rather, the statute provides that out-of-network care is “unanticipated” if the “covered person did not have the ability to request such services from an in-network provider” or the “services provided were emergency services.” Accordingly, there is no statutory basis for linking a covered person’s ability to request clinical laboratory services to a laboratory services provider’s disclosure of its network status in writing to the covered person prior to providing services.

While the Proposed Rule’s language is inconsistent with the plain language of the statute, the CAP and OSP note further that their interpretation of the statute is supported by the Department’s own Business Impact Analysis submitted on August 5, 2021 in connection with the Proposed Rule. Specifically, the Analysis states that:

This rule impacts health insurers, and healthcare providers, when insured individuals receive healthcare services under two conditions,

2 Emphasis added.
1. Receive emergency care at an out of network provider or at an out of network facility,

2. Receive unanticipated out of network care at an in network care facility, but services are rendered by an out-of-network provider.

Under these two conditions, the health provider is prohibited from balance billing the consumer for the out of network costs.

Like the statute, the Business Impact Analysis does not require that out-of-network clinical laboratory services be ordered by an in-network provider, nor does the Analysis require that out-of-network clinical laboratory providers disclose their network status in writing to patients before rendering services. Rather, the Analysis further supports our view that the statute applies only to unanticipated out-of-network clinical laboratory services provided at in-network facilities.

Finally, we note that the Department’s purported notification requirement, if implemented, could also create undue administrative burden for clinical laboratories and, ultimately, hinder patient care. Specifically, under the Proposed Rule, out-of-network clinical laboratories receiving specimens from in-network facilities would be required to hold specimens in abeyance pending confirmation of whether the patient was notified in writing of the laboratory’s network status.

II. Proposed Revisions to the Regulatory Language

The CAP and OSP believe that the language of the Proposed Rule should be revised to expressly limit its applicability to out-of-network clinical laboratory services provided at in-network facilities when the patient did not have the ability to request services from an in-network provider. Specifically, we recommend the following revisions be implemented in Section (E)(7)(a) of the Proposed Rule before it is finalized:

Clinical laboratory services provided by an out-of-network provider, but that are ordered by an in-network provider, to a covered person at an in-network facility, that would be covered by a health plan issuer if provided by an in-network provider, shall be considered to have met the condition prescribed in paragraph (E)(7)(a) of this rule unless the provider rendering the laboratory services discloses its network status in writing to the covered person before the services are provided the covered person did not have the ability to request such services from an in-network clinical laboratory services provider at such facility.

These proposed revisions would ensure that the final rule conforms to the statutory text and, as a practical matter, would eliminate the risk of undue administrative burden and detrimental impacts on patient care that could accompany clinical laboratories’ delaying testing pending patient notifications and responses.
The College of American Pathologists and the Ohio Society of Pathologists appreciate the opportunity to comment on the Proposed Rule and appreciate the Department’s consideration of these issues. Should you have any questions or wish to discuss these issues further, please do not hesitate to contact me or the following CAP and OSP representatives:

- Barry R. Ziman, Director, Legislation and Political Action, College of American Pathologists, bziman@cap.org
- Sean M. Kirby, MD, FCAP, President, Ohio Society of Pathologists, smkirby@mercy.com

Sincerely,

Scott D. Stein
Partner, Sidley Austin LLP
On behalf of the College of American Pathologists and the Ohio Society of Pathologists

cc: Barry R. Ziman, Director, Legislation and Political Action, College of American Pathologists (via email: bziman@cap.org)
Sean M. Kirby, MD, FCAP, President, Ohio Society of Pathologists (via email: smkirby@mercy.com)
Jennifer Hayhurst, Director, Regulatory Affairs, Ohio State Medical Association (via email: jhayhurst@osma.org)
Whitney Paterson

From: jcarr1@jcarr.state.oh.us
Sent: Sunday, December 5, 2021 11:26 PM
To: JCARR1
Subject: JCARR - Contact Us Submission

The following was submitted on the JCARR website Contact Us form:

First Name: Charlotte
Last Name: Owens
Email: cowensus@yahoo.com
Phone: (304) 482-0626
Message: Please do not approve the new regulations proposed by the Ohio Department of Natural Resources Division of Mineral Resources Management--Oil and Gas (agenda item 56.) This agency is behaving as if it has been captured by industrial interests, and is proposing rules to protect industry instead of public water supplies. They rejected comments proposed by an expert hydrologist who has spent her career working for the protection of surface water and public water supplies.
My name is Dr. Julie Weatherington-Rice. I am a member of the Ohio Brine Task Force ([https://www.ohbrinetaskforce.org/](https://www.ohbrinetaskforce.org/)). I commented extensively, twice, on both the Class II Injection Wells and the Waste Facility proposed rules. I can find nowhere that any of my technical comments were accepted so I am assuming that my comments were lumped into the following dismissal of having no validity that ODNR DOGM sent on to CIS and to JCARR.

**Class II Disposal Wells and Surface Facilities**

The Department received a variety of recommendations to enhance regulatory standards from the Sierra Club, Buckeye Environmental Network and Earth Justice, including suggestions to reduce the length of time that a permit is valid for if construction on the well has not begun, to ensure that Ohio disposal wells are not used for out-of-state waste disposal, to require the area of review process to include a survey of abandoned wells, that waste disposed at the facility be characterized, to increase setback distances for wells, to provide greater opportunity for the public to participate in permitting and regulatory decisions, to establish clear pass/fail criteria for continuous pressure testing and enhance enforcement authority to ensure compliance, to prohibit waste disposal when the area of review contains a producing or abandoned well, to increase reporting frequency and documentation, to enhance testing procedures, to provide for periodic review and expiration of permits, and to otherwise enhance regulatory standards to agree with federal regulations. The Division responded to the comments but did not make any changes to the rules.

**Oil and Gas Waste Facilities**

The Sierra Club and Buckeye Environmental Network also provided joint comments on the rules. These comments highlighted concerns that the rules do not sufficiently address radiation safety. The Division responded that it is currently developing a radiation safety rule that provides standards for radiation protection plans. The groups also voiced concerns that the rules be revised to better communicate radioactivity risks for oil and gas waste, include requirements for substance, timing and approval of radiation protection programs, address radiation exposures to the environment and public, strengthen protections for surface waters, groundwater, and drinking water sources, enhance transparency by making data more available to the public, require regular
facility inspections by the Division, remove the Division’s ability to waive permit criteria at its discretion, increase setback distances for homes, businesses and communities, address per or polyfluoroalkyl substances (PFAS) found in oil and gas waste, prohibit the acceptance of hazardous waste, establish clear standards for suspending operations, ensure adequate closure and clean-up planning, improve the public notice and comment process, and remove exemptions for short-term facilities. The Division responded to the comments but did not adopt the recommended changes.

The Division also received comments from an individual as well as Concerned Ohio River Residents addressing concerns about an existing waste management entity and its operations, and recommending the entity be closed by the Division due to its proximity to a floodplain and voicing other environmental concerns. The Division responded to the comments but stated that some (but not all) of the new rules established in the package will affect existing operators who are functioning under permission of the Division. The Division also stated that it determined the setback provisions, permitting requirements, site analysis, and review process ensure that each site is reviewed appropriately.

Really? “The Division responded to the comments but did not adopt the recommended changes.” I think I am probably insulted. I have been reviewing the issues surrounding the contamination of drinking water by oil and gas wastes since 1977 when I was working on my Master’s Thesis in Geology at The Ohio State University. I continued to work on ground water contamination professionally after I left Ohio State and went into private practice. In 1986, 35 years ago, the Division thought enough of my knowledge about the nexus of oil and gas wastes and drinking water to place my name in nomination to the Governor’s Oil & Gas Regulatory Review Commission. I served ably on the Commission, assisted in the writing of the final report and was able to obtain the services of Dr. Gerald Poje to create a very early version of a Risk Assessment that identified the elements and compounds found in oil and gas and their waste products and determined their potential health impacts and effects. To the best of my knowledge, the Division has never updated his efforts.

Over the years, I continued to work with the Division, offering technical comments each time the rules were up for review. I also continued to work professionally in the fields of hydrogeology, geology and soils as the Sr. Scientist at Bennett & Williams Environmental Consultants Inc., a firm that specializes in water quality protection and public water supplies. During those years, I returned to Ohio State and earned a PhD in Soil Science, specializing in the study of the movement of water and contaminants from the surface of the earth to underlying aquifers. I helped to coordinate a Task Force of Ohio Soil Scientists, Geologists and Engineers who researched this topic with me. Our group have existed for almost 30 years, have been published internationally and are regularly cited in peer-reviewed papers and books published all over the world. I also served as an Adjunct Professor to engineering department students at Ohio State for over a decade and directly oversaw Senior Capstone Projects, MS Theses and PhD Dissertations.

I studied the field of Geochemistry as a PhD student, spending extra time to learn more about natural isotopic geochemistry, especially the radioactive elements. I studied with Dr. Gunter Faure who literally wrote the book (Isotopes Principles and Applications, 3rd Edit, 2005, most recent, Wiley). After leaving Ohio State as a student, I recognized that I needed further training in the field of natural radioactive isotope decay so starting in 2011, I arranged to undertake an informal tutorial on the topic from the radiological chemists at the US Department of Energy, the scientists who are charged with overseeing the accuracy of identification and analyses of these elements and isotopes. For many years, I submitted nothing in writing, gave no talks or PowerPoint presentations until I had my work reviewed by these world renowned experts. I still communicate with them on a regular basis. I could not have found better
qualified experts in the world to study under. They were generous with their knowledge and time and I am forever thankful for that opportunity.

With all of that extra experience and training, suddenly nothing I have to offer the Division has any merit. Really? Who have commented on these issues that are better qualified than I am?

It is important to note at this point that the Division does not require applicants nor do they themselves adhere to the Multi-Agency Radiological Laboratory Analytical Protocols Manual (MARLAP) nor do they appear to adhere to the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM). Instead, they appear to submit all their radiological sampling to the PACE Laboratory in suburban Pittsburgh who use the US EPA Safe Drinking Water 900 Series of analyses for Finished Drinking Water. Because of the nature of the waste streams being submitted, the values that the Lab reports back will be biased low, perhaps significantly low. Research from the University of Iowa indicated that for oil and gas flowback water, the value using these testing procedures may be only 1% of the actual value. Interestingly, the Ohio Dept. of Health Laboratory does use the MARLAP protocol but their accuracy was not found to be very dependable last time they participated in an evaluation study.

As I stated above, I commented extensively on these rules. Those comments are part of the official record. Rather than reiterate all of those comments, I would like to draw your attention to several critical, overreaching issues that will create potentially critically contaminating conditions:

1. The Division failed to recognize the importance of identifying all of the Geological Hazards of Ohio when they limited where waste facilities or class II injection wells could be sited. For instance, they failed to identify areas underlain by sink holes in karst topography, the instability of building on old peat bogs, building on top of Sole Source Aquifers, or in areas mapped in yellow, orange or red on the Ohio County scaled Ground Water Pollution Potential (DRASTIC) maps. Building on top of Geologic Hazards not only threatens drinking water sources, they can also place those infrastructures in locations of geotechnical and structural instability. While the site evaluation might identify these limitations, a preliminary review would quickly preclude the locations before any serious investigative funds were spent. I recommended that the Division convene a Task Force to identify the Geologic Hazards and a listing of the experts needed to create a list of those Geologic Hazards that should not be built on. I identified a number of agencies and divisions that should be included. I even offered to serve on the Task Force myself. The Division showed no interest in that recommendation. They did not even include a requirement that the applicant check with the ODNR Div. of Geological Survey to make sure that the proposed site is not located in one of the Division’s mapped and/or identified areas of Geologic Hazards. Therefore when one of the existing and/or future facilities create a water contamination issue or undergoes a structural failure because of lack of adequate site review, the Division is on notice that the situation could have been avoided if they had undertaken due diligence.

2. The Division has failed to recognize that the earth is not flat. A number of water sources that could be contaminated have to be identified in a radius surrounding the facility or well. For instance springs or ponds within 100 feet of the proposed facilities need to be identified. But the radii are based on a flat site, a circle, and much, if not most of Ohio is not flat. A spring 100 feet up gradient and over the ridge top is far more protected than a spring down gradient on an F slope or even a B slope. The rules could have developed with a correction factor based on slope that...
could have created an ellipse of protection review. But no, that recommendation also fell on deaf ears. So the next source of water that is contaminated because contamination ran down hill will be the responsibility of the Division.

3. **“1501:9-4-03 Surface location and siting criteria.”**

(2) No portion of an oil and gas waste facility shall be located within one thousand feet of and within any of the following:

(a) The five-year time of travel associated with a public drinking water supply, as delineated or endorsed under the "Source Water Assessment and Protection Program;"

(b) The emergency management zone of a public water system intake; “

Is that far enough? For the ground water resources which are mapped by the five-year time of travel boundary, if the area is flat, the answer is “well, maybe”. Of course, if the area is sloped, a surface or ground water leak can quickly travel that protecting 1,000 feet and enter the five-year time-of-travel zone. It is important to remember that the one-year and five-year time-of-travel boundaries are legal boundaries on a map but if the production of the well field changes, especially significantly, those physical boundaries will change, even if they have not changed on the map. Therefore, somebody, probably the Division, has to be responsible to determine that the boundaries that are shown on the Ohio EPA map are correct for the pumping rates currently occurring in the field. So many factors can shift those lines, higher pumping rates, addition of new wells, a shifting of which wells are being pumped, etc. ([https://www.epa.ohio.gov/ddagw/swap](https://www.epa.ohio.gov/ddagw/swap)). In addition, monitoring wells should be installed between the facility and the community’s pumping wells so that any contamination can be identified and remediated, if possible, before it reaches the pumping wells. The installation of that/those monitoring well(s) should be at the direction of the public water supply and their experts but paid for by the facility asking for a permit.

In reading these rules, it is not clear that the Division even understands that the five-year Time-of-Travel zone only applies to ground water sources. According to US EPA, surface water sources are protected by the crest of the watershed of the body of water being used as a surface water source ([https://www.epa.gov/sourcewaterprotection/delineate-source-water-protection-area](https://www.epa.gov/sourcewaterprotection/delineate-source-water-protection-area)). These rules identify only the emergency distance away from the intake to the reservoir, lake or river and then provides 1,000 feet buffer from that emergency intake area. I am not clear how/why they came up with that configuration. If you review the current Village of Barnesville, Ohio Source Water Protection plan ([file:///C:/Users/Public/Documents/Documents/Buckeye%20Environmental%20Network%20O&G%20Task%20Force/SourceWaterProtectionPlan%20Barnesville,%20ohio.pdf](file:///C:/Users/Public/Documents/Documents/Buckeye%20Environmental%20Network%20O&G%20Task%20Force/SourceWaterProtectionPlan%20Barnesville,%20ohio.pdf)), it is clear that the location of the March, 2016 brine truck spill which rendered the Barnesville Reservoir #1 off line for more than two months that spring, was much further away from the emergency intake area than 1,000 feet. The spill location appears to be well more than 2,000 feet upstream from the Emergency Management Zone. Therefore, this rule, as written, would not have prevented the contamination of Barnesville’s reservoir. Please see their Figure 1, page 13.
These are just a few of the inconsistencies and errors in these rules. I identified a significant number more in my previous comments but for whatever reason, the Division saw fit to ignore them. Therefore, I want to make absolutely certain that my comments go on record that when a drinking water supply is contaminated because these rules, as written, will not protect the...
drinking waters of the State of Ohio, that the Division will be found responsible, along with the facilities owners and operators for the contamination of those resources and all parties will be held responsible for the remediation and/or replacement of those resources. The communities should not have to resort to the courts for redress of their contaminated critical resources.

These rules, as written, will fail. We already know they are inadequate, the 2016 Barnesville spill proved that. Therefore, it’s just a matter of how, when and where it happens again. These rules could have been written to protect Ohio’s people and environment. For whatever reason, they were not. If approved as written, the people of Ohio and Ohio’s environment will pay the costs. That’s simply not fair.

Respectfully submitted,

Julie Weatherington-Rice, PhD, CPS, CPG
Earth Scientist
For identification purposes
Sr. Scientist
Bennett & Williams Environmental Consultants Inc.
Member
Ohio Brine Task Force

JWR/jr
Copies: Ohio Brine Task Force
B&W
Tyler Converse, Canton Water Dept.
ODNR DOGS
OEPA DDGW SWP
File
Correspondence

Concerned Ohio River Residents
P.O. Box 135
Bridgeport, OH 43912

11/29/2021

Ohio Department of Natural Resources
Attn: Mark Bruce
Building F-22045
2045 Morse Road
Columbus, OH 43229

COURR Comments to ODNR re: draft rules

These draft rules for waste facilities should undergo some changes and revisions in order to be the most protective of human health and the environment. We, Concerned Ohio River Residents, a community group including Martins Ferry and Bridgeport, OH residents, as well as citizens from up and down the Ohio River Valley region, submit these comments to the Ohio Department of Natural Resources.

We are aware of oil and gas waste facilities operating in Ohio which would not be in compliance with the proposed rules as written. The proposed rules don’t address this situation, and if a facility were to be grandfathered in after the new rules become law, the rules do not address any procedures, rules, and protocols that should be in effect. Our comments will suggest changes and improvements the ODNR could make in order to address such situations. There should not be any exemptions made for existing facilities, and all of the rules that apply to new facilities should also apply to existing facilities.

When an existing facility is getting a permit under the new rules there should be a public participation process, including a public notice, comment period and hearing. Why shouldn’t the public get a say in the permitting process of an existing facility. All of the content in our comments should be spelled out in the rules and provided in writing before new and existing facilities are permitted so that the public can have access to them and provide feedback on as part of the process.
The new rules state that facilities cannot be within 1,000 feet from the 5-year time of travel from public drinking water wells. We are aware of facilities that are within the 5-year time of travel for water supplies. The agency needs to address those situations where facilities are within the 5-year time of travel restriction and write rules for additional protective measures to account for the known risk due to the location of the facilities. Where a facility is a known risk due to proximity under Source Water Protection provisions, ODNR should work with Ohio EPA in order to develop the required protective measures for such an environmentally sensitive area. The facilities should be required to demonstrate/employ the measures that ODNR and OEPA develop together in addition to the following:

- There should be secondary containment around the entire operation which can be easily inspected and whose purpose is to control and contain any leak or release from the primary containment vessel or structure.
- Underground tanks or buried pipes carrying materials must have double walls and inspectable sumps.
- Open liquid waste ponds containing materials should not be permitted without a secondary containment system.
- Storage of petroleum products should be in elevated tanks; such tanks should have a secondary containment system.
- A full contingency plan for all permitted facilities should be prepared, anticipating all reasonably foreseeable future events, including floods, fire, or other natural catastrophes, equipment failure, or releases.
- For fire control, plans should include but not be limited to a safe fire fighting procedure, a fire retardant system (without PFAS-containing foam) with effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to bare pipes, liquids, chemicals, or open flames in the immediate vicinity should be addressed. A fire control plan should be developed with experts with applicable experience and be shared with local fire departments and state departments. Fire drills should be done yearly. A fire plan should include measures that are protective of the aquifer.
- For equipment failures, plans should include but not be limited to:
  - Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system.
  - Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
- For any other release occurring, the owner and/or operator must report all incidents involving liquid or chemical material to the Source Water Protection Coordinator designated by the municipality and to the ODNR and OEPA immediately. An enforcement action protocol should be outlined if such reporting is not completed immediately.
- Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be properly plugged to local and state regulations.
There should be a rigorous review of the existing EPA environmental and legal documents for the sites before new and existing facilities are permitted. We are aware of existing facilities which have previous groundwater and soil contamination with hazardous pollutants, which contamination was known before the waste facilities were permitted. Ideally, ODNR should work with OEPA so that such contaminated facilities are not permitted so close to Source Water Protection zones.

In addition to these protective measures for the water supply, there should be coordination between the facility, ODNR, and the local emergency planning authorities to outline an emergency plan and such plan should be readily available to all agencies if disaster strikes. Training should be given to local fire departments and emergency personnel on a yearly basis, based off of this contingency plan.

For new and existing facilities, ODNR should require an inspection of the entire building (not just the operations part of the building) by trained personnel with hazardous materials experience. Any facility with any structural or safety concerns should not be permitted. Existing facilities with safety or structural issues should be required to repair any damage to the structure and make the facility safe for operations.

CORR has also signed and joined EarthJustice’s comments and believes that the setback to homes and other occupied structures should be at least 2,500 feet, and that 1,000 feet is not enough. We are aware of facilities in Ohio that exist within 700 feet of homes and other occupied buildings. ODNR should have strict requirements that demonstrate how a facility will not endanger human health or the environment via the air, water and soil. Soil, water and air sampling should be required prior to issuing a permit in order to capture baseline levels of contaminants, including but not limited to PFAS, radiation, heavy metals, and known chemicals used in the oil and gas drilling industry. Ongoing monitoring of the air, water, and soil should be performed at least every 6 months to ensure that any potential contamination is caught before getting out of the facility.

We agree with and support the new rules in prohibiting facilities within a FEMA flood plain. We are aware of currently permitted facilities that are within the 100-year FEMA flood plain. We are also aware that bodies of water such as the Ohio River are prone to flooding and flooding is likely to worsen as climate change worsens, according to the US Army Corps of Engineers\(^1\). The ODNR should re-evaluate the flood plan for existing facilities, taking into consideration this and other similar studies, and continue to re-evaluate as climate change impacts worsen.

The new rules should establish a process to ensure that a new facility is in compliance with any and all municipal ordinances and local requirements. For existing facilities, the proposed rules should include how the facilities will get into compliance with local ordinances. There should be a process outlined in

\(^1\) [Ohio River Basin - Formulating Climate Change Mitigation/Adaption Strategies (army.mil)](https://army.mil)
writing of how the ODNR will coordinate with the local municipalities in ensuring that all local ordinances are followed.

The new rules state that when a modification is made to the facility, the company must submit a modification form within one day. This is a good rule, except the Chief can waive the requirement at will, without any guidelines for when the waiver should be granted. We are aware of facilities that do not appear to comply with these rules as written. Some facilities have sometimes taken months and years to submit modification documents and drawings to the ODNR. The ODNR has stated in past inspection reports that some facilities have operated outside of the approved application documents, that constitute the authorization included in the Chief’s Order. The new rules should outline specific requirements or standards for when a waiver can be given to a company when they make a modification. If a company is operating outside of their permit standards, this can be a serious threat to human health and the environment, and the ODNR should have stricter rules around this. The industry handles very toxic substances. The rules should be re-written to reflect the seriousness of the materials being handled.

If the building of a facility were to collapse, a fire were to erupt, a spill or other accident were to happen at facility or if the contamination left over from a previous industrial operation were to contaminate the drinking water supply or soil, who would be liable? Clean-up would be very risky, dangerous, intensive, and pose a threat to the water supply. The company could declare bankruptcy and leave town, leaving the residents to clean up the mess. The rules also do not offer protection for cities and residents if a company were to do this. It is an injustice for the ODNR to not include strict protections for the community from a company that declares bankruptcy and leaves.

Signed,
Thank you for letting me comment on the ODNR proposed rules for expanded use of radioactive fracking waste in Ohio, which includes undisclosed and toxic chemicals.

As a mother and grandmother, this situation scares the heck out of me and should scare you too. Not only do they fail to meet the intent of the Clean Water Act, the lack of oversight and foresight just about guarantee to contaminate the drinking water, food system, air and health of most citizen of Ohio, especially the smallest and more vulnerable. If you consider yourself “pro-life” in any sense you should be outraged.

Ohio accepts an average of 10 million barrels of fracking waste per year most of which is placed into 240 injection wells around the state. Many of these are old wells in bedrock will cracks and fissures which allow the waste to seep into groundwater and into the Ohio River which provides drinking and irrigation water for a large portion of our population. ODNR setbacks for these injection wells is 100 feet from private drinking water wells, surface water and wetlands. In addition there is no prohibition on injecting waste into shale formation which has been shown to allow migration of materials into groundwater and wells.

The ODNR failed to write rules that will protect against the accidents and blow outs that have already happened at injection well sites. They happened in the recent past and will happen again in the future. It is just a matter of where and when.

And as a result of not requiring testing of the waste products, ODNR and local first responders will not know how to respond to a spill or release of waste. They will not know the contaminates or the source. And these emergency & medical responders could put themselves in danger while not able to appropriately treat victims.

I am wearing a pink bracelet in support of my sister-in-law who lives in rural Eastern Ohio and survived breast cancer only to contract brain cancer a year later. According to the EPA, over 200 of the 1600 chemicals used in drilling and fracking are carcinogenic, including PFAS, lead, formaldehyde and benzene. Other researchers at Yale, National Institute for Health, CDC, Canadian Physicians for Environmental Health, and the U.S. House of Representatives Committee on Energy and Commerce have all sounded the alarm at the health risks of exposure to fracking chemicals.

If this Joint Committee on Agency Rule Review (JCARR) allows ODNR and the state to neglect their duty to protect the citizens and taxpayers of Ohio I will offer to buy each of you and your familie members cancer support bracelets because we will all need them.

Thank you

Elaine Fujimura
December 1, 2021

Chief Eric Vendel
Joint Committee on Agency Rule Review
Vern Riffe Center
77 South High Street
Columbus, Ohio 43215
JCARR Agenda #55

Dear Chief Vendel and members of the Joint Commission on Agency Rule Review:

OEFFA appreciates the opportunity to provide comment on the proposed rules for the class two injection well program and waste treatment facilities. OEFFA is an organization dedicated to sustainable agriculture and we also operate one of the oldest and largest organic certification agencies in the United States. Organic agriculture is a holistic management system that minimizes the use of outside and synthetic inputs and maximizes nutrient cycling and biological diversity. That results in a system of agriculture that provides public health benefits and numerous ecosystem services not the least of which is a holistic solution to the climate crisis.

For these farmers to succeed in managing natural resources in a way that provides these benefits their farms cannot be exposed to the kind of outside contaminants that come from improperly regulated oil and gas facilities. It has been brought to our attention that the process for developing the rules for Class II injection wells and oil and gas waste facilities has not been done with the kind of public notice and transparency required of responsible regulation.

Class II Injection Wells Proposed Rules

Public notice is a key aspect of the process and the only public notice provided in the in this process is for the initial application for a Class II well. The current applications do not contain enough information to make informed comments. Additionally, significant changes can be made between the initial application and the permit to inject. Clear and strong enforcement mechanisms are also key to the viability of any regulation. The Ohio Department of Natural Resources (ODNR) failed to create rules that provide strong enforcement mechanisms, and the proposed rules does not give ODNR the authority to levy fines for violations. This must be corrected by increasing public notice and transparency and providing adequate enforcement mechanisms.

Additionally, without the provision of adequate setbacks, organic farmers are unable to maintain the viability of their farming operations and their businesses are at risk. The rules provide for a setback of 100 feet from private drinking water wells, surface waters, and wetlands which is insufficient to protect the growing number of Ohio’s certified organic farmers, or the water they depend upon for their operations. It is also our understanding that the rules do not include any protections against the
kind of accidents that have previously occurred in the state. This is a dereliction of responsibility. If we are to be responsible for taxpayer resources, we need to also ensure sufficient bonding by the companies involved so they are held responsible for clean-up costs.

**Oil and Gas Waste Facilities Proposed Rules**

The proposed rules provide less oversight than what is currently provided by ODNR and failed to require regular inspection of oil and gas waste facilities. Instead, the rules leave inspections up to the facility operator. This is the classic case of the fox guarding the hen house and is unacceptable. In an era of growing public health concerns and a climate crisis that threatens the viability of life, we should not favor an industry that is clearly part of the problem and put our communities and sustainable businesses at risk.

Because ODNR failed to require regular reporting and transparency, the industry cannot be held accountable. There will be no publicly accessible information regarding activities occurring in their communities that have the potential to impact their health and environment. Once again, this puts public health and sustainable businesses at risk for the sake of a polluting industry that has no commitment to the future of Ohio communities. Reporting should take place at least quarterly and should include information such as where waste originates.

There are many other concerns that will not be renumerated here. We are extremely concerned about these draft rules as they do not protect Ohioans or the sustainable food and farm businesses that are a cornerstone of a brighter future. We ask that these rules be rescinded from JCARR and that the public comments, that concerns be probably addressed and considered and that new rules be submitted for public review and comment.

Respectfully submitted,

Amalie Lipstreu  
Policy Director  
Ohio Ecological Food and Farm Association
Joint Committee on Agency Rule Review  
Public Hearing Agenda Item 56  
Re: Rules 1501:9-3-01, 1501:9-4-07  
December 6, 2021

Cathy Cowan Becker  
Executive Director, Simply Living  
In conjunction with the Ohio Sustainable Business Council  

Chair Callendar, Vice Chair Gavarone, and members of the Joint Committee on Agency Rule Review,

Thank you for the opportunity to testify regarding proposed rules for the disposal of oil and gas waste in Class II injection wells in Ohio. My name is Cathy Cowan Becker, and I am executive director of Simply Living, a Columbus nonprofit that promotes sustainability, environmental justice, and our local economy. Simply Living works with the Ohio Sustainable Business Council, a statewide coalition of businesses committed to local, state, and federal policy that supports a vibrant, just, and sustainable economy.

Eight years ago, the Ohio legislature ordered the state’s Department of Natural Resources to come up with administrative rules for how waste from oil and gas facilities would be managed. This is important because Ohio is a fracking state, and fracking produces millions of gallons of highly toxic wastewater that is disposed of in Class II injection wells across the state. The set of proposed rules before you today is the long-awaited result of that 2013 legislation.

While both Simply Living and Ohio Sustainable Business Council are glad to see regulation of oil and gas waste disposal finally move forward, we believe these rules need to be significantly strengthened in order to comply with Ohio Revised Code Section 1509.22, which states that no one should dispose of oil and gas waste in a way that “causes or could reasonably be anticipated to cause damage or injury to public health or safety or the environment.”

Here are five areas where we believe these proposed rules need drastic improvements.

1) Lack of information about what is in the oil and gas wastewater being injected

Fracking companies are not required to disclose what chemicals are in the millions of gallons of wastewater generated by frack wells, nor do these proposed rules require any sort of testing of this waste. That means ODNR has no idea what is being injected.
Frack waste is often referred to as “brine,” and these rules continually refer to it as “saltwater.” But according to the EPA, frack waste is full of toxic chemicals, including radioactive substances and forever chemicals under the umbrella of PFAS.

Without knowing what is being injected into a given well, ODNR will be unable to respond to a spill or release of frack waste. They won’t know what kinds of contaminants they are dealing with or how to address it. Accidents and blowouts at injection well sites have happened before in Ohio, and will happen again. It’s not a matter of if, but when.

2) **Inadequate setbacks**

These proposed rules require setbacks of only 100 feet from private drinking water wells, surface waters, and wetlands. This is completely inadequate for protecting our drinking water and environment. A spill, leak, or explosion would easily travel 100 feet.

By contrast in Ohio, a wind turbine must have a minimum setback of 1,125 feet, not from a structure such as a private well, but from the nearest property line. Surely a frack waste injection well -- which handles millions of gallons of toxic, radioactive waste, and carries a risk of leaking, spilling, or blowout -- should have a setback of at least that much.

3) **Lack of enforcement ability**

Under these proposed rules, ODNR would not have the authority to levy fines for violations, nor could they close down habitual violators. If a bad actor is poisoning our water and polluting our environment, we should be able to stop them. Rules are only as good as they can be enforced, and these rules do not have good enforcement mechanisms.

4) **No public notice or public participation**

The rules as written do not require any public notice when ODNR awards a permit for a Class II injection well. Without public notice, there is no way for neighboring homes or businesses to object or appeal. They only way people can find out if a permit is being awarded in their area is by constantly requesting information from ODNR. This places an undue burden on Ohio citizens, not to mention occupying ODNR personnel who have other things to do than answering constant inquiries about injection well permits.

The only requirement for public notice in these rules is at the time of application for a Class II injection well. However, the applications do not contain enough information for concerned citizens to comment on a proposed injection well. ODNR needs to have much more robust procedures that allow people to meaningfully participate in this process.

5) **No requirement to cover costs of cleanup and closure**

ODNR’s fiscal analysis of these proposed rules does not take into account the expenses incurred by taxpayers for cleanup after a leak, spill, or blowout, or for simply closing the injection well when it has reached the end of its life. Abandoned mines and wells are a hazard across Ohio, and the companies that own them should be required to carry sufficient bonds and insurance to cover the costs of cleanup and closure.
Ohio Revised Code Section 1509.22 requires ODNR to make rules that carry out the requirements of the Safe Drinking Water Act. For all the reasons mentioned above, these proposed rules do not meet those requirements.

ODNR needs to go back to the drawing board and come up with rules that
- require information about what is in the waste being injected
- require much larger setbacks
- include the authority to levy fines and close down bad actors
- create a much more robust public participation process
- require oil and gas companies to pay for the costs of cleanup and closure

We urge you to ask ODNR to revise and refile these rules accordingly. The lives, health, and environment of all Ohioans depends on it.
Joint Committee on Agency Rule Review  
Ohio General Assembly  
Item # 56  
Re: Rules 1501:9-3-01,1501:9-4-07  

December 6, 2021  
Committee Members,

As a resident and voter in Ohio, I urge you to protect the Lake Erie watershed, the Ohio River Basin and the health of all Ohioans by rejecting the unsafe guidelines that have been created without the informed voices of Ohio environmentalists, scientists, and constituents.

In creating these inadequate guidelines, the ODNR failed to provide any environmental justice review for class II wells. Additionally, they failed to provide strong enforcement protection mechanisms. For example, the proposed rules do not give ODNR the authority to levy fines for violations.

Developing regulations for fracking waste must be done with updated data from informed, respected and unbiased researchers such as those who have contributed to the Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking. Peer-reviewed research indicates that hydraulic fracturing fluid contains known carcinogens. Wastewater can also contain a large amount of radioactive material, salts of manganese, chlorides, sodium bromides and heavy metals such as lead and arsenic. Radionuclides shown to be present in natural gas wastes include: radon, 226radium, 228radium as well as radionuclides of potassium, strontium, lead, thallium, bismuth and thorium. All of these toxic substances can leak into the fresh water on which we all depend, causing immeasurable harm to Ohioans. Maximizing the profits of the Oil and Gas industry cannot be a priority when regulating the wastewater that they create.

It is crucial that this research be considered when regulating the waste products of oil and gas extraction. Environmentalists, conservationists, scientists and residents of Ohio must be included in the development of regulations to protect the water, soil and air that we all need to have in order to build healthy communities. Allowing the oil and gas industry to create its own rules is madness.

I urge you to protect the Lake Erie watershed, the Ohio River Basin and the health of all Ohioans by rejecting these unsafe guidelines and restarting the process with the inclusion of unbiased and informed voices.

Linda New  
26367 Locust Drive  
Olmsted Falls, Ohio 44138  
440 289 9232

https://concernedhealthny.org/compendium/
Loraine McCosker
59 Elmwood Place
Athens Ohio 45701
December 5, 2021

JCARR hearing re: Rules 1501:9-3-01 ,1501:9-4-07, hearing 12/6/21 at 1:30 pm

Dear Ms Whitney Paterson,

My name is Loraine McCosker residing at the above address. I would like to submit comments to JCARR Public Hearing Agenda Item # 55, Re: Rules 1501:9-3-01 ,1501:9-4-07, hearing 12/6/21 at 1:30 pm. Unfortunately I am unable to testify in person due to work demands.

My professional background is that of a public health nurse (BSN-University of Florida) and instructor in Environmental Studies, Ohio University (MSES- Ohio University) I have lived in Athens Ohio for 18 years and familiar with the issue of hydraulic fracturing waste fluid injection. Athens has been the recipient of this material in large quantities for many years without, I believe the necessary protections and oversight by the ODNR and other governmental agencies. This threatens the economic, environmental and health future of our region.

The process for injection well permits as well as the oversight of said injection wells is highly flawed based on the premise that the material is not hazardous and not radioactive. Therefore the proper permitting process is not being addressed--these in fact should be considered Class 1 hazardous waste wells. These proposed rules conflict with Legislative intent which directs ODNR to create rules for a program that is effective and safe.

To my understanding the legislative intent of 1509.22 is to create rules that carry out the requirements of the Safe Drinking Water Act. These rules do not meet those minimum requirements and fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

The ODNR does not provide for any public participation or public notice for the injection permit under consideration. This is the only portion of the injection well permitting process that could be appealed. However, because there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly. In our community we have held our own permitting hearings so that community comments may be documented and sent to ODNR.

The ODNR has failed to write rules that will protect against accidents and blow outs that have happened in the past at injection well sites.

The proposed rules fail to require timely reporting. The rules only require annual reporting of the volume disposed, and the source. This makes it difficult to get information about what is occurring at
the well site. When source information has been requested from the ODNR, their response is that only brine haulers need to report that information. This is an outrage!

ODNR has failed to require injection material testing to characterize the waste product that will enter an injection well. Thus, the ODNR won’t know how to respond to a spill or release of waste. They will not know what contaminates are entering the environment.

ODNR failed to provide for adequate setbacks, to protect our health and the environment. The rules provide for a setback of only 100 feet from private drinking water wells, surface waters, and wetlands. This is not enough to protect our drinking water, and aquatic life.

ODNR has failed to establish a definitive check and balance to assure that all well data as presented is accurate and unaltered.

The proposed rules will allow multiple class II wells in one application process. This is not an extensive enough process.

ODNR failed to require testing to characterize the waste product that are being disposed of. Therefore, the ODNR won’t know how to respond to a spill or release of waste. They will not know what contaminates or the source to look for.

ODNR failed to provide a fiscal analysis that included the expenses covered by the state for cleanup and closure.

ODNR failed to protect taxpayers from the expenses of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

The rules proposed must be in consideration of the extreme environmental and health threats of injection waste, with explicit testing requirements, consideration to the water table, aquifer, accumulation of material in the injection area, consideration of the owner of the surface rights, extreme contamination threats at the injection site as well as on the highway, accumulation of hazardous waste to a community as well as impacts to adjacent water systems.

The fact that ODNR does not address the implications and science of Class 2 injection well hazardous waste is not acceptable while rules must reflect the threats of this hazardous waste. Current proposed rules are not acceptable.

Sincerely,

Lorraine McCosker

59 Elmwood Place

Athens Ohio 45701

Lorraine.mccosker@gmail.com
To: Joint Committee on Agency Rule Review  
From: Rev. Dr. John D. Elder, 121 Kendal Drive, Oberlin OH 44074  
Date: Dec. 5, 2021  
Subject: Proposed ODNR Rule Changes regarding oil and gas waste injection wells

The proposed ODNR rule changes are not protective of Ohio citizens and thus do not fulfill the mission for which the ODNR was established, namely “the development and wise use of the natural resources of the state, to the end that the health, happiness and wholesome enjoyment of life of the people of Ohio may be further encouraged.”

Why do these rule changes fail to protect me and my fellow Ohio citizens? Most obviously, because the rules do not meet the minimum requirements of the Federal Safe Drinking Water Act requirements for (1) enforceability, (2) public participation, (3) and environmental justice concerns as stated by the U.S. Environmental Protection Agency.

1. Enforceability: The rules lack strong enforcement mechanisms and fail to give the ODNR the authority to levy fines for violations.

2. Public Participation: The rules do not allow for timely public notice or participation for a permit to inject, since the only public notice is for the initial application for a Class II well, and significant changes may be made between the application and the issuance of a permit.

3. Environmental Justice Concerns: The rules fail to provide any environmental justice review for Class II wells.

How do these wells endanger the “health, happiness and wholesome enjoyment of life” of me and my fellow citizens?

The materials being injected into these wells are hazardous liquids that may include the “forever chemicals” [per- and poly-fluoroalkyl substances (PFAS)] that have been shown to endanger human health. These wastes may also be radioactive at levels determined to be extremely dangerous to human health. But the ODNR rules provide inadequate setbacks (100’) from private drinking water wells, surface waters and wetlands to protect the public from these health risks.

Furthermore, the rules fail to prohibit injection into shale formations and thus run the risk of migration of dangerous waste into production wells and eventually into aquifers.

The rules require only annual reporting, so it is difficult, if not impossible, for the public to get timely information about what is happening at a well site, and there is not a clear procedure to assure that all well data as presented is accurate and unaltered.

Because the proposed ODNR rules do not require testing of the waste product, responders to a spill or release of waste will not know what contaminants to look for.

The ODNR has failed to require sufficient bonding to cover the costs of clean-up and closure of injection wells, so the ODNR fiscal analysis does not include the expense that may be incurred by the State (i.e. the taxpayers) when injection well operators go out of business.
The ODNR rules do not protect against the kinds of accidents, including blowouts, that have already occurred at injection well sites.

Conclusion: In order to comply with the requirements of the Safe Drinking Water Act and to fulfill its mission, the proposed Ohio Department of Natural Resources rules must be rejected and new rules must be drafted.
Written testimony submitted by:
Vanessa Pesec
11705 Cali Ct.
Concord, OH 44077

Rule numbers 1501:9-3 and 1501:9-4

The ODNR has failed to provide JCARR with a complete fiscal analysis for the proposed Class II Injection Wells and Facilities rules, 1501:9-3 and 1501:9-4.

The fourth JCARR criteria requires a “complete and accurate rule summary and fiscal analysis of the proposed, amended or rescinded rule.”

A fiscal analysis must include a complete financial examination of the costs to the companies AND the taxpayers for Class II injection wells and facilities. In the rules, there are at least two areas in which taxpayers may incur significant costs.

Public health/safety and environmental cleanup

Rule 1501:9-3-07 (D) (5)
If the chief determines operations of a class II disposal well may be impacting wells or impacting public health, safety, or the environment outside of the permitted injection zone... the person shall immediately suspend injection operations and complete the corrective action before resuming injection operations.

Plugging injection wells and reclamation of surface facility

Rules 1501:9-3-07 (P) and 1501:9-3-10 (A)
Required plugging of a class II disposal well

A person shall comply with Chapter 1509 of the Revised Code and Chapter 1501:9-11 of the Administrative Code regarding the plugging, abandonment, and reclamation of a class II disposal well and surface facility.

How much do taxpayers pay for inspecting, investigating, studying, ongoing monitoring, and remediation of injection wells and facilities that have had various types of accidents – blowouts, leaks, air pollution, etc?

How much do taxpayers pay when an injection well contaminates a drinking water aquifer?

How much do taxpayers pay when an injection well must be plugged or facility remediated and a company has gone bankrupt?
How much do taxpayers pay for long-term clean-up of radioactive radium 226 that lasts for over 10,000 years? What are the associated health risks and what are the health-related costs?

Real world examples-

- **Feb 24, 2021** Thousands of gallons of fracking waste spilled from Noble County well for four days
  An injection well spewed tens of thousands of gallons of radioactive, toxic brine waste through an old, unplugged Genesis Resources oil/gas well for at least four days and contaminated a nearby tributary, killing fish. The Genesis well owner stated he didn’t have the money to pay for the well to be plugged, which the contract stated would cost $385,000.

- **September 2020** State investigating whether injection well waste affecting drinking water
  Redbird #4 Class II injection well fluids migrated to 26 production wells.

  From the article: If the groundwater does become contaminated, there would be no way to clean it, said Amy Townsend-Small, an associate professor of environmental science and geology at the University of Cincinnati who conducts research on fracking and its effects on groundwater.

  “That’s the biggest concern for people that live in shale gas producing areas,” she said. Abandoned wells could be the source of the brine contaminating the water table, Townsend-Small said.

I respectfully request that you not approve the rules 1501:9-3 and 1501:9-4 until ODNR has provided a complete financial cost for the companies and the taxpayers for these rules.
Chief Eric Vendel was asked to withdraw the proposed rules, sent to JCARR for review, regarding proposed rules 1501-9-3-01 through 1501-9-3-13 and proposed rules for 1501-9-4-01 through 1501-4-07. The drafted and proposed rules include certain provisions, unauthorized by the General Assembly and are in conflict with the legislative intent of Chapters 1509 and 3748 of the Ohio Revised Code.

My written testimony includes details explaining the reasons why the chief was asked to withdraw the rules and why JCARR must invalidate the proposals. They include; 1. The rules exceed the agency’s authority, 2. the rules conflict with existing rules of ODNR and other agencies, 3. the rules conflict with legislative intent.

Pursuant to R.C. 1509.02, the chief has broad authority to administer ODNR’s division of oil and gas management (DOGRM) by adopting, as provided in R.C. 1509.03(A), “rules for the administration, implementation, and enforcement” of Chapter 1509 of the Revised Code in accordance with the rulemaking provisions in Chapter 119 of the Revised Code. The General Assembly’s grant of comprehensive powers to the chief is for the creation of an all-inclusive, complete administrative program for oil and gas. The chief has failed to do that.

The Chief Has Ignored the General Assembly’s Clear Intent

According to the chief, this delegation of authority and power is so broad and complete that DOGRM is to assume the authority, powers and responsibilities of certain other state agencies insofar as they relate to oil and gas. The Ohio Department of Health’s authority, powers and responsibilities for comprehensive radiation control programs, as set forth by the General Assembly in Chapter 3748 of the Revised Code, is one such area. When the General Assembly defined DOGRM’s broad authority for almost everything oil and gas in R.C. 1509.02, it did not move the applicable provisions of Chapter 3748 to Chapter 1509. Thus, Chapter 3748 of the Revised Code provides the General Assembly’s intentions with respect to the chief’s proposed rules 1501-9-4-01 through 1501-4-07. When the chief prepared proposed Rules 1501-9-4-01 through 1501-4-07, he made little or no mention of Chapter 3748. As authority for those proposed rules, the chief made reference only to Chapter 1509. Surely the General Assembly did not intend for its extensive expressions of agency authority and responsibilities found in Chapter 3748 to be ignored by the chief when the Department of Health’s responsibilities under Chapter 3748 were transferred to DOGRM. Yet, that is exactly what the chief’s proposed rules in chapter 1501:9-4 indicate.

Most troublesome and indicative of the chief’s attempts to expand his powers beyond those delegated by the General Assembly are the extensive, unfettered powers in proposed rules 1501:9-4-04 and 1501:9-4-05 (A) and (C) his powers to waive (rescind) large sections of the rules on a selective basis, that is, rescission for of rules for one regulated entity but not for others.

The waiver powers in Ohio Adm. Rule 1501:9-4-04 are found in division (C)(3)(d). That division concerns facility requirements that must be submitted with the permit application. The proposed waivers would give the chief the power to rescind all of the requirements in division
(3)(a) through (c), approximately SEVEN PAGES OF EXACTING DETAIL! For example, the chief could waive the requirement for the submission of a radiation protection program (RPP) (virtually all brine and waste produced by oil and gas activities contains Radium-226 and Radium-228). The operative sections of Rule 1501:9-4-04 are 14 pages in length. THE CHIEF’S PROPOSED WAIVER POWERS WOULD ALLOW HIM TO RESCIND 50% OF THOSE PROVISIONS ON A CASE-BY-CASE BASIS.

In addition, the chief proposes to receive waiver powers in Ohio Adm. Rule 1501:9-4-05(A)(3)(f), (C)(4) and (D)(2), which would give him the power to waive (rescind) over two pages of regulations on a case-by-case basis.

**The Proposed Waiver Powers, When Exercised, Would Violate Chapter 119**

Having adopted rules pursuant to the rulemaking provisions of Chapter 119, the chief cannot reserve the right to waive (rescind) without compliance with those same rulemaking requirements. This clearly is a violation of R.C. 119.02, which requires compliance with R.C. 119.01 through 119.13 in order to rescind rules previously adopted.

**The Statutory Delegations of Powers to the Chief Omit the Proposed Powers to Waive**

Moreover, the waiver powers may not be inferred from legislation because the exercise of those waivers with respect to certain permit applicants selected by the chief will literally undermine the comprehensive, all-inclusive regulatory program sought by the General Assembly. While R.C. 3748.04 includes extensive requirements for the chief to adopt regulations (as they pertain to oil and gas), nowhere in Chapter 3748 is the power to waive rules for the benefit of regulated parties addressed. IN CHAPTER 3748, THERE ARE NO DELEGATIONS, EXPLICIT OR IMPLIED, FOR THE CHIEF TO WAIVE ANYTHING. IN R.C. 1509.072, THE ONLY CODE SECTION IN CHAPTER 1509 TO MENTION RADIOACTIVITY, THERE IS NO MENTION AND NO IMPLICATION THAT THE CHIEF SHOULD HAVE UNFETTERED WAIVER POWERS. Given the dangers associated with Radium-226 and Radium-228, waivers are quite inappropriate for radiation control programs.

In Chapter 1509, extensive authority is conferred upon the chief to adopt rules throughout Chapter 5109, yet nowhere in the chapter is found any authority authorizing the chief to nullify through waiver vast sections of the administrative program the General Assembly has created. R.C. 1509.02 says nothing about giving the chief authority to waive (rescind) significant portions of the comprehensive plan the General Assembly has created. R.C. 1509.03(A) requires that subjects be addressed with respect to well permits, including safety, protection of public water supply, fencing and screening, containment and disposal of drilling and production wastes, construction of access roads, and noise mitigation. Nowhere in R.C. 1509.03 does the General Assembly authorize the waiver (rescission) of vast portions of the rules already adopted. Rules 1501:9-4-04 and 1501:9-4-05 (A) and (C), which contain the objectionable waiver (rescission) powers of the chief, concern the handling and storage of brine and waste materials. Those subjects are found in R.C. 1509.22. Division (C) of that code section addresses the chief’s authority to adopt rules for the management of those materials. It states, in part: “The chief shall adopt rules regarding storage, recycling, treatment, processing, and disposal of brine and other waste substances. The rules shall establish procedures and requirements in accordance with which a person shall apply for a permit or order for the storage, recycling, treatment, processing,
or disposal of brine and other waste substances . . .” The extensive waiver powers sought by the chief in the proposed rules are not authorized in R.C. 1509.22. He is acting without authority.

The Chief’s Waiver Powers Place Public Water Supplies at Risk

These rules include facility plans, construction and modifications, radiation protection plans, and flood plain management. These rules are mandatory for the protection of public water supplies under the Safe Water Drinking Act. There is already one facility built and operating that would be in violation of all the proposed rules, except that they can be nullified by the chief! This certainly violates the intent of the state and federal law regarding the SWDA.

The Chief’s Proposed Waiver Powers Are an Ultra Vires Attempt to Legislate

By comparing the chief’s proposed rules 1501:9-4-04 and 1501:9-4-05 (A) and (C) with those instances in Chapters 3748 and 1509 in which the General Assembly has authorized certain waivers, it becomes clear that the chief is attempting to engage in legislation, not rulemaking. Importantly, Chapter 3748 does not contain powers to waive portions of rules. Chapter 1509 does. Those instances are instructive. R.C. 5109.06 (C)(1) and (2) allows the chief to waive certain time limits associated with an application for permit, but in both cases specifies a time limit by which the chief must act or deny the application. The chief’s waiver discretion is significantly limited. R.C. 1509.062, regarding temporary inactive well status, allows the chief to waive the requirement for a well owner to submit certain documentation if the division already has copies of that documentation. In R.C. 1509.072(B), the chief may release an owner from responsibility to restore if the surface owner approves and the chief finds there would be “substantial damage to adjoining property, substantial contamination of surface or underground water, or substantial erosion or sedimentation.” R.C. 1509.09(C) refers to a waiver of short duration with respect to the movement of a drilling rig from on location to another but in any event requires that the original well be plugged before the rig is moved from the location. Finally, an inspector may waive the requirement of 24 hours’ notice before plugging a well.

Wherever the General Assembly has permitted the chief or his representative to waive a statutory requirement, the waiver power has been tightly defined and may be exercisable only upon certain conditions. The proposed waiver powers in Rules 1501:9-4-04 and 1501:9-4-05 (A) and (C) have no limitations and conditions on their exercise. They have no basis in the statutory language found in Chapters 3748 and 1509. They are but one thing—the chief’s attempts to legislate and broaden his powers beyond that permitted by the General Assembly.

The Chief Usurps Powers to Determine Compliance with FEMA Floodplain Regulations

In Rule 1501:9-4-03 (A)(1), the chief proposes to give himself the ability to waive floodplain regulations by overriding local floodplain managers and appeals boards decisions on applications for floodplain permits. Contrary to federal law, he proposes to override their decisions regarding whether a permit applicant’s application complies with local regulations, which have been adopted pursuant to and as provided in federal NFIP and FEMA regulations. This is in conflict with federal law found in existing National Flood Insurance Program (“NFIP”) and FEMA statutes and regulations. Accordingly, it is in conflict with the Supremacy Clause of the United States Constitution and therefore void.
In Ohio, ODNR’s Division of Water has responsibility to guide local communities in order to achieve compliance with federal NFIP and FEMA regulations pertaining to flood insurance. To that end, the Division has prepared the Ohio Floodplain Management Handbook (Revision 2005) (the “OFMH”). See OFMH, § 5.3. This ensures that the minimum requirements of the NFIP are met when permits for development are filed with local authorities for development within Special Flood Hazard Areas (“SFHA”) located within flood plains. OFMH, §§ 5.3, 6.3. A floodplain development permit is required for everything that alters the floodplain such as, by way of examples, drilling, temporary and permanent storage of materials, construction of buildings, tanks, and accessory structures, and alterations or improvements to existing structures. OFMH, § 6.3. An appeal is provided to an appeals board if an applicant disagrees with a floodplain manager’s decision. Appeals boards also hear requests for variances. Also, the Revised Code provides for appeals to court from decisions of political subdivisions in R.C. 2506.01. OFMH, § 6.4.

Given this intricate framework of floodplain regulation based on federal NFIP and FEMA regulations and policies, all of which relies on enforcement by local floodplain managers and advisory boards, any interference with their efforts by the chief would be futile. Even if he were to interject his decisions in the local regulatory process and try to reverse the decisions of local authorities regarding floodplain regulation compliance, how could he enforce his decision? He would be ignored. The chief’s attempts, contrary to federal law, to expand his powers in Rule 1501:9-4-03 (A)(1) to include floodplain management must be deleted.

**ODNR Oil and Gas Has Ignored the Public and Wasted Time**

It is possible that the pushback against these proposed rules could have been avoided had ODNR under R.C. 119.035, the agency (ODNR) appointed an advisory committee. An agency may appoint an advisory committee to advise the agency concerning its development of a rule, amendment, or rescission, and may otherwise consult with persons representing interests that would be affected by the rule, amendment, or rescission were it actually to be proposed and adopted. Upon an agency’s request, the executive director or another officer or employee of the Ohio commission on dispute resolution and conflict management may serve as a group facilitator for, but not as a member of, such an advisory committee.

The subject matter has been a source of controversy across the state and in many communities, especially in the Ohio Appalachian counties. ODNR only consulted industry through CSI (Common Sense Initiative), then sent notice to the public of the rules and asked for comment. Not one public comment submitted was incorporated or asked for further input as to why any or part of the rules were of concern. During the seven years it took ODNR to write these rules, an advisory committee could have been appointed and been in place while the rules were written and then discussed. It is not a matter of whether the rules are needed; they have been needed since before the first radioactive waste facility was operating under chief’s orders! Quoting from the CSI document that is part of the public record; Development of the Regulation 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. If applicable, please include the date and medium by which the stakeholders were initially contacted. “The Division held numerous affected party meetings with members of the regulated community who would be directly impacted by these rules over the course of several months. These meetings were held in-person and virtually. On June 25, 2021 the rule was made available for interested party review via a
posting on the Agency’s website” There were NO political subdivisions included or any environmental groups consulted in this manner, no meetings, no consults!

Photos of Austin Masters Chief’s Order radioactive waste facility
Radioactive waste in “filter socks” from oil and gas drilled and injection wells
Open door at Austin Master facility in Martins Ferry. No air monitor outside.
Piles of filter socks at Austin Master facility
Radioactive sludge at Austin Master Facility
Pretty shoddy maintenance of Austin Master
This is the “barrier” between workers and highly radioactive materials
What is says...Radioactive!
Abandoned well blow out in Veto Lake, Washington County
Clean up and plugging of abandoned well in Washington County. Likely due to a nearby injection well. Cost of clean up and plugging: $315,666.25
This is what injection wells do to oil and gas wells that have been dead for 6yrs. That’s 2.2 barrels of Brine water a minute folks over 2 miles of fish kill. Cost for clean up and plugging.....$385,245.00

It is for these reasons we ask you to send the rules back to ODNR for revision and include in their revision the public input needed to ensure that the safety and health of our communities are guaranteed.
I am submitting this written testimony in opposition to Rules 1501: 9-3&4-01.

As a retired nurse and professor living in Cincinnati, I am greatly concerned about the impact of all wells (but in this case Class II injection wells) on drinking water. My concern is not just for me but, for all other living things downstream that depend on this water.

JCARR Criteria #2 & #3--the ODNR proposed changes conflict the minimum standards and the intent of the Safe Drinking Water Act of 1974--1) enforceability, 2) public participation, and 3) addressing environmental justice concerns.

ODNR proposed changes lack strong public protection rules--including enforcement and oversight. ODNR should encourage and ensure vigorous public participation before issuing permits which it does not. Environmental justice requires that the government protect the people with the least power, and not to exploit them for political gain.

While I understand that it is not your job to rewrite the ORC, it is imperative that you be cognizant of the fact that alterations in the earth above and below ground have consequences. It is my hope that our government will be a good steward of the land, water, and air. While at the same time, it serves the public good.

I thank you for this opportunity to be heard.

Susan Namei
513 520-3508
namei@xavier.edu
As an Ohio citizen, I urge JCARR committee members to refuse ODNR’s rules re: oil & gas Class II injection wells as woefully inadequate to protecting our Drinking water, our agricultural soils, and the health & wellbeing of Ohioans now and in the future. I stand with science, not with the oil & gas and those who financially benefit from rules that protect the oil & gas profits and Not the future and sustainability of Ohio’s Water, Air, Soil and health of our people. I quote and support the respected ohio scientist, Dr. Julie Weatherington-Rice’s Synopsis of ODNR’s lack of using science in these rules. (see bio below)
“"We spent all summer commenting over and over again on the three new rules packages from ODNR Oil and Gas. They took absolutely NONE of our recommendations and basically made a point that they took none in a leading paragraph. The Waste Facilities Rules and the Class II injection wells rules are considered final and have been sent to JCARR. ODNR will hold a final hearing by zoom on Nov. 29th where we will have one more chance to put in our comments and then everything goes to an in-person hearing at JCARR on Dec. 6th which we intend to pack and where we will again submit our comments for the record.
2. At least the Class II rules have direct bearing on Columbus’s water supply and all the Class II wells in the watershed. There is absolutely no reason why someone could not build a waste facility in the watershed as well.
3. The setbacks for surface water reservoir intakes are woefully inadequate and do not try to protect the reservoirs, only the intakes.
4. The rules make the assumption that the earth is flat and do not factor in downhill slope when determining distances from springs, ponds, streams, etc. and other sources of water even though we all know that a spring up hill and over a ridge will have greater protection than a spring down hill at the same distance. But in the eyes of these rules, both are considered equal for distance of setbacks.
5. Both sets of rules ignore a huge number of geologic hazards when determining where these facilities can be built. For instance, nothing precludes them from being located in sinkhole territory, over an old peat bog, on top of a Sole Source Aquifer or in a yellow, orange or red area of vulnerability on a county scale ground water pollution potential map.
6. They also don’t check to make sure the applicant is following local ordnances or building limitations if they exist.
7. This is not only a water contamination issue, it’s also a structural integrity issue. I recommended setting up a task force to come up with a list of geologic hazards that should be avoided, recommended the agencies and divisions who should be included and even volunteered to participate. Nothing. They did not even include wording that said that the applicant should screen for geologic hazards with the Division of Geologic Survey.
who are assigned the job of mapping these hazards and are the repository of all the information. I could go on and on, but you get the picture.

Dr. Julie Weatherington-Rice is the Sr. Scientist for the local engineering firm of Bennett & Williams who specialize in the installation and management of public water supplies and the protection of our water, soil and air. She hold a BSEdu in Earth Science Education, a MS in Geology and PhD in Soil Science, all from Ohio State. She first began working with the Franklin Soil and Water Conservation District in 1974. She later served as their first Urban Conservationist under a special two year grant from the Ohio Legislature. She is currently developing a virtual PowerPoint and video training program for new soil scientists in cooperation with the Association of Ohio Pedologists and the Ohio Dept. Of Health. Among other training videos will be a series on the geology and soils of the Franklin County MetroParks.

Sincerely,
Carolyn Harding
Organizer -RadioactiveWasteAlert.org
Co-organizer- ColumbusBillofRights.org
Host/producer- GrassRoot Ohio Radio/Podcast/YouTube
614-893-6314

156 N Roosevelt Ave.
Bexley, OH 43209

Sent from my iPhone
From: jcarr1@jcarr.state.oh.us
Sent: Monday, December 6, 2021 11:15 AM
To: JCARR1
Subject: JCARR - Contact Us Submission

The following was submitted on the JCARR website Contact Us form:

First Name : LuCinda
Last Name : Flores
Email : lucindaflows@comcast.net
Phone : (614) 592-4197
Message : Please prioritize environmental safety over fossil fuel industry interests. Levels of radium-226 and radium-228 in Columbus water supply need to be shared with consumers.
Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don't give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Abby Emmett
33 W 10th Ave
Columbus, OH 43201
abigail.emmett@gmail.com
(614) 512-8527

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Alan Birmingham
92 Union St
Newark, OH 43055
unibrowbandit_alan@yahoo.com
(740) 344-0334

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
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Thank you.

Sincerely,

Alice Petersen
4302 Foxglove Rd
Toledo, OH 43623
avpeters432@yahoo.com
(419) 475-6177

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Allen Strous (a.strous@hotmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Sunday, November 21, 2021 4:32 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Allen Strous
11339 Spangler Rd
Circleville, OH 43113
a.strous@hotmail.com
(740) 474-5103

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Anything that interferes with clean drinking water or the water tables affects the health of those who live and those who travel to that territory. As a Registered Nurse, preventing illness and maintaining health helps people live a quality life.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Alyson Widen
11311 Shaker Blvd Apt 312
Cleveland, OH 44104
amwiden@aol.com
(216) 407-0290

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

As an Ohioan, and a leukemia patient, this issue is personal.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act?s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don't give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

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Thank you.

Sincerely,

Amy Katzman
2826 Observatory Ave
Cincinnati, OH 45208
akatzman4@me.com
(513) 321-7352

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Thank you.

Sincerely,

Amy Schumacher
4127 Middlebrook Dr
Beavercreek, OH 45440
amyschu37@yahoo.com
(937) 470-5253

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Thank you.

Sincerely,

Andrew Kistler
25260 Chase Dr
North Olmsted, OH 44070
andrew_kistler@yahoo.com
(440) 979-0893

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Dear Whitney Paterson,

this is what gives the energy sector a bad name and leaves a bad tastes in everybody's mount. then the lack of monitoring and regulation gives Ohio a bad name and leaves a bad taste. Humans have on mission on this earth and that is to protect it. The species will never evolve until we recognize what that mission is and what it entails.
Grow up and protect our homes

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Thank you.

Sincerely,

Andrew Wallis
410 S Main St
Oxford, OH 45056
awalj@aol.com
(513) 524-4108

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Dear Whitney Paterson,

What will it benefit us if Ohio becomes a toxic radioactive dumping ground that endangers our water supplies and our soil?

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Thank you.

Sincerely,

Anne Caruso
2273 Bellfield Ave
Cleveland, OH 44106
reanneca@yahoo.com
(216) 577-1322

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Thank you.

Sincerely,

Anthony Cilluffo
1199 E Dartmoor Ave
Seven Hills, OH 44131
badmalibu@sbcglobal.net
(440) 885-5585

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Thank you.

Sincerely,

Anthony Mehle
6634 Covington Cv
Canfield, OH 44406
amehle123@gmail.com
(330) 533-7532

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Thank you.

Sincerely,

Anthony Rampe
14519 State Route 65
Wapakoneta, OH 45895
as1rampe@hotmail.com
(937) 214-6054

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Dear Whitney Paterson,

We need safe, not contaminated, water. Please keep Ohio's water safe!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Arlene Sherman
140 Whitman Blvd
Elyria, OH 44035
lasher4851@hotmail.com
(440) 366-6895

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Thank you.

Sincerely,

B Kern
672 Barg Salt Run Rd
Cincinnati, OH 45244
alsipii@zoomtown.com
(513) 528-2895

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Dear Whitney Paterson,

Very Important.

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Thank you.

Sincerely,

B Lykes
5288 Brandy Oaks Ln
Columbus, OH 43220
onelastflight@yahoo.com
(614) 230-2081

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Thank you.

Sincerely,

Barbara Joseph
2529 State Route 131
Batavia, OH 45103
bj633417@gmail.com
(513) 625-7639

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Dear Whitney Paterson,

Please pass stricter regulations for gas wells to protect our health and safety.

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Thank you.

Sincerely,

Barbara Klinger
4943 Mayfield Rd
Cleveland, OH 44124
conradsnug@hotmail.com
(216) 381-0422

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Sincerely,

Barbara Newell
323 Shannon Ln
Granville, OH 43023
newellb1248@gmail.com
(740) 321-1473

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Sincerely,

Becky Wood  
216 Charles St  
Toledo, OH 43609  
becksnpete@gmail.com  
(778) 712-8505

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Thank you.

Sincerely,

Ben Sprauer
4000 E 3rd St
Dayton, OH 45403
tongue_u69@hotmail.com
(937) 477-2059

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Thank you.

Sincerely,

Bernadette VanKeerbergen
102 Richards Rd
Columbus, OH 43214
bayoushores@hotmail.com
(614) 674-8170

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Thank you.

Sincerely,

Billie Lyon
2106 Indiana Ave
Columbus, OH 43201
billieblyon@hotmail.com
(614) 294-6854

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Dear Whitney Paterson,

Ohio accepts an average of 10 million barrels of radioactive waste per year generated by the fracking industry. This is toxic radioactive waste! The pressure of injection wells forces the waste into cracks in the ground. Gas leaks pose a significant threat to underground wells and waterways in the state of Ohio. You have a responsibility to protect the health of all Ohioans and all fresh water streams. A 100 ft setback is not enough to protect humans or the precious aquatic life of Ohio. Radioactive waste would affect the ecosystems irreversibly. Be for humans and wildlife over big corporations.

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Thank you.

Sincerely,

Bonnie Hamilton
8701 Colvin Dr
Plain City, OH 43064
blumenbonnie@aol.com
(614) 602-7089

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Thank you.

Sincerely,

Brenda Sieger
208 N Woodland Ave
Clyde, OH 43410
longdog@ambt.net
(419) 547-8836

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These draft rules also fail to create regulations that provide strong enforcement mechanisms and don’t give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Brian Campbell
5187 Threshing Pl
Delaware, OH 43015
campbellbe@aol.com
(740) 917-5324

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Brooke Crowley
535 Terrace Ave
Cincinnati, OH 45220
brooke.crowley@uc.edu
(513) 221-1139

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Bruce Eugene (dden632@yahoo.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Thursday, November 18, 2021 8:13 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We have to stop destroying our planet

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Bruce Eugene
4714 Maplecrest Ave
Parma, OH 44134
dden632@yahoo.com
(216) 647-1997

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Bryan Waters
345 Storer Ave
Akron, OH 44302
nbwaters@twc.com
(330) 472-9409

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Calvin Rittenhouse
4785 Beacon Hill Rd Apt 312
Columbus, OH 43228
mrmacncheese@gmail.com
(614) 493-7212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Ohioans are skeptical that the ODNR is protecting us from harmful drilling practices. We've seen that fracking has led to earthquakes. We've seen that leaks from drilling have sickened and killed animals. We don't believe that "brine" should be a proprietary secret. Please restore our faith that our state government is looking out for the health and safety of the people.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act's minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Carla Edlefson
1187 Middleport Dr
Columbus, OH 43235
carla.edlefson@gmail.com
(614) 459-3183

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Carol Ann George
4927 Stonehaven Dr
Columbus, OH 43220
canngeo1@yahoo.com
(555) 555-5555

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Dear Whitney Paterson,

Risking the health of rural Ohioans through exposure to toxic oilfield waste is heartless.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Carol Cochrane
1445 Montcalm Rd
Columbus, OH 43221
ccochrane@rocketmail.com
(614) 487-9059

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Carol Schmidt
226 E Ruth St
Sidney, OH 45365
muehlbauer@safe-mail.net
(937) 492-0606

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Thank you.

Sincerely,

Carolyn Toth
644 Butler Rd S
New London, OH 44851
carolynrtoth@icloud.com
(419) 929-3500

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Carrie Resnick (cholma21@gmail.com) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Thursday, November 18, 2021 11:46 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

Once our water is contaminated, there is no reversal. Water is essential for human life, we should guard it as though our lives depend on it, because they do.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Carrie Resnick
11681 Cedarview Dr
Montgomery, OH 45249
cholma21@gmail.com
(513) 515-3538

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Catalina Maddox-Wagers
2865 Fairmount Blvd
Cleveland Heights, OH 44118
isis_134@yahoo.com
(216) 862-3565

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Cathy Wootan (cathy.wootan@aol.com) Sent You a Personal Message
<kwautomail@phone2action.com>

Sent: Thursday, November 18, 2021 9:53 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Cathy Wootan
3862 W 20th St
Cleveland, OH 44109
cathy.wootan@aol.com
(216) 351-7748

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We need clean drinking water!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Chandra Demick
106 W Stanton Ave
Worthington, OH 43085
chandemick@gmail.com
(614) 403-0505

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Thank you.

Sincerely,

Charles and Carol Glaser
173 Green Ave
Groveport, OH 43125
cbglaser1@hotmai.com
(614) 836-2139

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Dear Whitney Paterson,

This is horrible that is this day and age, that something like this could even still be possible.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act?S minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Charlotte Cook
635 Covedale Ave Apt 4
Cincinnati, OH 45238
charcook4@gmail.com
(513) 923-1083

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Thank you.

Sincerely,

Charlotte Husteck
2690 Hampshire Rd
Cleveland, OH 44106
chusteck@msn.com
(216) 321-3929

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Chow-Chi Huang
9035 Amy Marie Dr
West Chester, OH 45069
chowchi_huang@yahoo.com
(513) 759-0332

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Thank you.

Sincerely,

Chris Cropper
9635 US Highway 62
Orient, OH 43146
cjcropper@sbcglobal.net
(614) 519-9859

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Thank you.

Sincerely,

Christopher Knoop
3126 Ononta Ave Apt 9
Cincinnati, OH 45226
cagrasha13@aol.com
(513) 861-6984

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Please hear and respect my concerns.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Chuck Shiebler
3327 Buhrmill Rd
Reynoldsburg, OH 43068
chuck5701@gmail.com
(614) 204-6212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Cindy Smith
61266 Kadon Dr
New Concord, OH 43762
kismit@frontier.com
(740) 439-0080

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Thank you.

Sincerely,

Cindy Voss
128 Asbury Rd
Cincinnati, OH 45255
vossck@vosllc.com
(513) 954-4726

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Dear Whitney Paterson,

This affects our drinking water, wildlife, our environment and so much more. Stop this pollution NOW. It affects all of our health and that of our family members.

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Thank you.

Sincerely,

C. Menn
482 Piedmont Rd
Columbus, OH 43214
987geneomen@gmail.com
(740) 532-1574

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Dear Whitney Paterson,

Tainted water kills! Do what is necessary to ameliorate this situation!

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Thank you.

Sincerely,

Constance Minerovic
6168 Cheryl Pl
Concord Township, OH 44077
clminerovic@yahoo.com
(440) 357-1272

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Thank you.

Sincerely,

Cynthia Bishop
15429 Township Highway 44
Wharton, OH 43359
jedi_cindy@hotmail.com
(419) 458-3058

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Dear Whitney Paterson,

I don’t want to drink poison.

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Thank you.

Sincerely,

Cynthia Gaydos
92 Spring St
Mechanicsburg, OH 43044
cindy1955@yahoo.com
(937) 834-2220

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Thank you.

Sincerely,

Cynthia Lehman
994 S Belvoir Blvd
South Euclid, OH 44121
lehman.cynthia@gmail.com
(716) 830-4300

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Thank you.

Sincerely,

Cynthia Molinero
PO Box 16835
Rocky River, OH 44116
turtlezavirgo@aol.com
(216) 759-4980

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Thank you.

Sincerely,

Cynthia Springer
11421 Appleton Dr
Parma Heights, OH 44130
springerd@prodigy.net
(440) 821-3153

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Thank you.

Sincerely,

Dan Toohey
1902 W Schantz Ave
Dayton, OH 45409
toohey@earthlink.net
(937) 298-0796

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Thank you.

Sincerely,

Dana Engell
13 Upland Ter
Mount Vernon, OH 43050
dana.j.engell@gmail.com
(413) 221-0927

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Thank you.

Sincerely,

Dani Herlihy
5805 Clear Stream Way
Westerville, OH 43081
cooper.1710@gmail.com
(513) 460-8015

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Thank you.

Sincerely,

Daniel Bennett
4572 Carnoustie
Batavia, OH 45103
danielfbennett@hotmail.com
(513) 515-9772

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Sincerely,

Daniel Fouke
2429 Schnebly Rd
Spring Valley, OH 45370
dfouke1@udayton.edu
(937) 862-8665

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Sincerely,

Danielle Johnson
314 Chase Rd
Columbus, OH 43214
d.leigh.johnson@gmail.com
(614) 787-7603

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Sincerely,

Darla Coon
6370 Slater Rd
Andover, OH 44003
yankeegal0699@yahoo.com
(440) 293-1670

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Sincerely,

Dan Doepker
4253 S Township Road 151
Tiffin, OH 44883
ddoepker@woh.rr.com
(419) 447-5615

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Sincerely,

David Fleming
28526 Douglas Dr
North Olmsted, OH 44070
fleming9@gmail.com
(440) 779-6328

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Thank you.

Sincerely,

David Melcer
8596 Swisher Creek Xing
New Albany, OH 43054
dmel@sprintmail.com
(614) 656-7128

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Dear Whitney Paterson,

Clean drinking water is the most precious thing on this planet. Without it, people cannot survive. Over the last 3 years the life expectancy of humans in the USA has gone down. No doubt is that it's caused, at least in part, by increased pollution.

Human lives are at stake and I expect my government to do more to protect us all than seems to be done when I learn that proper opportunities for public participation are not even being clearly announced. Please make my state government more citizen friendly.

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Sincerely,

Debbie Perlmutter
7128 Regents Park Blvd
Toledo, OH 43617
debbieaperlmutter@frontier.com
(419) 843-4480

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

100 feet from injection wells is too close to waterways for the sake of our public health. Exposure to oil is dangerous, causing various long-term health afflictions ranging from asthma to cancer. Having these toxic chemicals near our drinking water, especially long-term, is much too high of a health risk. Would YOU want your family’s drinking water to be this close to radioactive waste?

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don’t give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Deborah Hirsh
2265 Bryden Rd
Columbus, OH 43209
dl_hirsh@yahoo.com
(614) 299-8897

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Dear Whitney Paterson,

No Fracking!!! Anyone who looks at the science knows with absolute certainty that deadly fracking chemicals will end up in our water! No. Stand up!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Deborah Zuhars
4879 Veley Rd
Delaware, OH 43015
silverheelsfarm@yahoo.com
(740) 363-9542

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Debra Brinker
6217 Arapahoe Pl
Dublin, OH 43017
debibrinker@att.net
(614) 798-9001

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Debra Geldine
19291 W Moline Martin Rd
Martin, OH 43445
dkgeldine@icloud.com
(419) 356-5734

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Debra Staudt
2700 Fessler Buxton Rd
Russia, OH 45363
dkstaudt@hotmail.com
(937) 526-4169

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

As an Ohio resident, my family, myself, and our communities deserve clean and safe water!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Devorah Gurevich
2530 Milton Rd
University Heights, OH 44118
devorahgurevich@icloud.com
(216) 835-6266

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

This affects every one, especially the poor. It affects our natural resources.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Diana Boutin
546 Wilbor Ave
Huron, OH 44839
dianaboutin7@msn.com
(425) 222-4724

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Our health needs protected. Please do not let your greed effect others lives. Strict rules must be in place.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Diana Stone
908 Scarff Rd
New Carlisle, OH 45344
stone908@aol.com
(937) 845-1469

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Diane Hert
6563 Ethel St NW
Canton, OH 44718
tdhert3654@gmail.com
(330) 305-0368

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We don’t want to poison our state with injection water from fracking. The money isn’t worth the lives of our rural citizens and the beauty of our state!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Diane Langner
5255 River Forest Rd
Dublin, OH 43017
dlangner@live.com
(312) 361-4048

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Diane Pekarcik
7350 Martingale Dr
Chesterland, OH 44026
bytemarks@adelphia.net
(555) 555-5555

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Thank you.

Sincerely,

Diane Quimper
1520 Blossom Park Ave
Lakewood, OH 44107
sparkthefirewithin@gmail.com
(440) 371-2110

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Dear Whitney Paterson,

Protect our water! This isn’t Michigan!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Dolf Muccillo
1410 Windstar Ct
Milford, OH 45150
dolf@cinci.rr.com
(513) 575-1771

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Dear Whitney Paterson,

Please do the right thing and follow the Safe Drinking water Act. There is nothing wrong with CLEAN WATER!!!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Don Kleinhenz
7513 Riverside Dr
Powell, OH 43065
donk1927@gmail.com
(740) 881-5647

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Dear Whitney Paterson,

We need stricter controls on injection wells!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Doug Jose
1021 Omar Pl
Cincinnati, OH 45208
dougbjose@gmail.com
(513) 470-5473

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Douglas Estes
15555 Hilliard Rd Apt 906
Lakewood, OH 44107
dce005@yahoo.com
(415) 845-6018

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Earl Grove
128 3rd St W
East Canton, OH 44730
egrove06@gmail.com
(330) 312-2311

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Edward Weber
320 Eagle Point Dr
Lyndhurst, OH 44124
bigskyrad@mac.com
(260) 249-9025

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Thank you.

Sincerely,

Elizabeth Publicover
4517 Delmont Rd SW
Lancaster, OH 43130
elizabethbruns79@hotmail.com
(614) 551-0057

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Dear Whitney Paterson,

wetlands. 100 feet from injection wells is too close to waterways for the sake of our public health. Exposure to oil is dangerous, causing various long-term health afflictions ranging from asthma to cancer. Having these toxic chemicals near our drinking water, especially long-term, could be fatal.

This 100 foot setback is also not enough to protect local aquatic life and waterborne creatures from the leaking substances deriving from injection wells. Exposure to such toxins can irreversibly impact their life expectancy and the survival of their ecosystems.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Ellen Canfil
18225 N Inlet Dr
Strongsville, OH 44136
ejcanfil@gmail.com
(440) 572-8619

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Please think very carefully before making these rules more lax. Our natural resources are so important as are the people that live close to these injections sites.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Ellen Forbus
210 Nautical Way
Fairport Harbor, OH 44077
ellen.forbus1@gmail.com
(440) 477-0087

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Thank you.

Sincerely,

Elza Corrill
4558 Clearview Ave
Cincinnati, OH 45205
correlis@yahoo.com
(555) 555-5555

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Dear Whitney Paterson,

Stronger safeguards for water and watersheds mean stronger and healthier communities. The short-term profits of a few companies are not worth the long-term damage they can cause when poorly regulated. Please do the right thing.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Emily Ingalls
2970 Scarborough Rd
Cleveland Heights, OH 44118
emilyingalls@mac.com
(216) 721-5824

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Thank you.

Sincerely,

Emma Thaci
374 Gosfield Gate Rd
Westerville, OH 43081
bemma446@gmail.com
(614) 446-4778

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Thank you.

Sincerely,

Eric Britton
745 Heathermoor Ln
Perrysburg, OH 43551
ericb_perrysburg@yahoo.com
(419) 321-1348

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Thank you.

Sincerely,

Eric Morris
1530 Woodland Dr
Peninsula, OH 44264
ewmorr@hotmail.com
(330) 555-1212

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Dear Whitney Paterson,

100 feet of safe space from Injection Wells is far too little—especially from waterways. Citizens need to be protected by at least 100 YARDS. The gas and oil industry can easily afford that.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Eric Noderer
608 E Perry St
Port Clinton, OH 43452
enbluechip24@gmail.com
(419) 734-4870

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Whitney Paterson

From: Ethan Roush (eroush25@hotmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Thursday, November 18, 2021 7:47 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Ethan Roush
7439 Heigle Rd SW
Amanda, OH 43102
eroush25@hotmail.com
(740) 601-1926

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Thank you.

Sincerely,

Eugene Lehman
7239 Caribou Trl
Centerville, OH 45459
elehman5@woh.rr.com
(937) 474-1742

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Thank you.

Sincerely,

Faryl Norris
26201 Hendon Rd
Beachwood, OH 44122
faryl.norris@gmail.com
(216) 313-1592

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Dear Whitney Paterson,

Protect our ground water. For many people living in rural areas, this is their only source of water for their homes. They don't know what chemicals are dangerous. It is up to the State of Ohio to protect its rural citizens by testing their ground water and prohibiting drillers from locating disposal ponds on the land they have leased. Many who live in these areas do not have the money to pay for the testing. This must be done by the state. Additionally, the state must carefully monitor the drillers to make certain that their wells are not contaminating the aquifer.

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Thank you.

Sincerely,

Fred Welty
11630 Butternut Rd
Chardon, OH 44024
fdwelt@gmail.com
(440) 564-7065

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Thank you.

Sincerely,

Gary Nelson
2010 Meadow Ln
Orrville, OH 44667
greend111@gmail.com
(941) 267-8963

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Thank you.

Sincerely,

Gary Parlette
1338 Elmore Ave
Columbus, OH 43224
parlettegary@yho.com
(614) 263-6985

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Thank you.

Sincerely,

Gary Patterson
5428 Werk Rd
Cincinnati, OH 45248
woody1@fuse.net
(513) 451-8967

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Thank you.

Sincerely,

Gary Plummer
983 Locust Ct
Mason, OH 45040
cathy_plummer@twc.com
(513) 459-9068

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Thank you.

Sincerely,

Gary Zahler
8020 Killington Ave NW
North Canton, OH 44720
gmlzahler@gmail.com
(330) 966-7325

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Dear Whitney Paterson,

You need stronger rules to protect public health, the environment, and our drinking water.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

George Schoen
3687 W Galbraith Rd Apt 39
Cincinnati, OH 45247
gschoen@fuse.net
(513) 720-7590

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Thank you.

Sincerely,

Gordon Mitchell
9319 Windy Creek Dr
Columbus, OH 43240
gmitchell@metroparks.net
(614) 547-7535

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Dear Whitney Paterson,

We need stronger protections from Fracking Waste in our state or we will make access to some areas out of bounds and hot zones.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Gordon Svoboda
240 Mull Ave
Akron, OH 44313
gjs240@pm.me
(330) 869-2039

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Thank you.

Sincerely,

Graham Mitchell
9425 Chardon Cir Apt 105
West Chester, OH 45069
grahamitchell@gmail.com
(513) 348-0213

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Greg and Jessie Sletten (sletten@roadrunner.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Thursday, November 18, 2021 8:41 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

Do you want an injection well 100? from your house?

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act's minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don't give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Greg and Jessie Sletten
17 Wigwam Path
New Richmond, OH 45157
sletten@roadrunner.com
(513) 252-0000

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Radioactive waste in our drinking water = cancer and death

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

H Fast
684 Cedar Knolls Ct
Cincinnati, OH 45230
llfast@aol.com
(513) 541-6789

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Thank you.

Sincerely,

Hannah Fithen Wade
528 Chase Rd
Columbus, OH 43214
story22@gmail.com
(614) 337-8747

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Fracking is quick and dirty. Clean water is MY right along with the rest of Ohio. Once polluted it CANNOT be cleaned up. Please protect this precious commodity that belongs to ALL!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Harold Hight
190 Trudy Ave
Munroe Falls, OH 44262
hightfam4@sbcglobal.net
(330) 688-3452

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Thank you.

Sincerely,

Helen Black
124 Cornell Ave
Elyria, OH 44035
auto81827@gmail.com
(440) 453-0920

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Thank you.

Sincerely,

Jaimie Deye
601 E William St
Maumee, OH 43537
jaimie.deye@gmail.com
(419) 250-3019

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Clean water is an important issue. We all need to safeguard clean water now and for future generations. Let us act responsibly.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

James Baad
4855 Fields Ave SW
Canton, OH 44706
baadjames@yahoo.com
(330) 280-0267

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
From: James Costello (jvcostello@gmail.com) Sent You a Personal Message <kwautomail@phone2action.com>

Sent: Friday, November 19, 2021 6:24 AM

To: Whitney Paterson

Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

James Costello
96 Dodge Ave
Akron, OH 44302
jvcostello@gmail.com
(330) 867-5049

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

I'm from southern Ohio and know that, somehow, we become the dumping ground for other people's waste products. Clean drinking water is vital.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act's minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

James Evans
2865 Gramercy Pl
Beavercreek, OH 45431
land1scaper77@gmail.com
(937) 427-2016

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Dear Whitney Paterson,

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Thank you.

Sincerely,

James Gragel
970 Canyon View Rd
Sagamore Hills, OH 44067
jim_gragel@yahoo.com
(999) 999-9999

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: James Skalsky (gtajames@gmail.com) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Thursday, November 18, 2021 11:13 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

Clean water is of an utmost necessity. We should protect our fresh water sources where ever possible. It is essential to all life.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act?s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

James Skalsky
21 Pleasantview Dr
Athens, OH 45701
gtajames@gmail.com
(740) 707-7068

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Dear Whitney Paterson,

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The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Jan Hall
995 Ravine Ridge Dr
Worthington, OH 43085
j29hall@gmail.com
(614) 436-6629

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Thank you.

Sincerely,

Janet Einfalt
300 Warner Rd
Hubbard, OH 44425
janette1203@aol.com
(330) 568-7018

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Thank you.

Sincerely,

Jean Durbin
7125 Mayfield Ave
Cincinnati, OH 45243
jeandurbin@fuse.net
(513) 793-9348

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Thank you.

Sincerely,

Jean Hanson
38790 Renwood Ave
Avon, OH 44011
jelto119@gmail.com
(216) 392-2340

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Thank you.

Sincerely,

Jean Nadeau
4237 Verona Rd
South Euclid, OH 44121
jeannadeau3@gmail.com
(216) 382-3799

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Jeff Evans
867 Overlook Dr
Wintersville, OH 43953
jrevans3@gmail.com
(212) 345-6789

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Dear Whitney Paterson,

I would suggest that you limit the disposal of this toxic waste to within the grounds of golf courses, country clubs and the residential properties of the people who vote to implement this rule. Think about that.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Jeff Molnar  
2698 Washington Mill Rd  
Bellbrook, OH 45305  
molinari42@yahoo.com  
(937) 782-8814

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Thank you.

Sincerely,

Jeff Neikirk
1914 Westwood Rd
Troy, OH 45373
jneikirk@woh.rr.com
(937) 339-0820

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Jen Goldsberry
247 Lansdowne Ave
Gahanna, OH 43230
jagoldsberry@gmail.com
(614) 499-4870

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Your agency failed to provide any environmental justice review for class II wells.

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Thank you.

Sincerely,

Jennifer Moix
7361 Jaguar Ct
Waynesville, OH 45068
doverinc@rocketmail.com
(937) 654-5086

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Thank you.

Sincerely,

Jim Hansler
9224 Windswept Dr
Brecksville, OH 44141
jrhansler@gmail.com
(440) 546-9186

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Thank you.

Sincerely,

Jim Klimo  
986 Edgewater Cir  
Kent, OH 44240  
jimk1950@yahoo.com  
(330) 357-1781

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Dear Whitney Paterson,

This subject is important to me. I have friends whose water was completely ruined by fracking processes in Pennsylvania. Because of insufficient government regulation, they had no recourse. The same could happen in Ohio if ODNR does not have strong enforcement ability.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Joan Chryst
8084 Farm Crossing Cir
Powell, OH 43065
joanmchryst@yahoo.com
(740) 881-2146

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Dear Whitney Paterson,

Clean water should be a priority in all communities. It is a basic right. Please protect it for all Ohio's residents.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Jodi Gradolph
PO Box 164
Wilberforce, OH 45384
landart1@roadrunner.com
(937) 903-6409

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Dear Whitney Paterson,

Having done work on fracking sites I know the toxicity as well as the money involved. Disposal can and should be done right. I moved to a location with a well for the reason of avoiding my child being exposed to water treatment chemicals as well as chemicals that would runoff industrial sites it rivers and streams.

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Thank you.

Sincerely,

Joe Boyd
PO Box 424
Richmond, OH 43944
joebtravels@yahoo.com
(740) 632-6725

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Sincerely,

Joe Sirgo
1380 Skyway St NE
Canton, OH 44721
jsirgo1@neo.rr.com
(330) 966-9808

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Sincerely,

Joey Flower
7317 Mallard Dr
West Chester, OH 45069
joeydee68@msn.com
(614) 330-9162

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Thank you.

Sincerely,

John Beamer
5679 N Opfer Lentz Rd
Curtice, OH 43412
jabeamer@aol.com
(419) 836-5810

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Thank you.

Sincerely,

John Carmichael
1639 Sycamore St Apt A
Cincinnati, OH 45202
ruasculpin@gmail.com
(513) 723-0533

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Dear Whitney Paterson,

This is environmental injustice inflicted upon poor communities, but endangers the health of all Ohioans. This is criminal and must stop.

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Thank you.

Sincerely,

John Haught
5666 Weidner Rd
Springboro, OH 45066
john.haught@wright.edu
(937) 514-6170

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Thank you.

Sincerely,

John Spitale
1141 Hooverview Dr
Westerville, OH 43082
spitalja@gmail.com
(614) 259-8699

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Thank you.

Sincerely,

John Street
346 Centennial Dr
Vienna, OH 44473
jwsdad@aol.com
(330) 394-2485

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Dear Whitney Paterson,

Surely we need to be cautious about water. The Department of Natural Resources should have more authority.

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Sincerely,

John Webster
446 Edinburgh Rd
Dublin, OH 43017
hamfaster@outlook.com
(859) 219-7013

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Thank you.

Sincerely,

Jordan Finch
1439 Tabor Ave
Kettering, OH 45420
computermaster946@gmail.com
(425) 595-0390

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Dear Whitney Paterson,

As a retired physician I understand how dangerous this process is.

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Sincerely,

Joseph Blanda
5996 Ledgeview Dr
Peninsula, OH 44264
jblanda46@gmail.com
(330) 785-9356

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Dear Whitney Paterson,

No wonder birds and other wildlife are dying with this crap going into our waterways....let alone the affect it has on humans. Stop using fracking water for anything and stop fracking! We only have one earth!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Sincerely,

Joyce Wilson
4411 Brinker St SW
Navarre, OH 44662
joyanne912@cs.com
(330) 484-0026

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Thank you.

Sincerely,

Judy Simmons
173 James River Rd
Beavercreek Township, OH 45434
judys1938@sbcglobal.net
(937) 426-3301

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Thank you.

Sincerely,

Julia Radwany
4409 Idlebrook Dr
Akron, OH 44333
julieradwany@hotmail.com
(330) 666-8201

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Sincerely,

Julie Clayman
17030 Cats Den Rd
Chagrin Falls, OH 44023
claymanjulie@yahoo.com
(440) 543-1213

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Thank you.

Sincerely,

Justin Philipps
1385 Independence Ct
Newark, OH 43055
jphilipps1259@gmail.com
(740) 973-7478

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Having seen the foothills of my neighboring WestVirginia, I see and smell all too well the longterm inhospitable destruction Fracking causes, and it breaks my heart to see the Land suffer.

Please don't allow this ill-conceived decision to move forward. Keep our Land and Waterways clear of Fracking pollution.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

K Christopher
282 W 3rd Ave
Columbus, OH 43201
scarecrovv@yahoo.com
(999) 999-9999

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Karen Eliot
47 Leland Ave
Columbus, OH 43214
keliot614@gmail.com
(614) 578-8441

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Karen Hughes
73 N Eureka Ave
Columbus, OH 43204
ksdickel@gmail.com
(614) 805-3518

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We have great water and it needs to be protected. We are not interested in making Flint Michigan's water problem look better than ours.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Kathleen Mitman
576 Tionda Dr N
Vandalia, OH 45377
mitman2015@gmail.com
(937) 254-1070

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Katharine O’Connell (katharine.oconnell@gmail.com) Sent You a Personal Message <kwautomail@phone2action.com>
Sent: Friday, November 19, 2021 8:30 AM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We really need to protect our citizens and that starts with a clean environment.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Katharine O’Connell
3846 Mayfield Rd
Cleveland Heights, OH 44121
katharine.oconnell@gmail.com
(216) 212-6564

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Our environment and our communities must be protected. This is especially true for families who live in lower income communities who regularly get the short end of the stick when being exposed to pollution of all kinds including exposure to cancer causing agents.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Kathryn Petonke
2601 Rhapsody Dr
Dayton, OH 45449
kathrynpetonke@gmail.com
(937) 438-9169

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Dear Whitney Paterson,

Please do unto others as you would have them do unto you.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Kathy Smith
3451 Henninger Rd
Cleveland, OH 44109
ksmith@lakenetwork.net
(216) 905-7490

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Thank you.

Sincerely,

Kenneth Easter
1112 Williams Rd # 22
Piketon, OH 45661
kenneth.easter1208@gmail.com
(740) 785-0253

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Thank you.

Sincerely,

Kerry Ramsey
2440 Edgewood Trce
Pepper Pike, OH 44124
kandb82@aol.com
(440) 465-8608

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Thank you.

Sincerely,

Kevin Grady
33460 Cherry St
Avon, OH 44011
kevingrady16@yahoo.com
(440) 937-0300

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Thank you.

Sincerely,

Kimberly Justice
14899 Mount Eaton Rd
Rittman, OH 44270
kimbaswishes@yahoo.com
(330) 577-3256

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Thank you.

Sincerely,

Kirsten Edwards  
1840 Ardleigh Rd  
Columbus, OH 43221  
riversandland@gmail.com  
(575) 779-1717

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Thank you.

Sincerely,

Larry Carr
2860 Dennis Ln
Grove City, OH 43123
lcarr0449@gmail.com
(614) 305-4465

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Thank you.

Sincerely,

Larry Thiedt
PO Box 3
Wapakoneta, OH 45895
tyrral@me.com
(419) 230-8947

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Thank you.

Sincerely,

Laura Colston
603 Wooster Pike
Terrace Park, OH 45174
laura.colston@gmail.com
(513) 675-6124

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Dear Whitney Paterson,

This is 100% inexcusable. Who do you people think that you are? I am not willingly paying you to poison us and the environment...especially so that you can get paid off. We can speak out candidly too. You need to work for the people and not the corporations, wealthy and and powerful.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Lauren Jusek
5102 Maplecrest Ave
Parma, OH 44134
l.jusek@aol.com
(440) 655-6896

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
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Thank you.

Sincerely,

Laurie Schmidt
6793 County Road Ef
Delta, OH 43515
lk6793kl@gmail.com
(321) 654-9873

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Injection wells are leaking near the river already! We do not need more!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Lea Harper
729 Pine Valley Dr
Bowling Green, OH 43402
wewantcleanwater@gmail.com
(419) 450-7041

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Dear Whitney Paterson,

Water is one of our most valuable resources. Injection wells should not be used for waste disposal. This cheap short term solution causes expensive long term problems.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Lewis Modic
9840 Kraft Road
Spencerville, OH 45887
lewjomo@yahoo.com
(419) 230-9304

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Dear Whitney Paterson,

As an old person, I’m very concerned that radioactive waste not leak into any water system. My children, grandchildren and great-grandson’s future depend on decisions that keep the water systems unadulterated.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don’t give the Ohio Department of Natural Resources the authority to levy fines for violations.

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Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Linda Amspaugh
4984 Stillwell Rd
Oxford, OH 45056
amspaula@uc.edu
(512) 756-0202

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Lisa Hughes
9190 Windsor Ct
Loveland, OH 45140
worklife@fuse.net
(513) 677-9448

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Thank you.

Sincerely,

Lisa Rooney
3507 Avignon Pl
Columbus, OH 43221
lrooneyhome@gmail.com
(740) 251-7390

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Thank you.

Sincerely,

Lj Harris
2261 N Star Rd
Columbus, OH 43221
lyoung7g@aol.com
(614) 888-8899

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Thank you.

Sincerely,

Loretta Olsen
9569 State Route 380
Wilmington, OH 45177
theowajda@frontier.com
(937) 488-3791

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Dear Whitney Paterson,

I want clean water, soil and air. Why do we even have these toxic wastes. Why are we fracking when we should be moving to clean energy sources? I am just sick of seeing our earth dying. Because we destroy it!! Protect the health of our earth, and all who inhabit this amazing place. Protect our water!!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Lori Frueauf
533 Canterbury Dr
Kettering, OH 45429
lfrueauf@gmail.com
(937) 297-0870

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Thank you.

Sincerely,

Lorraine Cathala
4750 Elliott Rd
Hilliard, OH 43026
cathalal@yahoo.com
(614) 527-2273

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Dear Whitney Paterson,

Please protect Ohio’s residents and our state itself!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Luann Swartzlander
1319 Carol Dr
Kent, OH 44240
luannswartzlander@gmail.com
(847) 226-1989

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Thank you.

Sincerely,

Lynn Lavezzi
256 Columbus St
Bedford, OH 44146
pigeonl@aol.com
(440) 439-5757

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Dear Whitney Paterson,

It is appalling that the people are not informed of these practices. Nor does there seem to be public access to taking action to stop these practices. Plus that the ODNR is not requiring safeguards or working in the best interests of the people and environment disappointing to say the least. Anyone who knows anything about geology, watersheds and basic science knowledge knows these chemicals will cause irreparable damage to our already toxic planet. Stop this practices!!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Lynn MacArthur
2660 Euclid Heights Blvd Apt 106
Cleveland Heights, OH 44106
2maclin2@gmail.com
(216) 387-7907

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Thank you.

Sincerely,

Lynn Pooley  
2167 Lewis Dr  
Lakewood, OH 44107  
pasleyed2@gmail.com  
(216) 228-5875

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Thank you.

Sincerely,

Madelyn Gratop
3710 Kaiser Ave NE
Canton, OH 44705
g.madelyn@gmail.com
(330) 452-1834

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Maggie Topalian (mtopalian.7@gmail.com) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Friday, November 19, 2021 1:32 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Maggie Topalian
3815 Parkdale Rd
Cleveland Heights, OH 44121
mtopalian.7@gmail.com
(440) 635-0430

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Thank you.

Sincerely,

Marcia Karchmer
8632 Courtland Dr
Strongsville, OH 44149
karchmerm@yahoo.com
(440) 572-1836

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Dear Whitney Paterson,

As a resident of the earth and the state of Ohio, I am shocked to learn Ohio actually spreads radioactive waste onto our roads. This is shockingly irresponsible to all of life and should stop immediately. If we don't do our part to protect the earth, living creatures, and our own lives, there will be no one left to care. Please stop this practice now!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Marcia Morgan
2317 Ziner Cir S
Grove City, OH 43123
mzbeep@hotmail.com
(614) 290-5352

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Thank you.

Sincerely,

Margaret Goederer
6847 Esther Ln
Cincinnati, OH 45243
margaretgoederer@twc.com
(513) 882-3941

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Margaret Maxwell (pegals@fuse.net) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Friday, November 19, 2021 1:11 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

The planet and its people will not survive without clean water. We must stop "advancing" without seeing the ramifications of our actions. It's getting very scary out here.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Margaret Maxwell
9583 Davis Rd
Loveland, OH 45140
pegals@fuse.net
(513) 774-7192

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Dear Whitney Paterson,

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Thank you.

Sincerely,

Maria Wolf
5485 Parkshire Dr
Columbus, OH 43229
maria.wolf@gmail.com
(614) 682-9653

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

I live in Ohio and am really concerned that all kinds of waste is being deposited in our environment—land, air and water! And I am concerned that it is negatively impacting the lives of those with little or no voice. We need STRONG regulations to protect our citizens and our environment.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Marie Smith
7111 Frank Ave NW
North Canton, OH 44720
mes@neo.rr.com
(330) 499-6626

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

As a resident in rural Ohio, Knox County, I understand the concerns with toxic waste materials being injected into our grounds, contaminating private drinking water and water sources for farm animals and wildlife. The 100-foot rule would be much too close to the water needs of rural people! Please reconsider!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Marilyn Kolar
20450 Crooked Rd
Butler, OH 44822
mdkolar@yahoo.com
(740) 694-1230

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Health and safety should be your FIRST priority!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act's minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Marilyn Mongeon Quill
28263 Center Ridge Rd Apt E12
Westlake, OH 44145
goldquill2@att.net
(440) 899-9394

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

I live near the Cuyahoga River, and I remember when it caught fire. Now the valley is a jewel. Your responsibility to the public is to protect Ohio’s land and citizens from degradation and danger. It’s to prevent the kind of costly mistakes that took decades and billions of dollars to repair. Please craft meaningful regulation that respect Ohioans and our land.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Marion Black
642 Mardon Ave
Akron, OH 44303
marionpaper@gmail.com
(619) 750-1040

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

I think we should not be destroying the planet our children will inherit from us. Who are these fossil fuel people for whom the lives of others have no part in their profit picture?

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Maris Keller
1767 Balsamridge Rd
Columbus, OH 43229
marismk@aol.com
(614) 890-8219
Dear Whitney Paterson,

Please protect people who live near injection sites from waste water.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Marjorie Schaim
890 N Hill Ln
Cincinnati, OH 45224
nangracia@aol.com
(513) 931-2116

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Dear Whitney Paterson,

It's all about the present and future of our planet and children's children!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Mark Kapec
29106 Edgewood Dr
Willowick, OH 44095
wolfrsq@gmail.com
(440) 944-5383

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Thank you.

Sincerely,

Mark Mcvay
1485 Sportsman Club Rd
Newark, OH 43055
mkmcvay@mac.com
(740) 877-9995

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Dear Whitney Paterson,

As I live near the Dayton Airport, my well is now contaminated with PFAS from deicing runoff. And Montgomery County has notified us that the aquifer is contaminated with salt from road salting. I run all water through several filters. I don't think there are ANY filters that will screen out what injection wells will put in!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Marlene Borton
10984 Frederick Pike
Vandalia, OH 45377
rborton@woh.rr.com
(937) 604-0717

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Dear Whitney Paterson,

I'm tired of being poisoned by those who are supposed to protect me. Stop working for big business and work for the people who put you where you are.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Mary Camele
111 Whispering Knolls Ct
Loveland, OH 45140
m_e_camele@yahoo.com
(513) 683-0010

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

It’s time to do the right thing. It’s time to protect the health of all US citizens, not just the wealthy.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Mary Laflin
221 Baldwin Ave
Bowling Green, OH 43402
mlaflin@bgsu.edu
(419) 352-0915

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Thank you.

Sincerely,

Mary Mason
2035 Harcourt Estates Dr
Cincinnati, OH 45244
frogkitty@cinci.rr.com
(513) 555-1212

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Thank you.

Sincerely,

Maryellen Fargey
4143 Meadowsweet Dr
Dayton, OH 45424
mfargey@aol.com
(937) 235-0342

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Thank you.

Sincerely,

Marylois Hilton
204 Condo Ct
Lebanon, OH 45036
maryloishilton@gmail.com
(513) 934-5211

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Thank you.

Sincerely,

Matthew Wolff
3471 Doris Rd
Cleveland, OH 44111
wolffmattj@gmail.com
(216) 476-9640

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Thank you.

Sincerely,

Meg Hanrahan
7459 Camargo Rd
Cincinnati, OH 45243
megrahan@gmail.com
(513) 561-8045

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Thank you.

Sincerely,

Megan Gonzalez
4835 Stemen Rd NW
Baltimore, OH 43105
meganlgonzalez30@gmail.com
(614) 282-9763

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Michael Gates (mleftygates@aol.com) Sent You a Personal Message
Sent: <kwautomail@phone2action.com>
Sent: Friday, November 19, 2021 9:15 AM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

Please do all you can to STOP radioactive Waste's from Getting into OHIO's WATER!....ACT NOW! I'm requesting, Thanks, Mike Gates Akron, OH.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Michael Gates
214 Merriman Rd Apt 1
Akron, OH 44303
mleftygates@aol.com
(330) 762-2610

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Michael Surgeon (irishyugo@gmail.com) Sent You a Personal Message
      <kwautomail@phone2action.com>
Sent: Friday, November 19, 2021 8:39 AM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

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Thank you.

Sincerely,

Michael Surgeon
2129 Culver Ave
Kettering, OH 45420
irishyugo@gmail.com
(217) 766-5662

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

It's bad enough that toxic oil leakage is a problem at all, but it's even worse that lower income communities bear the brunt of the negative effects! I have traveled all over the country, and I have noticed numerous differences in taste of "tap" water across the nation. I am horrified that the possibility of water not only tasting bad, but being a threat to public health is so very real. Please look into tightening the loose "restrictions" on toxin disposal. If not for ourselves, then for our fellow Ohioan neighbors and their children.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Michelle Yurick
11768 Valley View Rd
Northfield, OH 44067
magsbluechic@aol.com
(440) 845-4751

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Thank you.

Sincerely,

Mimi Tucky
33 Tarpys Ln
Delaware, OH 43015
mimitucky@gmail.com
(740) 707-9639

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Dear Whitney Paterson,

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The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don't give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

Nan Brunskill
6477 Chablis Dr
Liberty Twp, OH 45011
nmpb85@aol.com
(513) 615-0093

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

If you would not put an injection well near your own home, you should not be putting one next to someone else's. Poison is poison for both of you.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Nancy Dawley
7497 Hosbrook Rd
Cincinnati, OH 45243
ndawley@msn.com
(513) 936-8933

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Protect our water wells and waterways from fracking waste. Strengthen protections and enforcement. People deserve a healthy environment and regulators/agencies whose actions are transparent and beneficial to humans and Mother Earth!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Nancy Linscott
10870 Marcy Rd
Canal Winchester, OH 43110
nvlinscott@aol.com
(614) 833-0620

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Safe, clean drinking water is everyone's right. In a climate-challenged future, one of Ohio's greatest assets is the availability of clean water. I urge the Committees to put the health and safety of our citizens at the forefront of any disposal well requirements.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Nancy Smith
16630 Anderson Ct
Chagrin Falls, OH 44023
nancykingsmith@mac.com
(216) 496-3543

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Would you want this 100 feet from YOUR house or neighborhood???? Protect ALL Ohioans...not just the rich!!!!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Nancy Winans
3554 US Highway 52
Stout, OH 45684
nanabookworm24@yahoo.com
(614) 830-0570

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Nathan Hetrick
1279 Westlake Ave
Lakewood, OH 44107
hetricknathan@hotmail.com
(320) 309-8806

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Contaminated fracking wastewater is fouling WAY to many water tables in Ohio!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Neal Crandall
2779 W Jackson Rd
Springfield, OH 45502
nealcran@erinet.com
(937) 323-3793

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
November 24, 2021

Dear Mr. Vendel,

I am writing to express my concern about the current draft for oil and gas injection and facility rules that have been submitted to JCARR for review. These rules do not adequately protect Ohioans from the hazards of radioactive oil & gas waste. We understand that several groups and individuals have submitted their concerns regarding these rules and hardly any of them have been considered. This is unacceptable and we demand that these rules be rescinded from JCARR and that the public comments and concerns be probably addressed and considered. The rules can then be resubmitted for next year. Thank you for your consideration of this matter.

Sincerely,

Tom and Ann Rattine
St. Clairsville, Ohio
740-391-2847
Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Nikki Bango
26 Rock Creek Dr
Delaware, OH 43015
nikkib5275@sbcglobal.net
(614) 222-2222

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Noah Fagello
648 Pamlico St
Columbus, OH 43228
060127@swcsd.us
(614) 394-3049

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Please put the health and safety of people ahead of profits and pollution!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act's minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Noreen Harder Print
5872 Lakeview Dr
Hilliard, OH 43026
nharderprint@gmail.com
(614) 800-5669

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Whitney Paterson

From: Oscar Long (rossolong@icloud.com) Sent You a Personal Message
<kwautomail@phone2action.com>
Sent: Friday, November 19, 2021 4:15 PM
To: Whitney Paterson
Subject: Class II Disposal Wells Comments

Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Oscar Long
854 Covered Bridge Dr
Delaware, OH 43015
rossolong@icloud.com
(740) 816-4400

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

A healthy environment is the fundamental aspect of life on Earth. We must protect it.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Pam Pendleton
4905 Long Acres Dr
Cincinnati, OH 45245
pam11@twc.com
(513) 356-4659

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Pat Fair
1779 Old 122 Rd
Lebanon, OH 45036
jpfair@embarqmail.com
(513) 405-3728

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Thank you.

Sincerely,

Pat Ferrara
19333 Van Aken Blvd Apt 303
Shaker Heights, OH 44122
patferrara1@gmail.com
(216) 862-9825

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

I wish that my grandchildren have a safe place to live. Good drinking water is a part of that safe place! Stop the pollution.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Patricia Dion
22865 S Greystone Dr
Strongsville, OH 44149
pbdion06@yahoo.com
(440) 212-4275

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
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Thank you.

Sincerely,

Patricia Solomon
13800 Shaker Blvd Apt 1106
Cleveland, OH 44120
sol15write@gmail.com
(216) 932-7808

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Patricia Voydanoff
6445 Far Hills Ave Apt 1006
Dayton, OH 45459
patvoydanoff@gmail.com
(937) 428-7640

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Patrick Mccullough
9970 Beech Dr
Cincinnati, OH 45231
pmccullough1@cinci.rr.com
(513) 772-3934

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

Let's clean up everything now.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Patty Sheehan
1778 Northampton Rd
Akron, OH 44313
pattythepainter@gmail.com
(575) 751-0757

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

How is anybody going to restore radioactive water? Once radioactive, water will always be radioactive and it will flow down stream and increase the amount of waste. You know the science so why even consider it.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Paul Helbling
T606 State Route 109
Liberty Center, OH 43532
kandpinohio@embarqmail.com
(419) 265-1965

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

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Thank you.

Sincerely,

Paula Stambaugh
PO BOX 52
Donnelsville, OH 45319
pandemonia5508@yahoo.com
(937) 543-7643

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Dear Whitney Paterson,

Please understand, my focus is on the health of all people around the injection wells. You are essentially exposing people to radioactivity and exposing them to radiation and PFAOS used to break up shale. I am so concerned about the health of this nation when we expose our populations to known carcinogens.

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Thank you.

Sincerely,

Peggy Berry
74 W Whipp Rd
Dayton, OH 45459
paberryrn@msn.com
(937) 304-4922

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Thank you.

Sincerely,

Peggy Fugate
6685 Stillwell Beckett Rd
Oxford, OH 45056
westernbabe001@aol.com
(513) 523-3449

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Dear Whitney Paterson,

I have sarcoidosis in my lungs from having grown up in polluted areas of Ohio.

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Thank you.

Sincerely,

Phyllis Lackey
3561 Springlake Cir
Loveland, OH 45140
plackey7@gmail.com
(513) 722-2525

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Thank you.

Sincerely,

Ray Hemeyer
4120 Canterbury Dr
Brunswick, OH 44212
rayhemeyer@roadrunner.com
(330) 225-9453

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Dear Whitney Paterson,

If we continue to contaminate the waters of Ohio state, who will be able to live here in the future?

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Raymond Ford
13119 Carter Rd
Painesville, OH 44077
rlford51@hotmail.com
(440) 254-4486

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Thank you.

Sincerely,

Rebecca Bralek
6001 Center St
Peninsula, OH 44264
beckblaze9@gmail.com
(330) 603-3642

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Dear Whitney Paterson,

The half life of some radioactive materials is hundreds of years. Ground and water can be contaminated for generations. Allowing this is self-destructive and just plain stupid.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Rebecca Sawyer
1314 Forest Glen Dr
Cuyahoga Fls, OH 44221
tardis_2_us@yahoo.com
(330) 920-1397

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Thank you.

Sincerely,

Rebecca Stringer
2415 Northwest Blvd
Columbus, OH 43221
bsbkcats@gmail.com
(614) 805-0243

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Thank you.

Sincerely,

Rebekah Colours
1520 Sherbrook Rd
South Euclid, OH 44121
rebekahcolours@gmail.com
(216) 413-2012

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Dear Whitney Paterson,

No person deserves to be near radioactive waste, and no person need fear of ingestion or proximity to these waste sites.

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Thank you.

Sincerely,

Reed Oliver
6200 S Clippinger Dr
Cincinnati, OH 45243
bjo-ih@cinci.rr.com
(513) 271-5169

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Dear Whitney Paterson,

Rural Ohioans need to have their drinking water protected. This is a fundamental government responsibility. Proper rules must to established. The 100 foot set back rule does not provide that protection. Stronger protections are needed. I call on you to act responsibly to protect Ohio citizens, particularly poor rural.

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Thank you.

Sincerely,

Reginald Dyck
3327 Bishop St
Cincinnati, OH 45220
rdyck@capital.edu
(614) 251-0216

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Thank you.

Sincerely,

Renee Bogue
204 Willow Ave NE
Massillon, OH 44646
boguerrl@gmail.com
(330) 833-7753

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Dear Whitney Paterson,

One gallon of oil products can pollute thousands of gallons of water.

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Thank you.

Sincerely,

Rick Turner
818 Summit St
Kenton, OH 43326
wolftree21@gmail.com
(419) 679-1102

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Sincerely,

Rita Lethert
606 Hillcrest Dr
Fairborn, OH 45324
ralethert@aol.com
(937) 405-5663

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Thank you.

Sincerely,

Rob Hoeffler
4649 W 227th St
Fairview Park, OH 44126
robhoeffler@gmail.com
(440) 779-4315

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Thank you.

Sincerely,

Robert and Jane Leach
280 Briarcliff Rd
Dayton, OH 45415
robert_j_leach@yahoo.com
(937) 275-9915

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Thank you.

Sincerely,

Robert Kirsch
30207 Fern Dr
Willowick, OH 44095
bobk371966@hotmail.com
(440) 339-1040

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Sincerely,

Robert Larson
8786 Edgeridge Dr
West Chester, OH 45069
bobguitar@msn.com
(513) 484-7781

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Sincerely,

Robert Sherding
8202 Grey Abby Ct
Dublin, OH 43017
sherding.1@osu.edu
(614) 602-7768

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The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act’s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

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Thank you.

Sincerely,

Robin Jung Brown
116 Chapin Pl
Granville, OH 43023
browngjr@icloud.com
(740) 587-7882
Dear Whitney Paterson,

Families that live near these wells, mostly low income, do not be subjected to dangers just because they have no other choice to live. Strong rules will help these people have a healthier life and help protect the environment.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Roger Bau
9636 Lakeshore Dr E
Huntsville, OH 43324
rogerbau45@live.com
(937) 842-4902

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Thank you.

Sincerely,

Ronald Kucynski
956 Raintree Ln
Maineville, OH 45039
rkucynski@gmail.com
(937) 545-2309

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Dear Whitney Paterson,

Because I believe we should always err on the side of caution.

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Thank you.

Sincerely,

Ronald Seaman
313 Bridgeport Trl
Richmond Heights, OH 44143
ron.seaman@hotmail.com
(216) 795-5812

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Thank you.

Sincerely,

Russell Goldner
796 Ravenhill Rd
Sagamore Hills, OH 44067
bonniegoldner@gmail.com
(330) 468-1813

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Dear Whitney Paterson,

Low-income rural communities throughout Ohio have been living with leaking injection wells and spills -- in and around the facilities -- for over a decade. It's time to put a stop to it!!!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

S. Fixler
5 E Long St
Columbus, OH 43215
ecoscapes411@gmail.com
(614) 224-1941

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Thank you.

Sincerely,

Sally Newman
538 Deer Path Ln
Northfield, OH 44067
angelfish1@roadrunner.com
(440) 220-2245

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Thank you.

Sincerely,

Sandie Myers
60033 N Koci Rd
Bellaire, OH 43906
slmyers686@gmail.com
(740) 238-8211

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Dear Whitney Paterson,

All life needs clean water. This starts with not polluting it in the first place. Clean up is always more expensive than prevention. JUST DO IT.

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Sandra Cobb
3880 Ellendale Rd
Moreland Hills, OH 44022
smcobb@beechmere.com
(440) 247-4392

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Thank you.

Sincerely,

Sandra Lofton
4783 Big Walnutview Ct
Columbus, OH 43230
smlofton54@gmail.com
(614) 397-5484

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Dear Whitney Paterson,

I kayak the Ohio River and all of Cincinnati and many other communities drink from this Big Wonderful River. We must protect our River from polluters...

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Sandy Wood
6147 Webbland Pl
Cincinnati, OH 45213
woodlets@fuse.net
(543) 731-9808

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Thank you.

Sincerely,

Saralynne Thoresen
1432 Pullan Ave
Cincinnati, OH 45223
olive@e-burwinkel.net
(513) 542-6085

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Thank you.

Sincerely,

Sean Morgan
2130 East Pike
Zanesville, OH 43701
brazen_golem@yahoo.com
(740) 704-7980

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Dear Whitney Paterson,

Low-income residents don’t live far from many of these injection wells and are at the constant mercy of leaks into our community grounds and waterways. Gas leaks pose a significant threat to our drinking water, especially water dependent on groundwater wells.

If this seems like a bad idea, you are on the right track. Low-income rural communities throughout Ohio have been living with leaking injection wells and spills — in and around the facilities — for over a decade. It’s time to put a stop to it!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Thank you.

Sincerely,

Shahin Afnan
233 Miles Rd
Chagrin Falls, OH 44022
afnanshahin900@gmail.com
(216) 407-4519

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Thank you.

Sincerely,

Shaokang Yuan
2584 Prendergast Pl
Reynoldsburg, OH 43068
gatesgoogle@yahoo.com
(412) 482-0796

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Thank you.

Sincerely,

Sharen Oxman
3529 Secor Rd Apt 226
Toledo, OH 43606
shack694@gmail.com
(251) 424-7925

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Thank you.

Sincerely,

Sharon Hawkins
3276 Oakwood Dr
Cuyahoga Falls, OH 44221
shahawks@hotmail.com
(234) 206-0209

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Thank you.

Sincerely,

Shirley Eads
24 Damon Rd
Cincinnati, OH 45218
jefshirl2@aol.com
(513) 742-8963

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Thank you.

Sincerely,

Stephen Farmer
369 Dutch Ridge Rd
Portsmouth, OH 45662
spfarmer@roadrunner.com
(740) 250-9975

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Dear Whitney Paterson,

Clean drinking water is a necessity.

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Thank you.

Sincerely,

Stephanie Racicki
6382 Birchdale Ct
Cincinnati, OH 45230
stephrac1@gmail.com
(216) 536-4618

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Thank you.

Sincerely,

Stephanie Sepate
3959 Glenmore Ave
Cincinnati, OH 45211
sepates@yahoo.com
(513) 702-9053

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
Dear Whitney Paterson,

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Thank you.

Sincerely,

Steve Lederer
51 N Highland Ave
Akron, OH 44303
slederer1@gmail.com
(330) 752-3029

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Thank you.

Sincerely,

Steve Perakis
963 E Lincoln Ave
Columbus, OH 43229
steveperakis@gmail.com
(614) 284-9990

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Thank you.

Sincerely,

Steven Daskal
2258 Orchard Way
Beachwood, OH 44122
sdaskal33@gmail.com
(216) 450-1630

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Thank you.

Sincerely,

Stewart Hinze
3524 Corey Rd
Toledo, OH 43615
stuhinze@mac.com
(812) 824-7978

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Thank you.

Sincerely,

Susan Thurairatnam
6097 Park Ridge Dr
North Olmsted, OH 44070
suz10250@aol.com
(440) 385-7659

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Thank you.

Sincerely,

Teri Fowler
4795 Creek View Ct
Powell, OH 43065
jwwts1028@gmail.com
(612) 416-0362

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Dear Whitney Paterson,

We need stronger protections not less protections. The proposal being made especially with the 100 feet distance is so dangerous to our people and the environment. Injection wells are just an accident waiting to happen - they are not safe. Please protect us!

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Thank you.

Sincerely,

Therese Telzrow
1203 Ethel Ave
Lakewood, OH 44107
therese.telzrow@icloud.com
(216) 226-6013

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Thank you.

Sincerely,

Thomas Cope
300 Canterbury Ln Apt C
Medina, OH 44256
chimpanzo@aol.com
(555) 555-5555

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Thank you.

Sincerely,

Thomas Warner
4443 Brazee St
Cincinnati, OH 45209
tom@trw-architect.com
(513) 373-2339

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Sincerely,

Tory Morgan
5684 Crestview Dr
Fairfield, OH 45014
torybeth@gmail.com
(513) 874-3615

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Dear Whitney Paterson,

Are you kidding me? Of course we need to stop radioactive waste from leaking into OHIO's WATER!!

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Thank you.

Sincerely,

Victoria Copley
191 Deepwood Dr
Wadsworth, OH 44281
copley.victoria@yahoo.com
(330) 598-1793

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Sincerely,

Victoria Eckhart
162 S Hartford Ave
Centerburg, OH 43011
v_eckhart@hotmail.com
(740) 507-9472

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Thank you.

Sincerely,

Vivian Barro
249 Cambridge Ave
Elyria, OH 44035
viviancb1@hotmail.com
(305) 962-7646

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Sincerely,

W B Clapham
PO Box 335
Middlefield, OH 44062
schmutzi@protonmail.com
(216) 744-2797

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Sincerely,

Warren Whitaker
104 Caitlin Dr
Chillicothe, OH 45601
evoeco@roadrunner.com
(740) 998-9118

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Sincerely,

Wendy Brueder
2603 S Belvoir Blvd
University Heights, OH 44118
bruederism@sbcglobal.net
(216) 920-2582

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Sincerely,

Will Volck
2204 Vine St
Cincinnati, OH 45219
kaibab@zoomtown.com
(513) 241-3252

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Sincerely,

William Cannon
28 W Lincoln Ave
Delaware, OH 43015
wncjr@hotmail.com
(740) 363-4419

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Sincerely,

W F
7942 venice heights
Warren, OH 44484
WilliamForeman91@yahoo.com
(234) 600-2544

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Dear Whitney Paterson,

Please do the right thing for the citizens of this beautiful state and not out-of-state big business. You represent us, not big business that wants to pollute. You wouldn't want these wells in or near your yard, please don't put them near ours!!!

We request that ODNR and JCARR Committee members go back to the drawing board with the intent to strengthen these draft rules for the health and safety of people, drinking water, and the environment.

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Sincerely,

William Haberlandt
3577 E Salinas Cir
Dayton, OH 45440
bhaberland@hotmail.com
(937) 848-0059

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Dear Whitney Paterson,

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The legislative intent of 1509.22 is to make rules that carry out the requirements of the Safe Drinking Water Act. These draft class II disposal well rules do not meet those minimum requirements. They fail to meet the Safe Drinking Water Act?s minimum requirements for enforceability, public participation, and addressing environmental justice concerns.

These draft rules also fail to create regulations that provide strong enforcement mechanisms and don't give the Ohio Department of Natural Resources the authority to levy fines for violations.

It would also expense taxpayers the cost of cleanup and closure facilities by not requiring sufficient bonding and financial assurances to cover these costs in their fiscal analysis.

Your agency failed to provide any environmental justice review for class II wells.

Furthermore, it does not provide any public participation or public notice for the permit to inject. This is the only portion of the injection well permitting process that could be appealed. However, given there is no public notice, appeals are impossible. The only way to know if a permit to inject has been issued is to request that information directly from the ODNR, weekly.

Thank you.

Sincerely,

William Jackson
382 High St
Sunbury, OH 43074
bj2614@hotmail.com
(740) 602-0884

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at core.help@sierraclub.org or (415) 977-5500.
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Sincerely,

William Montgomery
374 N Erie Beach Rd
Lakeside Marblehead, OH 43440
billmontgomery1@gmail.com
(740) 815-1014

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Sincerely,

William Russell
99 Indian Springs Dr
Columbus, OH 43214
wcruss@gmail.com
(248) 227-6629

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Thank you.

Sincerely,

William Stiver
9002 Daly Rd
Cincinnati, OH 45231
billstiver@zoomtown.com
(513) 931-8437

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