

**BEFORE THE
OIL & GAS COMMISSION**

ENVIRONMENTAL MANAGEMENT
SPECIALISTS, INC.,

Appellant,

-vs-

DIVISION OF OIL & GAS RESOURCES
MANAGEMENT,

Appellee.

Appeal No. 934

Review of Preliminary Chief's Order
2016-334

**ORDER OF THE
COMMISSION DISMISSING
APPEAL**


Appearances: Jim Gress, on behalf of Appellant Environmental Management Specialists, Inc.; Daniel Martin, Assistant Attorneys General, Counsel for Appellee Division of Oil & Gas Resources Management.

Upon Notice of Voluntary Withdrawal filed by Appellant, and pursuant to Commission Rule §1509-1-22(E), the Commission hereby **DISMISSES** appeal #934.

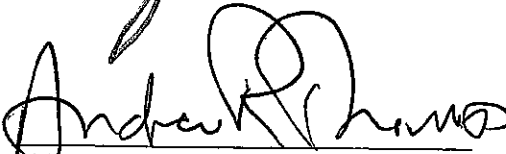
Date Issued:

10/28/2016


ROBERT C. SMITH, Chairman


J. BRANDON DAVIS, Vice Chairman

DONALD L. MASON


ANDREW R. THOMAS


BLAKE T. ARTHUR

DISTRIBUTION:

Jim Gress, Via Regular Mail & E-Mail [jgress@emsonsite.com]
Daniel Martin, Via Inter-Office Mail & E-Mail [daniel.martin@ohioattorneygeneral.gov]

Osterman, Linda

From: Jim Gress <jgress@emsonsite.com>
Sent: Wednesday, October 19, 2016 3:46 PM
To: Osterman, Linda
Cc: Bill Dennis; Sam Canter
Subject: FW: Chief's Preliminary Order No. 2016-334 concerning suspension of Brine Hauling Certificate No. 25-637
Attachments: 2016 334 Environmental Mangement Specialist, Inc. Termination of Chief's....pdf

Linda:

Thanks for your help this afternoon in clarifying the appeal hearing process. As we discussed, Environmental Management Specialists, Inc. ("EMS") hereby withdraws our request for an informal hearing concerning Preliminary Chief's Order No. 2016-334 because the Division of Oil & Gas Resources Management has terminated the Preliminary Order. I've attached a copy of the letter from the Division of Oil & Gas Resources Management concerning the termination. Please call or send email if you need additional information or correspondence in order to process this request to withdraw our previous request for an informal appeal hearing.

Thank you for your prompt attention to this matter.

ENVIRONMENTAL MANAGEMENT SPECIALIST, INC.
Jim Gress



Work Safely, Every Job, Every Day

Jim Gress | EMS, Inc.
Vice President - Environment, Health & Safety
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Cleveland | Columbus | Cincinnati | Indianapolis | Steubenville | Toledo | Zanesville

Follow EMS on: www.EMSONSITE.COM | [LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

From: Jennifer.Gingras@dnr.state.oh.us [mailto:Jennifer.Gingras@dnr.state.oh.us]
Sent: Tuesday, October 18, 2016 9:31 AM
To: Jim Gress <jgress@emsonsite.com>
Subject: RE: Chief's Preliminary Order No. 2016-334 concerning suspension of Brine Hauling Certificate No. 25-637

See attached for a copy of the termination letter.

Jennifer Gingras
Ohio Department of Natural Resources
Div. of Oil & Gas Resources Management
UIC Section Program Administrator

2045 Morse Road Bldg. F-2
Columbus, OH 43229
4-267-6923

From: Jim Gress [<mailto:jgress@emsonsite.com>]
Sent: Tuesday, October 18, 2016 8:52 AM
To: Gingras, Jennifer
Subject: RE: Chief's Preliminary Order No. 2016-334 concerning suspension of Brine Hauling Certificate No. 25-637

Ms. Gingras:

Thanks for your help with this. We'll watch for the letter confirming termination of the order. In the meantime, do we need to send a letter to withdraw our request for an informal hearing – or will that resolve itself when the order is terminated?

Thanks again.

Jim Gress



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Jim Gress | EMS, Inc.
Vice President - Environment, Health & Safety
direct: 440.783.8837 | ext. 21163 | jgress@EMSONSITE.COM
Cleveland | Columbus | Cincinnati | Indianapolis | Steubenville | Toledo | Zanesville

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From: Jennifer.Gingras@dnr.state.oh.us [<mailto:Jennifer.Gingras@dnr.state.oh.us>]
Sent: Monday, October 17, 2016 10:35 AM
To: Jim Gress <jgress@emsonsite.com>
Subject: RE: Chief's Preliminary Order No. 2016-334 concerning suspension of Brine Hauling Certificate No. 25-637

Good morning a termination letter for Chief's Order 2016-334 has been sent to the chief for signature. I will email you a copy once signed along with a hard copy in the mail.

Jennifer Gingras
Ohio Department of Natural Resources
Div. of Oil & Gas Resources Management
UIC Section Program Administrator

2045 Morse Road Bldg. F-2
Columbus, OH 43229
614-265-6923

From: Jim Gress [<mailto:jgress@emsonsite.com>]
Sent: Wednesday, October 05, 2016 10:43 AM
To: Gingras, Jennifer
Cc: Bill Dennis; Tim Acri
Subject: Chief's Preliminary Order No. 2016-334 concerning suspension of Brine Hauling Certificate No. 25-637

Ms. Gingras:

I left you a voicemail yesterday afternoon, and am sending this email as follow-up. Please refer to the attached documents. We received the attached Chief's Preliminary Order No. 2016-334 concerning suspension of our Brine

Hauling Certificate No. 25-637 due to failure to maintain insurance. We hold that the preliminary order is unwarranted because our insurance company forwarded an appropriate Certificate of Insurance (COI) to ODNR at the certificate holder's address on the COI when our insurance renewed earlier this year. Our insurance renews on April 27th each year and the insurance company mailed the COI on April 25, 2016. Perhaps that COI didn't make it into the right files at ODNR, but there has been no lapse in our insurance coverage.

We have suspended our transportation of brine – in fact there has been little demand for that service for quite some time. However, rather than going through the formal appeal process, we think it is appropriate to expedite restoration of our hauling authority through this re-submittal of insurance documentation and ask that the Chief's Preliminary Order and notice of violation be immediately vacated or withdrawn.

Please send email or call me if you have questions or need additional information.

Thank you for your prompt attention to this matter.

Jim Gress

ENVIRONMENTAL MANAGEMENT SPECIALISTS, INC.



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Jim Gress | EMS, Inc.

Vice President - Environment, Health & Safety

direct: 440.783.8837 | ext. 21163 | jgress@EMSonsite.com

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Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

October 17, 2016

Richard J. Simmers, Chief
Division of Oil and Gas Resources Management
2045 Morse Road, Building F-2
Columbus, OH 43229-6693
Phone: (614) 265-6922 Fax: (614) 265-6910

Environmental Management Specialists, Inc.
2055 Grief Rd.
Zanesville, OH 43701

RE: Termination of Chief's Order No. 2016-334

To whom it may concern,

On September 21, 2016, the Division of Oil and Gas Resources Management ("Division") issued Chief's Order No. 2016-334 to Environmental Management Specialists, Inc., holder of brine hauler registration certificate #25-637, in which the Division found that Environmental Management Specialists, Inc. had committed a material and substantial violation for failure to submit updated brine hauler insurance. Chief's Order No. 2016-334 immediately suspended Environmental Management Specialists, Inc.'s brine hauling operations in the State of Ohio and required Environmental Management Specialists, Inc. to submit to the Division an updated insurance certificate within thirty days of receipt of the Order.

On October 5, 2016, the Division received the updated insurance certificate from Environmental Management Specialists, Inc. Therefore, the Division finds Environmental Management Specialists, Inc. is in compliance with Chief's Order 2016-334, and the order is terminated by this letter.

If you have any questions, please feel free to contact Jennifer Gingras at (614) 265-6923

Sincerely, *Scott R. Kell for*
Richard J. Simmers

Richard J. Simmers, Chief
Division of Oil and Resources Management
Ohio Department of Natural Resources
2045 Morse Road, Building F-2
Columbus, Ohio 43229

CERTIFIED MAIL NO. 91 7199 9991 7037 2433 0377
Enclosures: Chief's Order 2016-334

cc: UIC Surety File
Legal File