

BEFORE THE OIL AND GAS BOARD OF REVIEW  
DEPARTMENT OF NATURAL RESOURCES, STATE OF OHIO

EDWARD E. ATHA  
475 Richard Ave,  
P.O. Box 567  
Athens, Ohio 45701

APPEAL NO. 216

Appellant

vs

RENEE J. HOUSER, CHIEF  
Division of Oil and Gas  
Ohio Department of Natural Resources  
Fountain Square, Columbus  
Ohio 43224

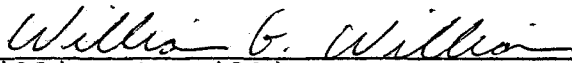
Apellee

Appearances:

For Appellant: Mr. John Atha  
P.O. Box 567  
Athens, Ohio  
45701

For Apellee: Anthony J. Celebrezze, Jr  
Attorney General  
By: Edda S. Post  
Assist. Attorney General  
Fountain Square, Columbus  
Ohio 43224

CERTIFIED TRUE AND CORRECT COPY

  
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William G. Williams, Secretary  
Ohio Oil and Gas Board of Review

## ENTRY

This matter came on for hearing before the Oil and Gas Board of Review on April 28, 1987 at Fountain Square, Building E, Columbus, Ohio pursuant to a Notice of Appeal filed November 10, 1986 by the Appellant. The appeal was taken from Adjudication Order No. 86-347 issued by the Chief, Division of Oil and Gas to the Appellee and to Bristol Productions, Inc., 59 North 7th Street, McConnelsville, Ohio 43756, the owner of the No. 1 Sams Well (P-1870) located in Rome Township, Athens County, Ohio.

The appeal was heard by the testimony and exhibits presented to the Board by the Appellant's representative, Mr. John Atha, and by the Appellee.

The findings of the Chief in Order 85-347 related to the ownership of the #1 Sams well, the use of the well for annular disposal and contamination of the well site area by brine leakage.

## BACKGROUND

By testimony and stipulation, it was determined that the Appellant was in compliance with that portion of the Chief's Order 86-347 which related to the use of the No. 1 Sams well for annular disposal. Furthermore, the Appellant did not dispute the finding of the Chief that Bristol Productions, Inc. was the owner of the well and that Edward E. Atha was the operator. Consequently, the remaining portion of the Order left for appeal related to the finding that brine was saturating the land surface around the well head and extending from the well and the order by the Chief that the brine and contaminated soils be removed and that restoration be performed.

## ISSUES

The issue before the Board was whether the Chief's Order No. 86-345 was lawful and reasonable in finding brine spillage and contamination in and around the Sams No. 1 well site and in ordering the Appellant to remove standing brine, all contaminated soils and to perform restoration to contaminated areas to prevent substantial erosion and sedimentation?

### FINDINGS OF FACT

Based on the testimony, evidence presented and exhibits the Board finds as follows:

1. There is a drilling pit still open at the Sams No. 1 well.
2. Brine from the well is draining into the drilling pit sufficient to raise the chloride content substantially above the drinking water standard, that is, to 8,100 ppm.
3. Soils around the pit are also contaminated with brine and have chloride contents up to 4,000 mg/kg.
4. Some damage has been done to the natural vegetation surrounding the well site and the drilling pit.
5. The restoration of the site is required, inter alia, under ORC 1509.22.
6. No background soil samples were taken to provide a local standard for background chloride content in these soils developed on Permian or Upper Pennsylvanian strata.
7. Given the lack of comparison, background or standard for the natural soil chlorinity or salinity, the order (C) 2, to wit:  
"Remove and properly dispose of all contaminated soils"  
is overbroad.

CONCLUSIONS OF LAW AND ORDER

Based on the Findings of Fact set forth herein and the applicable law, the Board finds that Adjudication Order 85-347 issued by the Chief of the Division of Oil and Gas is lawful and reasonable, but that the remedy ordered may be overly broad because of the lack of background samples.

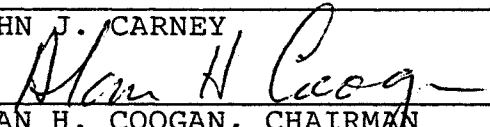
The Board ORDERS that Adjudication Order 86-347 be and hereby is AFFIRMED, except for the (C) 2, and the Board further orders that a plan of restoration be developed for the cleanup of this site and submitted to the Board within 30 days, provided however, that if the plan so developed is agreed to by the Appellant, the Board need only be notified of said agreement and the plan need not be submitted to the Board.

This Order is effective this 30th day of April, 1987.

OIL AND GAS BOARD OF REVIEW

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ROBERT H. ALEXANDER

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JOHN J. CARNEY

  
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ALAN H. COOGAN, CHAIRMAN

  
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WILLIAM G. WILLIAMS, SECRETARY

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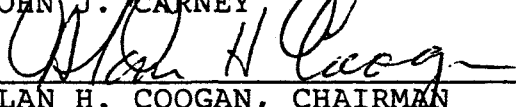
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