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Reporters: The following statement can be attributed to Ohio EPA Director Scott Nally.

ERAC Upholds Ohio EPA Permit Issuance to City of Warren and Patriot

The July 3, 2012, Environmental Review Appeals Commission's (ERAC) decision upheld the State's issuance of Patriot's 2010 Permit to install and the City of Warren's 2012 NPDES permit, with one exception. That exception was a clause identified as Part II, Section BB, which was nothing more than a restatement of another law that applies to the disposal of brine from oil and gas drilling. Striking this provision does not substantively change the permits as issued to Patriot or the City, nor does it change the fact that their permits do not authorize the disposal of treated or untreated brine in any way that is not approved by the Ohio Department of Natural Resources (ODNR) Chief of the Division of Oil and Gas Resources Management in accordance with Revised Code 1509.22.

Patriot has always been able to and can continue to pre-treat industrial and brine wastewater; they just cannot send the brine to the City of Warren's wastewater treatment plant for disposal.

Ohio EPA agrees with the Commission that the authorization and approval of oil and gas related brine management is at the discretion of ODNR's Chief of the Division of Oil and Gas Resources Management.

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