



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

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

## **ORDER BY THE CHIEF**

January 3, 2014

**ORDER NO. 2014-06**

**TO: CNX Gas Company, LLC  
1000 Consol Energy Drive  
Canonsburg, PA 15317**

**RE: Cowgill Centralized Impoundment Facility**

**SUBJECT: Temporary Authorization to Operate Facility Pursuant to R.C. 1509.22**

Pursuant to Ohio Revised Code Section 1509.22, the Chief of the Division of Oil and Gas Resources Management (“Chief” or “Division”) issues the following Order:

### **BACKGROUND:**

- (1) CNX Gas Company, LLC (“CNX”) operates the Cowgill Centralized Impoundment facility (“Cowgill Impoundment”) located at Cowgill Road, Marion Township, Noble County, Ohio (lat./long. of entrance: 39 49’ 15.68” N, 81 24’ 18.44” W). The Cowgill Impoundment is a storage facility that receives brine, freshwater, and produced fluids from multiple CNX operations sources. The fluids are stored at the Cowgill Impoundment and then sent to surrounding CNX Utica wells for recycling during oil and gas operations.
- (2) Division (B)(2)(a) of R.C. 1509.22 states, in pertinent part, that “On and after January 1, 2014, no person shall store, recycle, treat, process, or dispose of in this state brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources without an order or a permit issued under this section or section 1509.06 or 1509.21 of the Revised Code or rules adopted under any of those sections.”
- (3) On December 30, 2013, the Division received an application from CNX requesting to operate the Cowgill Impoundment. In its application, CNX supplied the Division with information and details regarding its operations.

**ORDER:**

**IT IS HEREBY ORDERED:**

CNX has temporary approval to operate the Cowgill Impoundment in the State of Ohio, subject to the following **conditions**:

- (1) CNX shall operate the Cowgill Impoundment in compliance with R.C. Chapter 1509 and Ohio Adm.Code 1501:9.
- (2) Brine shall not be disposed of in a manner not specified in R.C. 1509.22(C)(1)(a) through R.C. 1509.22(C)(1)(c). Disposal pursuant to R.C. 1509.22(C)(1)(d) requires separate written approval by the Chief.
- (3) This Chief's Order shall terminate upon any of the following, whichever occurs first:
  - a) The Division issues a permit to CNX for the Cowgill Impoundment pursuant to rules promulgated under to R.C. 1509.22(C);
  - b) The Division denies a permit to CNX for the Cowgill Impoundment pursuant to rules promulgated under R.C. 1509.22(C); or
  - c) Six months after the effective date of rules adopted under R.C. 1509.22(C).

1/3/14  
Date

Jon Rayfield, Deputy Chief  
Richard J. Simmers, Chief  
Division of Oil and Gas Resources Management

Addressee is hereby notified that this action is final and effective and may be appealed pursuant to Section 1509.36 of the Ohio Revised Code. If the Order is appealed to the Ohio Oil and Gas Commission, the appeal must be in writing and must set forth the Orders complained of and the grounds upon which the appeal is based. Such appeal must be filed with the Oil and Gas Commission, 2045 Morse Road, Building H-3, Columbus, Ohio 43229-6693, within thirty (30) days after receipt of this Order.

In addition, within three (3) days after the appeal is filed with the Oil and Gas Commission, notice of the filing must be submitted to Richard J. Simmers, Chief, Division of Oil and Gas Resources Management, Ohio Department of Natural Resources, 2045 Morse Road, Building F, Columbus, Ohio 43229-6693.

CERTIFIED MAIL No:

91 7199 9991 7030 3103 6610

cc: Eric Vendel, Legal Counsel, DOGRM  
Rocky King, Region Supervisor  
Steve Opritza, Permitting Manager  
Erica Freeman, Surety Section  
Engineering Section  
Eric Conrad, Noble County Oil and Gas Inspector