

IN THE COMMON PLEAS COURT
BELMONT COUNTY, OHIO

STATE OF OHIO, ex rel.
DAVE YOST,
OHIO ATTORNEY GENERAL,
30 E. Broad Street
Columbus, Ohio 43215,

Plaintiff,

v.

AUSTIN MASTER SERVICES, LLC,
6000 Town Center Blvd.,
Suite 210
Canonsburg, Pennsylvania 15317

Defendant.

CASE NO. 24CV079

John A. Vavra
JUDGE _____

COMMON PLEAS COURT
BELMONT CO. OH.
2024 MAR 25 PM 3:54
LAURA J. ZULINO
CLERK OF COURT

**Plaintiff State of Ohio's Motion for Temporary Restraining Order and
Preliminary Injunction**

Defendant Austin Master Services, LLC (“AMS”), an oil and gas waste facility in Belmont County, has created an environmental and public health emergency. AMS accumulated significant quantities of radioactive waste far beyond what its permit allows and beyond what can be safely managed at its facility at 801 North First Street, Martin’s Ferry, Ohio (“the Facility”). Absent immediate action to clean up the site and safely remove the excess waste, liquid overflow threatens to seep outside of the Facility, posing an imminent threat to the environment, including the nearby Ohio River and water well field for the City of Martins Ferry.

After discovering the state of the AMS Facility during an inspection, the Chief of the Ohio Department of Natural Resources, Division of Oil and Gas Resources Management (“Division”) issued a suspension order to AMS requiring it to “immediately suspend its operations at the Facility and immediately cease accepting waste at the Facility.”

That order also required, among other conditions, that AMS remove all liquids that are outside of primary containment. To date, the Division has received no indication from AMS that it is complying or intends to comply with the order. To the contrary, the Division has received reports that AMS laid off most or all of the staff at the Facility. A follow-up inspection on March 19, 2024 confirmed that there has been no change in the Facility.

The most urgent issue that merits this Court's immediate attention is that AMS has allowed liquid and sludge to collect on the floor of the Facility, creating an imminent risk of release to the environment without prompt remedial action. The liquid is radioactive and is coming from solid waste piles that are also outside primary containment in violation of AMS' permit. Like the liquids, the solid waste outside of the Permit's limits must be removed and disposed of at a lawful location.

Without immediate action from AMS to remove the liquid and solid waste that is improperly stored at the Facility and without the personnel to manage radiological waste, these and other violations pose a threat that waste will discharge into the groundwater, into or on the land, or into surface waters. Of particular concern is the Facility's close proximity to Martins Ferry's drinking water well field and the Ohio River.

Therefore, the State, on relation to Attorney General Dave Yost, moves this Court, pursuant to R. C. 1509.04(G) and Civ. R. 65(A), to temporarily restrain and preliminarily enjoin AMS from committing further violations of R.C. Chapter 1509, the rules promulgated thereunder, and the permit issued by the Division, and to take such action as is necessary to return the Facility to compliance and remove the threats to public health and safety and the environment.

I. Facts

AMS is the operator of an oil and gas waste facility located at 801 North First Street, Martins Ferry, Ohio. Affidavit of Division Assistant Chief Tara Kinsey-Lee, attached hereto as Exhibit 1, ¶ 2. AMS was first authorized to operate the Facility under a Chief's Order in 2014. In January 2022, rules applicable to oil and gas waste facilities took effect requiring the application and issuance of a new permit to continue operating as an oil and gas waste facility. Exhibit 1, ¶ 3. Within 180 days of the effective date of those rules, waste facilities like AMS that were operating under a chief's order were required to either (1) "Obtain a permit under R.C. 1509.22 of the Revised Code and rule 1501:9-4-04 of the Administrative Code, obtain insurance pursuant to paragraph (F) of this rule, and obtain financial assurance pursuant to paragraph (G) of this rule;" ; or (2) "Immediately suspend operations and begin reclamation procedures pursuant to rule 1501:9-4-07." In June 2022, AMS submitted to the Division an oil and gas waste facility permit application, and on July 12, 2022, the Division issued Permit # WF-2022-05 ("the Permit"), approving AMS' permit application and authorizing AMS to construct the Facility in accordance with its permit application. Exhibit 1, ¶¶ 3, 4. Also on July 12, 2022, the Division issued a Letter of Commencement authorizing AMS to operate the Facility in accordance with the permit application and Ohio law. Exhibit 1, ¶ 6.

Byproducts of oil and gas production operations in Ohio are brine and other waste substances. Exhibit 1, ¶ 7. Other waste substances include, but are not limited to, drill cuttings, tank sludges, used proppants, used filter media, and used drilling muds. Often, brine and other waste substances are processed and treated before their disposal. Exhibit 1, ¶ 7. Oil and gas production companies send brine and other waste substances to oil and gas waste facilities, like AMS, for processing. Exhibit 1, ¶ 7. Then, oil and gas waste facilities, like AMS, are to

lawfully dispose of the waste, either into injection wells or landfills, including those landfills that accept low level radioactive waste. Exhibit 1, ¶ 7.

The wastes accepted by the Facility are in the form of solid, suspension, and liquid waste. Exhibit 1, ¶ 8. The waste may also be technologically enhanced naturally occurring radioactive material (TENORM). Liquid and suspension wastes are separated using mechanical processes. The weight of the solid waste squeezes the water from the waste pile. Exhibit 1, ¶ 8. If the solid waste pile is not within containment, or exceeds the limits of the containment, the liquid will continue to seep out of the waste pile and accumulate outside of containment. Exhibit 1, ¶ 8.

The Division's rules in Ohio Administrative Code Chapter 1501:9-4 require that the waste be contained. Exhibit 1, ¶ 9. The AMS permit application indicated that the solid waste would be stored in various solid waste storage units, referred to as primary containment. Exhibit 1, ¶ 9. To provide an additional layer of protection, the Division's regulations require secondary containment, which is a second containment system designed to contain the full amount of the waste should the primary containment leak or fail. Exhibit 1, ¶ 9. The AMS permit application provided for that secondary containment. Exhibit 1, ¶ 9. Ohio's oil and gas waste facility rules state that secondary containment cannot be used as primary containment. Adm.Code 1501:9-4-06(C)(1)(d). In approving permit applications, the Chief of the Division requires permittees to follow the terms of the permit application.

On February 7, 2024, Division staff conducted a routine inspection of the Facility. Exhibit 1, ¶ 11. AMS representatives Kurtis Hoffman, the Chief Operating Officer of AMS, and Joe Bement, AMS' president and primary contact as listed on the permit application, participated in that inspection on behalf of AMS. Exhibit 1, ¶ 11. During the inspection, Division staff observed an accumulation of solid waste far exceeding the Facility's primary containment

storage capacity as provided for in the Permit. Exhibit 1, ¶ 11. The photo in Exhibit 1-B shows the solid waste exceeding the primary containment's storage capacity and overflowing onto the Facility floor. Exhibit 1, ¶ 11. That solid waste is TENORM, and therefore, radioactive. Exhibit 1, ¶ 11. This TENORM poses a threat to public health and welfare if released into the environment and ingested. Exhibit 1, ¶ 12.

Additionally, AMS used the Facility's secondary containment for storage of solid waste, effectively using that area as primary containment. Exhibit 1, ¶ 13. The waste was also observed beyond the design limits of the secondary containment. Exhibit 1, ¶ 13. AMS also used three roll-off containers and a green frac tank to store waste substances. Exhibit 1, ¶ 14. AMS did not request, and the Permit does not authorize AMS to use the secondary containment, roll-off containers, or the green frac tank for storage of waste substances. Exhibit 1, ¶ 15. Nor has AMS submitted a request for an amendment to the Permit that would, if approved, allow the addition of the roll-off containers and green frac tank as permitted storage. Exhibit 1, ¶ 15.

On February 7, 2024, the Division issued a notice of violation listing the requirements to bring the Facility into compliance with the Permit and Ohio Adm.Code Chapter 1501:9-4. Exhibit 1, ¶ 16. The notice of violation required AMS to remove waste from the Facility to maintain an accumulation equal to or less than the capacity of the permitted primary containments and to request an amendment to the Permit for the addition of the three roll-off containers and the green frac tank. Exhibit 1, ¶ 16. The Division directed AMS to return to compliance on or before March 15, 2024. Exhibit 1, ¶ 16.

Division personnel conducted a follow-up inspection on March 15, 2024. Exhibit 1, ¶ 17. The conditions at the Facility had deteriorated significantly since the last inspection. Exhibit 1 ¶

17. AMS representatives Kurtis Hoffman and Joe Bement were again present for AMS. Exhibit 1, ¶ 17.

At the March 15, 2024 inspection, more waste had accumulated than was present on February 7, 2024. Exhibit 1, ¶ 18. Division personnel observed free liquid and sludge on the floor of the Facility. Exhibit 1, ¶ 18. Also, five fully-loaded railcars were present, each holding approximately 100 tons of waste. Exhibit 1, ¶ 18.

At the March 15, 2024 inspection, Kurtis Hoffman of AMS informed Division inspectors that AMS voluntarily ceased taking in waste and was looking for a buyer for the Facility. Exhibit 1, ¶ 19. He estimated that the cost of disposing of the waste was \$1.2 million. Exhibit 1, ¶ 19.

On March 15, 2024, (James) Paul Carder, a member of the Division's Radiation Safety Section, reported that AMS' radiation safety officer had called him and reported that approximately 20 minutes after the Division left the Facility on March 15, 2024, AMS had "called in" and "let go" most of the people who were working at the Facility after the Division's personnel had left the Facility. Exhibit 1, ¶ 20.

On March 15, 2024, the Division issued another notice of violation, which directed AMS to return to compliance immediately by removing and lawfully disposing of all liquid waste outside of the primary containment and to remove solid waste from the Facility to maintain an accumulation equal to or less than the capacity of permitted primary containments. Exhibit 1, ¶ 21. The notice also required AMS, among other requirements, to develop an inspection procedure and a standard form for recording inspection data and, after obtaining Division approval, to follow that procedure. Exhibit 1, ¶ 21.

On March 19, 2024, the Division Chief issued a "suspension of operations" order to AMS because AMS failed to operate the Facility in a manner compliant with the approved permit

application, in other words, in violation of the Permit and Ohio law. Exhibit 1, ¶ 22. The Chief ordered AMS to (1) immediately suspend its operations and immediately cease accepting new waste, (2) immediately remove all liquids from the Facility floor and secondary containment areas, and (3) within 14 days of receipt of the order, provide additional financial assurance payable to the state of Ohio because the storage capacity of the railcars and additional waste volumes stored at the Facility exceed the volume provided for in the Permit. Exhibit 1, ¶ 22.

On March 19, 2024, the AMS radiation safety officer called Mr. Carder, reporting he would be resigning and that all other staff had been let go. Exhibit 1, ¶ 23. On March 21, 2024, the AMS radiation safety officer again contacted Mr. Carder and reported that he resigned. Exhibit 1, ¶ 23.

Division personnel visited the Facility on March 19, 2024, and found the situation had not improved. Exhibit 1, ¶ 24. Liquid and solid waste were still inside and outside secondary containment and on the floor of the Facility. Exhibit 1, ¶ 24.

On March 21, 2024, AMS' radiation safety officer sent the Division a listing of waste at the Facility, including what waste was taken in at the Facility since the Division's February 7, 2024 visit. That listing shows that over 3,800 tons of additional liquid and solid waste were taken in at the facility and only 406 tons of solid waste were taken for disposal at a local landfill. Exhibit 1, ¶ 25.

To date, AMS has not replied to the March 15, 2024 notice of violation or to Chief's Order 2024-78. Exhibit 1, ¶ 26.

As explained below, AMS is violating R.C. Chapter 1509 and the rules promulgated thereunder. See also, Exhibit 1, ¶ 27. Because liquids continue to leak from the solid waste piles, and because there are no AMS staff members to take corrective action, the liquid wastes

will continue to spread. Exhibit 1, ¶¶ 23, 27. Continued violations will likely cause a release of waste to the ground and surface water if the violations are not corrected in two weeks. Exhibit 1, ¶ 27. In addition, there could be a substantial threat to the health of the community if the building were to catch fire. ¶ 27.

II. Law and Argument

A. An injunction and temporary restraining order are appropriate because AMS is violating a statute that authorizes injunctive relief.

The Ohio Supreme Court recognizes that where a statute grants a specific injunctive remedy to the State, the State may obtain an injunction from the court merely by showing that the defendant has violated the statute. *Ackerman v. Tri-City Geriatric & Health Care, Inc.*, 55 Ohio St.2d 51, 56-57, 378 N.E.2d 145, 149 (1978). “It is established law in Ohio that, when a statute grants a specific injunctive remedy * * * to the state, [the State] need not aver and show, as under ordinary rules in equity, that great or irreparable injury is about to be done for which he has no adequate remedy at law.” *Mid-America Tire, Inc. v. PTZ Trading Ltd.*, 95 Ohio St.3d 367, 768 N.E.2d 619, 2002-Ohio-2427, ¶75, citing *Ackerman*, 55 Ohio St.2d at 56 (other quotations and citations omitted).

Statutory violations “proscrib[e] behavior which the General Assembly has determined not to be in public interest.” *Ackerman*, 55 Ohio St.2d at 57. Therefore, to obtain injunctive relief, the State need only establish that “the statutory conditions exist.” *Id.*

Courts have consistently applied the *Ackerman* rule in actions brought to enforce Ohio’s environmental protection laws. *See, e.g., State ex rel. Brown v. Chase Foundry & Manufacturing Co.*, 8 Ohio App. 3d 96, 100-101, 456 N.E.2d 528 (10th Dist. 1982) (involving the enforcement of Ohio’s air pollution control laws); *State ex rel. Celebrezze v. Ohio Oil Field*

Serv., 7th Dist. Mahoning App. No. 82 C.A. 95, 1984 Ohio App. LEXIS 10812 (Sept. 1, 1984) (involving the enforcement of Ohio’s water pollution laws); *City of Mentor v. Nozik*, 11th Dist. Lake Case No. 89-L-14-080, 1990 Ohio App. LEXIS 5227 (Nov. 30, 1990) (involving the enforcement of Ohio’s solid waste laws). Additionally, the rule from *Ackerman* applies to all forms of injunctive relief—temporary restraining orders, as well as preliminary and permanent injunctions. *See, e.g., State v. Alexander Bros., Inc.*, 43 Ohio App. 2d 154, 155-156, 334 N.E.2d 492 (5th Dist., 1974).

B. Section 1509.04 of the Ohio Revised Code authorizes injunctive relief against Defendant for violating Revised Code Chapter 1509.

Revised Code 1509.04(G) states that the Attorney General:

... **may apply to the court of common pleas** in the county in which any of the provisions of this chapter or any rules, terms or conditions of a permit or registration certificate, or orders adopted or issued pursuant to this chapter are being violated **for a temporary restraining order, preliminary injunction, or permanent injunction** restraining any person from such violation.

Emphasis added. Therefore, as *Ackerman* dictates, to obtain injunctive relief, the State must only prove that the Defendant is violating Ohio oil and gas laws under R.C. Chapter 1509 or the rules promulgated thereunder, terms or conditions of a permit, or a Chief’s Order.

The affidavit of the Division’s Assistant Chief, Tara Kinsey-Lee and the evidence described therein, demonstrate that AMS is violating R.C. Chapter 1509 and Ohio Adm.Code Chapter 1501:9-04. Specifically, AMS is violating each of the following administrative code sections, among others:

- R.C. 1509.03(D), which states in pertinent part, “No person shall violate an order of the chief issued under this chapter. No person shall violate a term or condition of a permit or registration certificate issued under this chapter.”

- Ohio Adm.Code 1501:9-4-06(A), which states “On and after the effective date of this rule, any person who stores, recycles, treats, processes, or disposes of brine or other waste substances at an oil and gas waste facility shall comply with all the operational requirements and standards in this rule, unless specifically exempted in this rule.”
- Ohio Adm.Code 1501:9-4-06(C)(1)(d), which states that “[p]rimary containment shall not overflow.” See Exhibit 1, ¶ 10.
- Ohio Adm.Code 1501:9-4-06(C)(1)(d), which states that “[s]econdary containment shall not be used as primary containment.” See Exhibit 1, ¶ 12.
- Ohio Adm.Code 1501:9-4-05(C)(1), which requires a request for a Division-approved amendment to an oil and gas waste facility permit “prior to implementation of any revision to an oil and gas waste facility.” See Exhibit 1, ¶ 13, 14.
- Ohio Adm.Code 1501:9-4-05(B), which states that “[n]o permittee shall . . . implement an amendment to an approved permit without a letter of commencement signed by the chief.” See Exhibit 1, ¶ 13, 14.
- Ohio Adm.Code 1501:9-4-04(B)(1) states that “no person may begin construction of or modify, amend, alter, or revise an oil and gas waste facility prior to issuance of a permit by the chief approving an application submitted under this rule.” See Exhibit 1, ¶ 13,14.
- Ohio Adm.Code 1501:9-4-06, which requires that
 - any liquid that comes into contact with solids must be captured and lawfully managed or disposed of. See Exhibit 1, ¶ 17.
 - oil and gas waste facilities have a monitoring and inspection procedure in place for which an employee shall be “present onsite during all times of offloading, loading, treating, processing, or recycling of other waste substances.” See Exhibit 1, ¶ 19.

C. The threat of immediate and irreparable harm to public health and safety supports the issuance of a temporary restraining order under Ohio Civil Rule 65(A).

Under Ohio Civil Rule 65(A), a temporary restraining order may issue when (1) it clearly appears from specific facts shown by affidavit that “immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard” and (2) “the applicant's attorney certifies to the court in writing the efforts, if any, which have been made

to give notice and the reasons supporting his claim that notice should not be required.” Ohio Civ. Rule 65.

The threat of liquid waste escaping the Facility and seeping into the environment easily satisfies the requirements of Civ.R. 65(A). This is particularly true here, where both a drinking water well field for the City of Martins Ferry and the Ohio River are in close proximity to the Facility.

As already explained, the Facility contains liquid and solid waste far in excess of what the Facility’s permit allows and what it can safely manage. The waste has exceeded the containments designed to hold it and is causing radioactive liquid and sludge to seep onto the floor of the Facility. Despite the Division’s directives, AMS has failed to remedy the effects of its violations. Instead, it has laid off the employees who would implement the necessary clean up and other remedial measures, making such measures unlikely. Under these circumstances, it is clear that immediate judicial intervention is necessary to prevent AMS from committing continued violations and to protect public health and safety and the environment.

The risk of contamination is itself “immediate and irreparable injury, loss or damage [that] will result to the applicant before the adverse party or his attorney can be heard.” Undersigned counsel certifies through this pleading that they gave or will give notice of their Motion for Temporary Restraining Order to Joe Bement, AMS’ president and primary contact as listed on the permit application, prior to the hearing.

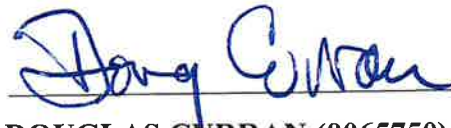
CONCLUSION

Defendant is in violation of R.C. 1509.03(D), Ohio Adm.Code 1501:9-4-06(C)(1)(d), Ohio Adm.Code 1501:9-4-05(C)(1), Ohio Adm.Code 1501:9-4-06(A), Ohio Adm.Code 1501:9-4-06(D)(4), and Ohio Adm. Code 1501:9-4- 06(F). The conditions at the Facility pose a serious

threat to public health, safety, and the environment. Defendant's failure to take action to remedy the violations and Defendant's continued acceptance of waste beyond the permitted limits increases the threat. The oversight of this Court is necessary to prevent further inaction or actions violating Ohio oil and gas laws and rules. The State respectfully requests this Court to issue a temporary restraining order and preliminary injunction. The State has submitted with this motion a proposed order detailing specific requested relief.

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL



DOUGLAS CURRAN (0065750)
FAHIMEH KENNEDY (0102889)
JACK MCMANUS (0037140)
Assistant Attorneys General
Environmental Enforcement Section
30 E. Broad St., 25th floor
Columbus, Ohio 43215
Phone: (614) 466-2766 / Fax: 614-6441926
Douglas.Curran@OhioAGO.gov
Fahimeh.Kennedy@OhioAGO.gov
Jack.McManus@OhioAGO.gov

Counsel for Plaintiff, the State of Ohio

IN THE COURT OF COMMON PLEAS
BELMONT COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i> ,	:	
DAVE YOST	:	
OHIO ATTORNEY GENERAL,	:	CASE NO. _____
	:	
Plaintiff,	:	
	:	JUDGE _____
v.	:	
	:	
AUSTIN MASTER SERVICES, LLC,	:	
	:	
Defendant.	:	

**AFFIDAVIT OF TARA KINSEY-LEE IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Tara Kinsey-Lee, having been duly cautioned and sworn, state that I am competent to testify in the matters herein, that I am over the age of 18, and that all the statements contained herein are accurate and true, based on my own knowledge, information or belief.

1. I have served as the Assistant Division Chief with the Ohio Department of Natural Resources, Division of Oil and Gas Resources Management ("Division"), for one and a half years. Prior to serving as the Assistant Division Chief, I was the Oil and Gas Waste Facility Program Manager, a role I continue to have since being promoted. My responsibilities as Assistant Division Chief include, but are not limited to, overseeing the six administrative groups within the Division. I am also acting as the administrator of the Technical Support Group, which includes the Waste Facility Program and the Radiation Safety Section. Since January 2020, I have been the manager of the Waste Facility Program. As the program manager, I oversee the permitting, compliance, and enforcement of oil and gas waste facilities. Specific duties include reviewing applications and supporting documentation for new oil and gas waste facilities,



conducting quarterly inspections of each authorized oil and gas waste facility, investigating complaints, enforcing non-compliance, and overseeing waste facility program staff and their duties.

2. According to Division records, Austin Master Services, LLC (“AMS”) is the operator of an oil and gas waste facility located at 801 North First Street, Martins Ferry, Ohio (“Facility”).

3. AMS was first authorized to operate the Facility in 2014 pursuant to a chief’s order. In January 2022, rules applicable to oil and gas waste facilities took effect requiring the application and issuance of a permit in order to continue operating as an oil and gas waste facility. Within 180 days of the effective date of those rules, waste facilities akin to AMS that were operating under a chief’s order, and that sought to continue operating under the new rules, were required to obtain a permit, insurance, and financial assurance, all pursuant to the new rules. In June 2022, AMS submitted to the Division an oil and gas waste facility permit application.

4. On July 12, 2022, the Division issued Permit # WF-2022-05 (“Permit”), approving AMS’ permit application and authorizing AMS to construct the Facility in accordance with its permit application. Exhibit A is the Permit and pertinent parts of AMS’ permit application.

5. Because of my work with the Division, I am familiar with the terms of AMS’ permit application and the Permit.

6. Because the Facility was already in operation, the Division issued a Letter of Commencement also on July 12, 2022, authorizing AMS to operate the Facility in accordance with the permit application and Ohio law.

7. Byproducts of oil and gas production operations in Ohio are brine and other waste substances. Other waste substances include, but are not limited to, drill cuttings, tank sludges, used proppants, used filter media, and used drilling muds. Often, brine and other waste substances are processed and treated before their disposal. Oil and gas production companies send brine and other waste substances to oil and gas waste facilities, akin to AMS, for processing. Then, oil and gas waste facilities, akin to AMS, are to lawfully dispose of the waste, either into injection wells or landfills, including landfills that accept low level radioactive waste.

8. The wastes accepted by the Facility are in the form of solid, suspension, and liquid waste. The waste may also be technologically enhanced naturally occurring radioactive material (“TENORM”). Suspension wastes are separated using mechanical processes into solid and liquid forms. The weight of the solid waste squeezes remaining liquid from the waste piles. If the solid waste pile is not within containment, or exceeds the limits of the containment, the liquid will continue to seep out of the waste pile and accumulate outside of containment.

9. The Division’s rules in Ohio Administrative Code Chapter 1501:9-4 require that the waste be contained. The AMS permit application indicated that the solid waste would be stored in various solid waste storage units, referred to as primary containment. To provide an additional layer of protection, the Division’s rules require secondary containment, which is a second containment system designed to contain the full amount of the waste should the primary containment leak or fail. The AMS permit application also provided for that secondary containment.

10. At a minimum, the Division conducts quarterly inspections of each oil and gas waste facility. Since 2019, I have participated in the majority of the AMS Facility inspections.

11. On February 7, 2024, Division staff, including me, conducted a routine inspection of the Facility. AMS Chief Operating Officer Kurtis Hoffman and Joe Bement, AMS' primary contact as listed on the permit application, were also present. During the inspection, I observed an accumulation of solid waste far exceeding the Facility's primary containment storage capacity as provided for in the Permit. The photo in Exhibit B shows the solid waste that has exceeded the primary containment's storage capacity and was overflowing onto the Facility floor. That solid waste is TENORM, and therefore, radioactive.

12. This TENORM poses a threat to public health and welfare if released into the environment and ingested.

13. Additionally, AMS was using the Facility's secondary containment for storage of solid waste, effectively using that area as primary containment. The waste was also observed beyond the design limits of the secondary containment.

14. On the west side of the Facility, I observed three roll-off containers and a green frac tank that AMS was using to store waste substances. Exhibit C includes photos showing the three roll-off containers and the green frac tank.

15. Under the Permit, AMS is not authorized to use the roll-off containers and the green frac tank for storage of waste substances. According to Division records, AMS has not submitted a request for an amendment to the Permit that would, if approved, allow the addition of the roll-off containers and green frac tank as permitted storage.

16. On February 7, 2024, the Division issued a notice of violation citing violations at the Facility and aimed at bringing the Facility into compliance with the Permit and Ohio Administrative Code Chapter 1501:9-4. The notice of violation required AMS to remove waste from the Facility as needed to maintain an accumulation equal to or less than the capacity of the

permitted primary containments and to request an amendment to the Permit for the addition of the three roll-off containers and the green frac tank. The notice of violation required AMS to return to compliance on or before March 15, 2024. Exhibit D is a copy of that Oil and Gas Waste Facility Inspection Report.

17. The Division conducted a follow-up inspection on March 15, 2024. I did not go on this inspection but was immediately informed by Division personnel of the conditions at the Facility, which, according to the Division staff who attended the inspection, had deteriorated significantly since the last inspection. Kurtis Hoffman and Joe Bement were again present for AMS. I have reviewed photos from that inspection that confirmed the report from the inspectors. See some of those photos in Exhibit E.

18. At the March 15, 2024 inspection, more waste had accumulated than was present on February 7, 2024. Free liquid and sludge were observed on the floor of the Facility. There was a vacuum truck on site to remove liquid, but I cannot verify how much, if any, liquid was removed. Also, five fully loaded railcars were present, each holding approximately 100 tons of waste. See Exhibit E.

19. At the March 15, 2024, inspection, Kurtis Hoffman of AMS informed Division inspectors that AMS voluntarily ceased taking in waste and was looking for a buyer for the Facility. He estimated that the cost of disposing of the waste was \$1.2 million.

20. On March 15, 2024, (James) Paul Carder, a member of the Division's Radiation Safety Section, informed me that AMS' radiation safety officer had called him and reported that approximately 20 minutes after the Division left the Facility on March 15, 2024, AMS had "called in" and "let go" most of the people who were working at the Facility after the Division's personnel had left the Facility.

21. On March 15, 2024, the Division issued another notice of violation, which required AMS to return to compliance by immediately removing and lawfully disposing of all liquid waste outside of primary containment and to remove solid waste from the Facility as needed to maintain an accumulation equal to or less than the capacity of permitted primary containments. The notice also required AMS to, among other things, develop an inspection procedure and a standard form for recording inspection data, and to follow that procedure after obtaining Division approval. Exhibit F is a copy of that Oil and Gas Waste Facility Inspection Report.

22. On March 19, 2024, the Division Chief issued a “suspension of operations” order to AMS because the Facility operated in a manner different than the approved Permit and in violation of that permit and Ohio law. The Chief ordered AMS to (1) immediately suspend its operations and immediately cease accepting new waste, (2) immediately remove all liquids from the Facility floor and secondary containment areas, and (3) within 14 days of receipt of the order, to provide additional financial assurance payable to the state of Ohio because the storage capacity of the railcars and additional waste volumes being stored at the Facility exceed the volume provided for in the Permit. Exhibit G is a copy of that Chief’s order.

23. On March 19, 2024, Paul Carder informed me that the AMS radiation safety officer called him, reporting that the radiation safety officer would be resigning, and that AMS had let all other staff go. On March 21, 2024, Paul Carder informed me that the AMS radiation safety officer contacted him and reported that the radiation safety officer had resigned.

24. Division personnel visited the Facility on March 19, 2024, and noted no improvement. Liquid and solid waste were still inside and outside secondary containment and on the floor of the facility.

25. On March 21, 2024, AMS' radiation safety officer sent the Division a listing of waste at the Facility, including what waste was taken in at the Facility since the Division's February 7, 2024 visit. That listing shows that over 3,800 tons of additional liquid and solid waste were taken in at the Facility and only 406 tons of solid waste were taken for disposal at a local landfill.

26. To date, AMS has not replied to the March 15, 2024, notice of violation nor to Chief's Order 2024-78.

27. AMS is violating Ohio Revised Code Chapter 1509 and rules promulgated thereunder. Because liquids continue to leak from the solid waste piles, the liquid wastes will continue to spread. Continued violation will likely cause a release of waste to the ground and surface water if the violations are not corrected in two weeks. In addition, there could be a substantial threat to the health of the community if the building were to catch fire.



Tara Kinsey-Lee, Affiant

Sworn to before me and subscribed in my presence by the above-signed this 25th day of March, 2024.



NICOLE M. KOPPITCH
ATTORNEY AT LAW
NOTARY PUBLIC
STATE OF OHIO
My Commission Has No Expiration Date
Sec 147.03 O.R.C.




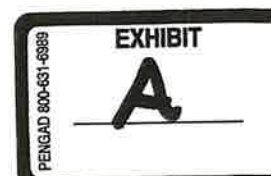
Notary Public



OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS RESOURCES MANAGEMENT
PERMIT TO CONSTRUCT AN OIL AND GAS WASTE FACILITY



FACILITY NAME: AMS Martins Ferry Facility	WF ID #: BELM-05	PERMIT #: WF-2022-05
OWNER NAME: Austin Master Services, LLC	OWNER PHONE: (740) 609-3800	OWNER #: 35014
OWNER ADDRESS: 801 North First Street, Martins Ferry, OH 43935		
PURSUANT TO OHIO REVISED CODE 1509.22 AND CHAPTER 1501:9-4 OF THE OHIO ADMINISTRATIVE CODE, AUSTIN MASTER SERVICES, LLC IS HEREBY GRANTED AUTHORIZATION TO CONSTRUCT THE AMS MARTINS FERRY FACILITY LOCATED AT THE ADDRESS LISTED IN THIS PERMIT. PURPOSE OF THE FACILITY IS TO STORE, TREAT, AND PROCESS BRINE, DRILL CUTTINGS, USED DRILLING MUDS, USED PROPPANT, USED FILTER MEDIA, GENERATED SOLIDS, FLOWBACK OR RECYLCED WATER, AND ALL OTHER RCRA EXEMPT OIL AND GAS EXPLORATION AND PRODUCTION WASTE SUBSTANCES.		
DATE EFFECTIVE: 7/12/2022	DATE CERTIFICATION DOCUMENTS DUE TO OBTAIN LETTER OF COMMENCEMENT: 7/12/2024	
FACILITY LOCATION INFORMATION		
COUNTY: Belmont	TOWNSHIP: Martins Ferry	
FACILITY ADDRESS: 801 North First Street, Martins Ferry, OH 43935		
CENTERLINE OF ACCESS ROAD AT PUBLIC RIGHT-OF-WAY: LATITUDE: 40.103039 LONGITUDE: -80.710523		
FACILITY CONTACT INFORMATION		
NAME: Joseph Bement	PHONE: (740) 609-3800	EMAIL ADDRESS: joebement@austinmasterservices.com
PERMIT CONDITIONS		
1) PERMITTEE SHALL COMPLY WITH THIS PERMIT, OHIO REVISED CODE CHAPTER 1509, OHIO ADMINISTRATIVE CODE 1501:9-4, AND ANY OTHER APPLICABLE LAWS.		
 <hr style="width: 30%; margin: 0 auto;"/>		
ERIC VENDEL, Chief Division of Oil and Gas Resources Management		






OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS RESOURCES MANAGEMENT



**LETTER OF COMMENCEMENT
TO OPERATE AN OIL AND GAS WASTE FACILITY**

FACILITY NAME: AMS Martins Ferry Facility		WF ID #: BELM-05	DATE EFFECTIVE: 7/12/22
		PERMIT #: WF-2022-05	
OWNER NAME: Austin Master Services, LLC		OWNER	OWNER #: 35014
		PHONE: (740) 609-3800	
OWNER ADDRESS: 801 North First Street, Martins Ferry, OH 43935			
PURSUANT TO CHAPTER 1501:9-4 OF THE ADMINISTRATIVE CODE, AUSTIN MASTER SERVICES, LLC IS HEREBY AUTHORIZED TO COMMENCE OPERATIONS AT THE AMS MARTINS FERRY FACILITY. THE AMS MARTINS FERRY FACILITY IS AUTHORIZED TO STORE, TREAT, AND PROCESS BRINE. DRILL CUTTINGS, USED DRILLING MUDS, USED PROPPANT, USED FILTER MEDIA, GENERATED SOLIDS, FLOWBACK OR RECYCLED WATER, AND ALL OTHER RCRA EXEMPT OIL AND GAS EXPLORATION AND PRODUCTION WASTE SUBSTANCES.			
FACILITY LOCATION INFORMATION			
COUNTY: Belmont		TOWNSHIP: Martins Ferry	
FACILITY ADDRESS: 801 North First Street, Martins Ferry, OH 43935			
CENTERLINE OF ACCESS ROAD AT PUBLIC RIGHT-OF-WAY: LATITUDE: 40.103039 LONGITUDE: -80.710523			
FACILITY CONTACT INFORMATION			
NAME: Joseph Bement		PHONE: (740) 609-3800	EMAIL ADDRESS: joebement@austinmasterservices.com
SPECIAL CONDITIONS			
1) PERMITTEE SHALL CONDUCT ALL OPERATIONS IN COMPLIANCE WITH THE PERMIT, OHIO REVISED CODE CHAPTER 1509, OHIO ADMINISTRATIVE CODE 1501:9-4, AND ANY OTHER APPLICABLE LAWS.			
			
ERIC VENDEL, Chief Division of Oil and Gas Resources Management			



OIL AND GAS WASTE FACILITY PERMIT APPLICATION

1. APPLICANT INFORMATION			
^{1a} Applicant Name: Austin Master Services		^{1b} Date: 2/16/22	
^{1c} Applicant Address: 801 North First Street Martins Ferry		Ohio	43935
^{1d} Contact Name & Title: Joseph Bement		President	
^{1e} Email Address: joebement@austinmasterservices.com			
^{1f} Telephone Number: 740-609-3800			
2. IF A BUSINESS ENTITY, LIST THE STATUTORY AGENT AND INCLUDE A CERTIFIED COPY OF APPOINTMENT			
^{2a} Name: BUSINESS FILINGS INCORPORATED			
^{2b} Address: 4400 EASTON COMMONS WAY SUITE 125 COLUMBUS OH 43219			
3. WASTE FACILITY INFORMATION			
^{3a} Facility Name: Martins Ferry Facility			
^{3b} County: Belmont		^{3c} Township: Martins Ferry	
^{3d} Address: 801 North First Street			
4. TYPE OF FACILITY			
<input checked="" type="checkbox"/> Long-Term Waste Facility		<input type="checkbox"/> Short-Term Waste Facility	
5. PURPOSE OF FACILITY (Check all that apply)			
<input checked="" type="checkbox"/> Storage		<input type="checkbox"/> Recycling	
<input checked="" type="checkbox"/> Treatment		<input checked="" type="checkbox"/> Processing	
6. TYPE OF MATERIAL (Check all that apply)			
<input checked="" type="checkbox"/> Brine		<input checked="" type="checkbox"/> Drill Cuttings	
<input checked="" type="checkbox"/> Used Drilling Mud		<input checked="" type="checkbox"/> Used Proppant	
<input checked="" type="checkbox"/> Used Filter Media		<input checked="" type="checkbox"/> Generated Solids	
<input checked="" type="checkbox"/> Flowback or Recycled Water		<input checked="" type="checkbox"/> Other All RCRA Exempt Exploration and Production Wastes	
7. CENTER LINE OF ACCESS ROAD AT PUBLIC RIGHT-OF-WAY (decimal degrees six significant figures)			
Latitude: 40.103039		Longitude: -80.710523	
8. INCIDENT RESPONSE INFORMATION			
^{8a} 911 Emergency Address of Waste Facility: 801 North First Street Martins Ferry Ohio 43935			
^{8b} Name: Troy Mazur		^{8c} 24-hr Emergency Telephone Number: 330-314-7786	
^{8d} Email Address: tmazur@austinmasterservices.com			
9. PROFESSIONAL ENGINEER OF RECORD			
^{9a} Name: Patrick J. Sullivan, Jr		^{9b} Company Name: Civil & Environmental Consultants,	
^{9c} Ohio Professional Engineering License Number: 57153			
^{9d} Address 700 Cherrington Parkway		Moon Township	PA 15108
^{9e} Telephone number: 412-249-1574		^{9f} Email: psullivan@cecinc.com	
10. I, the undersigned, being first duly sworn, depose and state under penalties of law, that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the facts stated herein are true, correct, and complete, to the best of my knowledge.			
^{10a} Signature of Applicant: <i>Joseph Bement</i>			
^{10b} Printed Name: Joseph Bement		^{10c} Title: President	
^{10d} Sworn to and subscribed before me this <u>17</u> day of <u>June</u> , 20 <u>22</u>			
Commonwealth of Pennsylvania - Notary Seal Jeanne Manfredi, Notary Public Washington County My commission expires September 24, 2025 Commission number 1275157 Member, Pennsylvania Association of Notaries		 (Notary Public) Jeanne Manfredi September 24, 2025 (Date Commission Expires)	

201421901552

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
08/08/2014	201421901552	REG. OF FOR. PROFIT LIM. LIAB. CO. (LFP)	125.00	100.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

BUSINESS FILINGS INCORPORATED
ATTN: PROCESSING DEPARTMENT
8020 EXCELSIOR DR. STE 200
MADISON, OH 53717

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Jon Husted

2316404

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

AUSTIN MASTER SERVICES, LLC

and, that said business records show the filing and recording of:

Document(s)
REG. OF FOR. PROFIT LIM. LIAB. CO.

Document No(s):
201421901552

Effective Date: 08/07/2014



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 8th day of August, A.D. 2014.

A handwritten signature in black ink that reads "Jon Husted".

Ohio Secretary of State



Austin Master Services Martins Ferry Facility Processing Description

1. The Austin Master Services (AMS) Martins Ferry Facility (MFF) accepts various waste streams from oil and gas exploration and production operations. These waste streams include, but are not limited to; produced sand, produced water, tank bottoms, filter socks, and contaminated debris.
2. Prior to accepting waste, clients must complete a “Waste Profile” which is reviewed by AMS Management to determine if AMS can legally process the waste and accommodate the volume.
3. All inbound trucks cross over the scale where a heavy weight is recorded and shipping paperwork is checked. After paperwork is verified the truck proceeds to the lot North of the facility where an exposure rate measurement is taken on the exterior of the waste container.
4. After the exposure rate measurement is taken the truck proceeds to one of five locations based on the exposure rate measurement and the waste type.
 - a. Suspension/Liquids
 - i. Exposure rate less than 20 proceeds to the “Cold” portion of the facility where the liquid phase of the waste is removed.
 - ii. Exposure rate greater than 20 proceeds to the “Hot” portion of the facility where the liquid phase of the waste is removed.
 1. In the event the liquid phase is removed and there is a solid tank bottom remaining, the waste container proceeds to “Bin 7” where the solids are removed.
 - a. Based off the exposure rate measurement the solids are removed from bin 7 and moved to corresponding solid waste bins.
 - b. Solids
 - i. Exposure rate less than 20 proceeds to either bin 7 or bin 2 where the solids are dumped into the bins.
 - ii. Exposure rate greater than 20 proceeds to either bin 7 or bin 5 where the solids are dumped into the bins
5. The waste that is dumped into the cold and hot pits is pumped into corresponding agitator tanks where the solids are suspended.
6. Sludge from the agitator tanks is pumped through the filter press system where the solid and liquid phase are further separated.
 - a. Liquid Phase
 - i. The liquid phase is pumped through an oil water separator to separate waste oil and brine water.
 - ii. Brine Water is sent to tanks for storage until shipments are made to underground injection wells.
 - iii. Waste Oil is sent to processors for utilization
 - b. Solid Phase
 - i. The solid phase receives an exposure rate measurement and based on that result is placed into either bin 5 or bin 1.



Austin Master Services
Radiological • Remediation • Engineering

7. Waste in bin 5 is conditioned to under 40% moisture and then shipped to Waste Control Specialists in Andrews, Texas.
8. Waste in bins 1 and 2 are mixed to suitable levels where the waste materials can be shipped to Pennsylvania landfill.

Primary Containment Calculations

Primary Containment Calculations for Bins 1,2,3

Assumptions:

Bins 1,2,3 are equal in dimension

Height of bin is average of high and low point

Bins 1,2, and 3 are used to contain solid waste being mixed for landfill disposal

Width Per Bin (Feet)	
Interior width (in)	936
Interior walls (in)	24
Usable interior width (in)	912
Convert to feet	76
Feet per bin (76/3)	25.3

Depth Per Bin (Feet)	
total depth (in)	360
Wall at back of bin (in)	18
Usable interior depth (in)	342
Convert to feet	28.5

Height of Bin (Feet)	
Height of bin (low point)(ft)	9.3
Height of Bin (high point)(ft)	8.5
Average (ft)	8.9

Volume of Bins	
Width (ft)	25.3
Depth (ft)	28.5
Height (ft)	8.9
Volume per bin (Cubic Feet)	6437.8
Volume Per Bin (Cubic Yard)	238.4
Total Volume (Cubic Feet)	19313.5
Total Volume (Cubic Yard)	715.3

Primary Containment Calculations for Bin 4

Assumptions:

Height of bin is average of high and low point

Bin 4 is used to collect press drops

Width Per Bin (Feet)	
Interior width (in)	216
Convert to feet	18

Depth Per Bin (Feet)	
total depth (in)	120
Wall at back of bin (in)	12
Usable interior depth (in)	108
Convert to feet	9

Height of Bin (Feet)	
Height of bin (low point)(ft)	1.2
Height of Bin (high point)(ft)	4.1
Average (ft)	2.6

Volume of Bins	
Width (ft)	18.0
Depth (ft)	9
Height (ft)	2.6
Volume (Cubic Feet)	428.6
Volume (Cubic Yard)	15.9

Primary Containment Calculations for Bins 5,6

Assumptions:

Bins 5,6 are equal in dimension

Height of bin is average of high and low point

Bins 5 and 6 are utilized to store material for LLRW

Width Per Bin (Feet)	
Interior width (in)	936
Interior walls (in)	12
Usable interior width (in)	924
Convert to feet	77
Feet per bin (77/2)	38.5

Depth Per Bin (Feet)	
total depth (in)	360
Wall at back of bin (in)	18
Usable interior depth (in)	342
Convert to feet	28.5

Height of Bin (Feet)	
Height of bin (low point)(ft)	9.3
Height of Bin (high point)(ft)	8.5
Average (ft)	8.9

Volume of Bins	
Width (ft)	38.5
Depth (ft)	28.5
Height (ft)	8.9
Volume per bin (Cubic Feet)	9783.8
Volume Per Bin (Cubic Yard)	362.4
Total Volume (Cubic Feet)	19567.6
Total Volume (Cubic Yard)	724.7

Primary Containment Calculations for Bin 7

Assumptions:

Height of bin is height of wall, 3'

Bin 7 is used to remove solid waste from containers.

Width Per Bin (Feet)	
Interior width (in)	240
Convert to feet	20

Depth Per Bin (Feet)	
total depth (in)	336
Wall at back of bin (in)	12
Usable interior depth (in)	324
Convert to feet	27

Height of Bin (Feet)	3
----------------------	---

Volume of Bin	
Width (ft)	20
Depth (ft)	27
Height (ft)	3
Volume (Cubic Feet)	1620
Volume (Cubic Yard)	60

Primary Containment Calculations for Half Round	
Assumptions:	
Half Round Shape is regular and not angled.	
This will over estimate waste volume	
Half Rounds are used to store liquid or suspension wastes.	
Length of Half Round (feet)	30
Width of Half Round (feet)	8.5
Height of Half Round (feet)	5
Total Volume of Half Round (cubic feet)	1275
Total Volume of Half Round (Bbl)	227.1

Assumptions:

None, volume taken from drawings

Upright tanks are used to store liquid wastes.

Volume of Upright (Bbl)

400

Assumptions:

None, volume taken from drawings

Agitator tanks are used to store liquid or suspension wastes.

Volume of Agitator (Bbl)	400
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Mechanical Processes Utilized for Waste Processing at AMS MFF

Waste Unloading

Container Type	Methodology for unloading	Locations
Roll off box	Gravity, mechanical extraction for that which gravity does not remove	Cold Half Round, Hot Half Round, Bins 1,2,5,6,7
Vacuum Truck	On board pump system for the truck, mechanical extraction for any tank bottoms that do not get pumped off and which the customer requests to be removed	Hot Half Round, Agitator System
Drums	Drums are removed from conveyances by hand, life gate, or forklift. Drums are emptied utilizing a forklift mounted drum tipper that can take drums to the appropriate locations and utilize gravity to empty.	Cold Half Round, Hot Half Round, Bins 1,2,5,6

Waste Processing

Process Name	Description	Location
Filter Press	Utilizing different pumping systems suspended waste from the agitators is pumped into the plate and frame filter presses. The liquid phases of the waste leave through the effluent holes and the solid phase builds a cake. After cycle times determined by press operation leads are finished the cake is "dropped" from the filter press and new cycles started.	Agitator/Filter Press Containment
Down Blending	AMS blends waste of varying radioactivity content to create a concentration that is	Bins 1,2,3

	acceptable for local landfill disposal.	
Shipment to landfill	After material is sufficiently blended material is loaded into trucks for transportation to local landfill.	Bin 3, Bay 4
Shipment to Low Level Radioactive Waste Landfill (LLRW)	After material is sufficiently solidified it is loaded into available gondola railcars for transport to LLRW.	Bins 5,6 and Rail line
Oil Water Separation	The liquid phases coming from the filter press are further divided into water for injection at Class II UIC or disposal at location who takes oil.	Agitator Containment
Shipment to Class II UIC	Water is loaded into transport trucks of varying sizes for disposal at Class II UIC	Water Load Out Area
Shipment to oil disposal location	Waste Oil from the filter pressed materials is loaded for disposal.	Filter Press Containment
Truck Wash Out	At the appropriate station trucks are staged and cleaned out utilizing either processed water from the filter press system or city water. All exterior surfaces of the truck are cleaned utilizing city water.	Hot Half Round/Confined Space Entry Station

Chemical Processes Utilized for Waste Processing at AMS MFF

Process Name	Description	Location
Stabilization for LLRW	Waste materials for disposal at LLRW are stabilized utilizing quick lime to meet moisture content criteria	Bins 5,6
Reserved	Reserved for potential treatment methodologies utilized in the filter press system	Agitators, Filter presses

Chemical Reagents utilized:

Chemical Reagent Name	Purpose	Storage Location
Blended Quick Lime	Stabilization of waste materials utilizing chemical binding of liquids.	Lime Bin located in building 255.

Discharge Prevention Measures

Containment	Primary Containment Measures	Secondary Containment Measures
Agitator Tank	Monitored By Camera, Inspection at beginning/end of shift/During pumping	Monitored By Camera, Inspection at beginning/end of shift
Processed Water Upright Tank	Monitored By Camera, Inspection at beginning/end of shift	
Half Rounds	Monitored By Camera, Inspection at beginning/end of shift	Monitored By Camera, Inspection at beginning/end of shift
Bins	Monitored By Camera, Inspection at beginning/end of shift	Monitored By Camera, Inspection at beginning/end of shift

Leak Detection Methods for Pipelines

Pipelines installed at MFF are all above ground and suspended in the air. Leak detection is accomplished utilizing visual inspection of the pipes and associated containment under the pipes.

Loading, Unloading, and Transferring Procedures

Loading Procedures

Brine Loading

During operation of the filter press regular checks of the Processed Water tanks are made. Based on measurements taken at these times brine trucks are coordinated for disposal at Class II UIC. Upon arrival of the transport truck at MFF the truck is weighed in and communicates with on site personnel regarding entering the facility and loading. After permission to enter is granted the truck maneuvers to the water load out area near the processed water tanks. At this time the truck is met by an AMS employee, typically the filter press operator. After the truck is appropriately staged, hosing is connected from the processed water tanks to the transport truck this includes a clear sight tube. The truck begins loading brine water by vacuum. While water is being loaded the filter press operator will utilize the clear sight tube to assess water quality being loaded. After the truck operator determines he is full the valve at the processed water tanks is closed, and the pressure relief valve opened. The line is then vacuumed clean of remaining liquid and the truck valve closed. The vacuum is turned off, hoses removed, and appropriate caps placed on the valves. The truck then proceeds to the scale for heavy weight. After the truck finishes scaling, a manifest is provided and signed. The truck then proceeds to the disposal location.

Oil Loading

During operation of the filter press regular checks of the Waste Oil tank is made. Based on measurements taken at these times brine trucks are coordinated for disposal at the designated facility. Upon arrival of the transport truck at MFF the truck is weighed in and communicates with on site personnel regarding entering the facility and loading. After permission to enter is granted the truck maneuvers to the waste oil tank area in the filter press containment. At this time the truck is met by an AMS employee, typically the filter press operator. After the truck is appropriately staged, hosing is connected from the processed water tanks to the transport truck. The truck begins loading waste oil by vacuum. After the truck operator determines he is full the valve at the waste oil tank is closed, and the pressure relief valve opened. The line is then vacuumed clean of remaining waste oil and the truck valve closed. The vacuum is turned off, hoses removed, and appropriate caps placed on the valves. The truck then proceeds to the scale for heavy weight. After the truck finishes scaling, a manifest is provided and signed. The truck then proceeds to the disposal location.

Local Landfill Truck Loading

On a daily basis the MFF Operations Manager will assess the quantity of waste materials in bins 1,2 and 3. Based on these levels and anticipated incoming waste volumes the Operations Manager will schedule trucking for the following day. Note that landfills AMS utilize are only open Monday through Friday typically. When scheduled trucks arrive they are weighed in empty and communicate with on site personnel regarding entering the loading bay. Once permission is granted the truck backs into bay 4, the loading bay, and begins loading their truck. A light operated by the driver indicates that the bed of the truck is occupied. After the truck is lined the driver exits and turns off the light indicating that the truck is ready to be loaded. The operator

then begins loading the truck, utilizing a front end loader, with material that is ready for landfill shipment. During this the operator communicates with the truck driver using in-cab CB radio to make adjustments to how the truck is loaded, or determine if sufficient material is loaded into the truck. After the truck is finished loading they pull into the North "truck receiving lot" where an exposure rate measurement is performed on the exterior of the truck. If the measurement yields results outside of internal specifications the truck is moved into the building and dumps its load. The process is then repeated until exposure rates meet specified results. After the truck is loaded and meets specified exposure rate measurements the truck proceeds to the scale where a heavy weight is taken. After the truck finishes scaling a manifest is provided and signed. The truck then proceeds to the disposal location.

Railcar Loading for LLRW

Upon arrival of gondola railcars at the facility an assessment of on site materials is made to determine railcar loading schedule. Material is stabilized to sufficient moisture content to meet disposal requirements. The gondola railcar is lined utilizing a double lining system. After the railcar is lined, and waste is sufficiently stabilized loading commences. Materials destined for LLRW are loaded into the gondola utilizing a front end loader. After sufficient material has been loaded into the gondola the operator utilizes an excavator to "smooth" the load into a flat surface. Once the surface is flattened samples are collected to verify moisture content and the liner is closed utilizing the designated fall protection system. After the liner is closed a radiation survey is performed of the railcar including exposure rate measurements and removable contamination. Upon completion of the survey the data is provided to AMS' certified shipper who makes determinations on the DOT status of the railcar and fills out shipping paperwork in accordance with that determination. After DOT determination is made communication is made to the on-site personnel who performs the labeling and placarding of the railcar regarding its DOT status. The paperwork is then provided to the rail provider who schedules the removal of the railcar.

Unloading Procedures

General

When trucks arrive they are weighed in and receive an exposure rate measurement. All processing is based on the initial exposure rate measurement taken at this time. The employee performing this measurement will announce on the radio that there is Truck Type here with Exposure Rate to inform operations employees where the truck will be unloaded. Typically all roll off trucks that enter the facility are opened initially at the half rounds to capture any water that may be present. Based on generator familiarity and project specifications some roll off trucks may be initially dumped elsewhere if AMS personnel are confident that no liquid waste is present.

Half Round Roll Off Box Unloading

Roll off trucks enter the facility and maneuver to the appropriate half round based on the measured exposure rate. An AMS employee meets them at this point and helps to guide them to the appropriate location. After the truck is staged near the half round the employee checks

the chains on the truck to ensure intactness. The chains on the back of the container are removed and the AMS employee instructs the driver to back the container over the half round. Once the container is over the half round the side chain is loosened to allow liquid waste to exit the container. After this chain is loosened the AMS employee instructs the driver to raise his rails so that liquid can efficiently drain out. Once liquid drainage has slowed to a trickle the side binder is resecured to limit subsequent liquid drainage during transfer to subsequent dump location.

Bin 7 Roll Off Unloading

After the truck has had the liquid drained the container will move to bin 7. At bin 7 the roll off door is fully opened and chained open. The AMS employee will then instruct the truck driver to fully raise the trucks rails to try and dump any solids.. If the solids stay in the container at this point AMS utilizes mechanical extraction to remove solids from the container. Once the container is empty of its solid content the truck proceeds to the wash out station.

Hot Half Round/Agitator Vacuum Truck Unloading

Vacuum trucks enter the facility and maneuver to the appropriate off loading location based on the measured exposure rate. The truck is connected to a manifold at that location by hose. After the truck and the primary containment are connected the truck's pump system is turned on manifold valve opened and contents evacuated into the connected primary containment. The AMS employee monitors the connected primary containment and associated hose during discharge. Once observations indicate the truck is empty the valve at the manifold is closed and the truck's pump is turned off. Hoses are disconnected and appropriate caps placed on the truck's valves.

Transfer Procedures

Transfer from Hot Half Round to Agitators

When waste is dumped into the hot half round the associated pump and grinder system will be connected to the agitator manifold. The appropriate valves will then be closed/opened to pump the material into the designated agitator. An AMS employee will then turn on the pump and monitor the flow of waste into the agitator tank. After the material is pumped over the pump will be turned off.

Transfer from Cold Half Round to Agitators

When waste is dumped into the cold half round the AMS vacuum truck will be utilized to transfer materials to the agitators. After a box is dumped the vacuum truck will be turned on, connected to the hose utilized to remove material from the half round, and vacuum pump started. AMS employees will monitor the system for proper performance and check the fill gauge periodically to determine if the truck is full. After the truck is finished being loaded the employee will close the valve, cut the vacuum pump off, and check the hose to determine if it has drained off. If not a cap will be utilized to minimize spilling of material. The truck will maneuver to the agitator load off area and utilize the steps discussed in "Hot Half Round/Agitator Vacuum Truck Unloading"

Transfer of Solid Waste Throughout the Facility

When solid waste is transferred through various locations in the facility it will be performed utilizing a front end loader. Waste will be picked up utilizing the bucket and transferred from one location to another. At this time some waste may fall off the bucket that was previously sticking. This waste will be cleaned up utilizing the blade on the bucket of the loader at regular intervals during operation.

Waste Tracking

Inbound Waste

All waste inbound to the facility is weighed in across the on site scale. For trucks the empty container is weighed again after emptying. For drums the entire heavy weight of the container is assumed to be processed. AMS crushes the actual drum and disposes of that typically so there is no light weight. All inbound shipments are tracked utilizing the AMS Waste Tracking Sheet, which tracks total tonnage, type of waste, generator, generating location, radioactivity, and other components.

Outbound Waste

Waste leaving the facility is tracked by disposal destination. These trucks are weighed in light prior to loading and after loading weighed out Waste destined for local landfill or class II injection wells are tracked utilizing the AMS Waste Tracking Sheet. The weight, disposal location and other components are tracked.

Due to the nature of shipment by rail the waste disposed of at LLRW is tracked in a separate spreadsheet, the Railcar Shipment Sheet. The weight assumed to be loaded into each railcar is 100 tons.

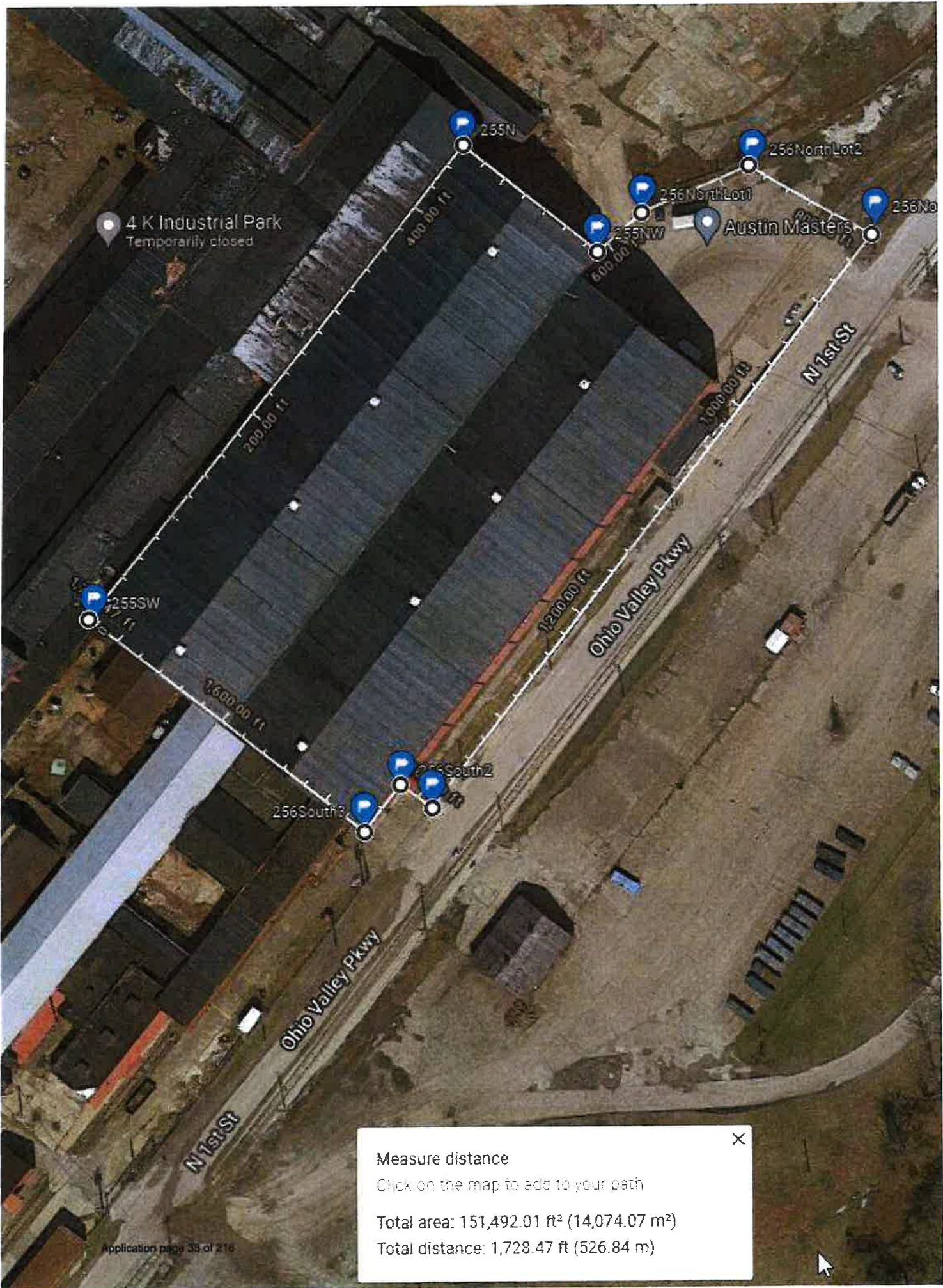
Other

Stabilization agents are also weighed in and tracked utilizing the AMS Waste Tracking Sheet. Ultimately stabilization agents end up being transported out with outbound solid waste so to maintain consistent measures tracking of the inbound agent is required.

Proposed Final Disposition of Waste Materials

Waste Type	Disposal Location
Brine	Class II Injection Well (ReHydro, Dennison Disposal, Glenn O Hawbaker, Clearwater 3, etc)
Oil	ReHydro
Radioactively Elevated Solid Waste	Waste Control Specialists Andrews, Texas or similar LLRW
Non-Radioactively Elevated Solid Waste	Republic Services' Imperial Landfill or similar Pennsylvania Landfill





4 K Industrial Park
Temporarily closed

Austin Masters



Measure distance ✕
Click on the map to add to your path
Total area: 151,492.01 ft² (14,074.07 m²)
Total distance: 1,728.47 ft (526.84 m)

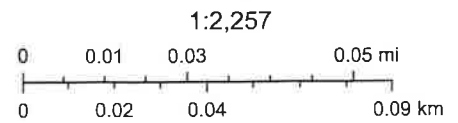
Location of Source Water Protection Area

Drinking Water Source Protection Areas



6/15/2022, 12:28:41 PM

-  Source Water Protection Area
-  Inner Management Zone



Division of Drinking and Ground Waters, Ohio EPA. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Location of Nearest Water Well

Location and distance of nearest water well



Imagery ©2022 Google, Imagery ©2022 Maxar Technologies, USDA/FSA/GEC, Map data ©2022 100 ft

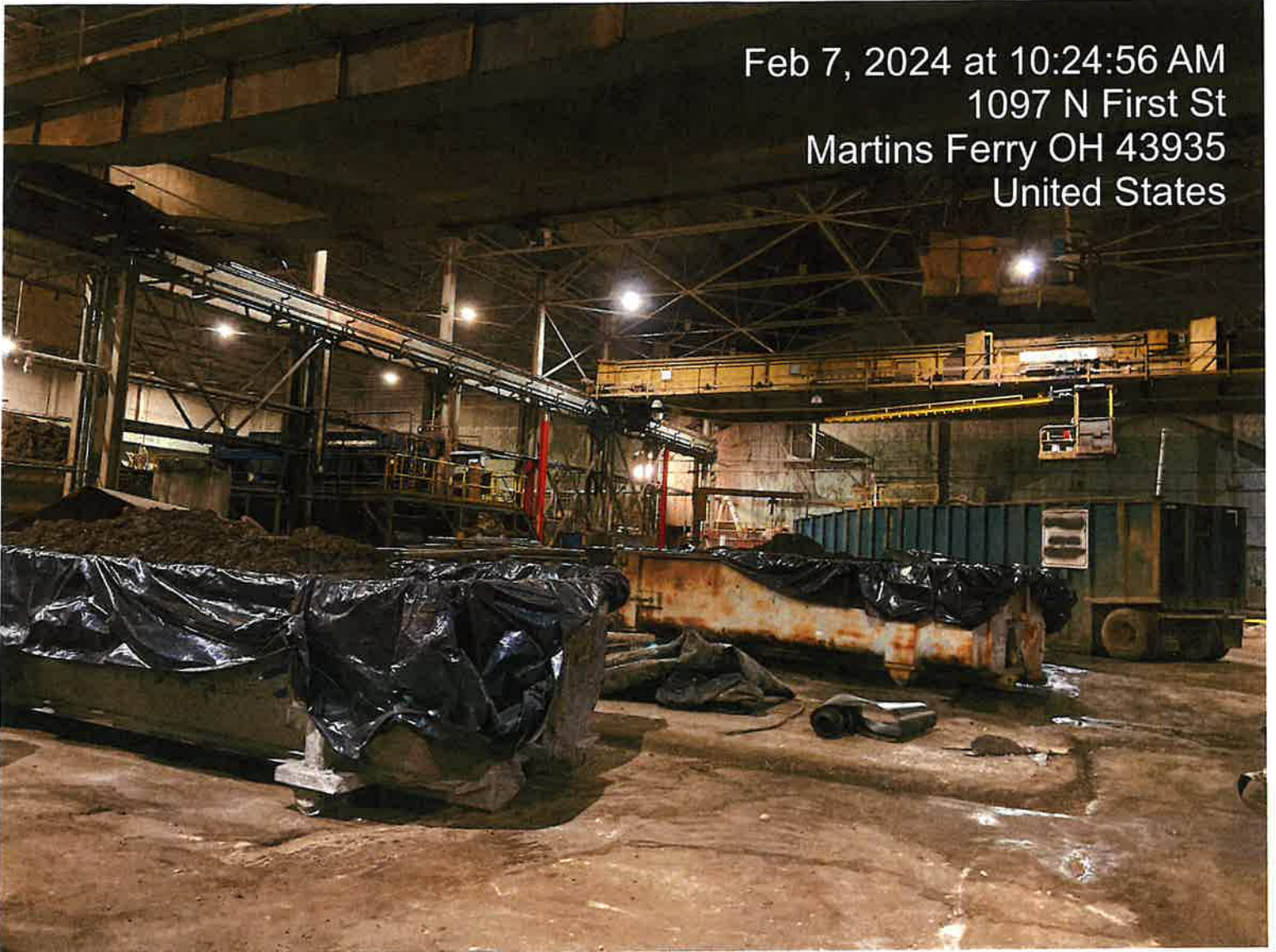
Measure distance
Total distance 1,141.32 ft (347.88 m)

Feb 7, 2024 at 10:02:07 AM
1097 N First St
Martins Ferry OH 43935
United States

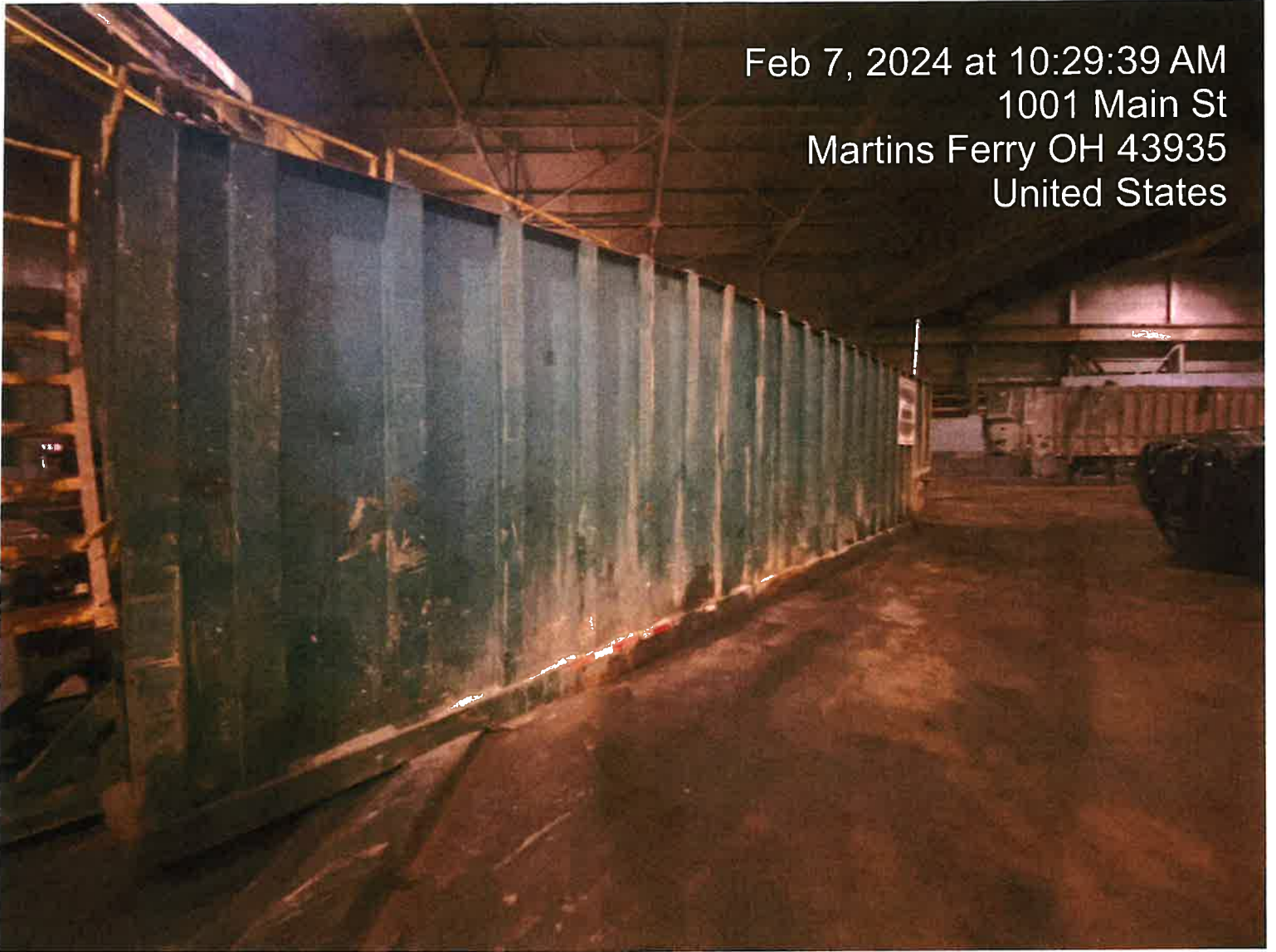


PENGAD 800-831-6889
EXHIBIT
B

Feb 7, 2024 at 10:24:56 AM
1097 N First St
Martins Ferry OH 43935
United States



Feb 7, 2024 at 10:29:39 AM
1001 Main St
Martins Ferry OH 43935
United States





OIL AND GAS WASTE FACILITY INSPECTION REPORT

FACILITY INFORMATION

FACILITY NAME: AMS Martins Ferry Facility

PERMIT NUMBER: WF-2022-05

OWNER: Austin Master Services, LLC

COUNTY: Belmont

INSPECTION INFORMATION

DATE: 2/7/2024

PURPOSE: Routine

WEATHER: 28 F Sunny

TIME IN: 9:55 AM

TIME OUT: 11:20 AM

ATTENDEES: DOGRM: Brian Jacoby, Tara Lee, Paul Carder; AMS: Kurtis Hoffman, Joe Bement

INSPECTION COMMENTS

Facility was in operation at the time of inspection. Solid waste accumulation at the facility is exceeding the primary containment storage capacity. Facility secondary containment is being used as primary containment. On the west side of the facility, near the filter presses and filtrate water half-round, three roll-off containers and a green frac tank were being used to store waste.

NOTIFICATION INFORMATION

TYPE OF NOTIFICATION: Notification of Violation

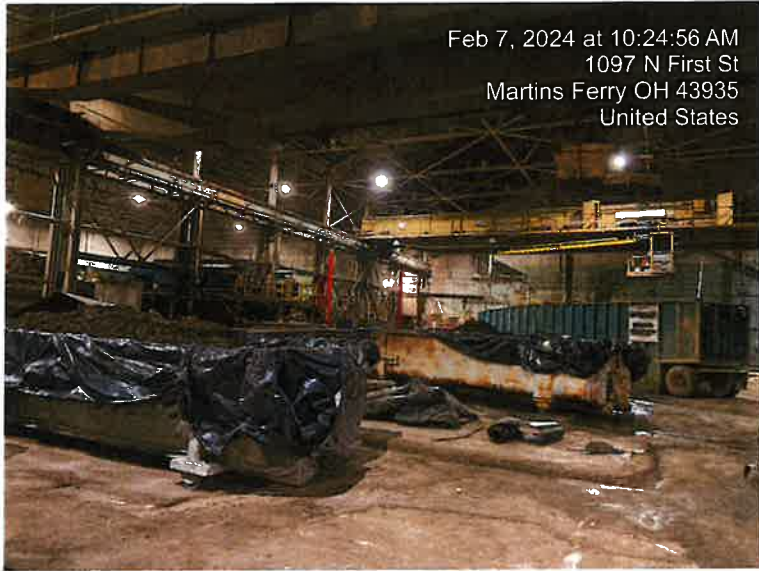
REFERENCE TO LAW: 1501:9-4-05 (C)(1), 1501:9-4-06 (C)(1)(d)

DESCRIPTION OF NOTIFICATION: Permittee has revised an oil and gas waste facility without submitting a request for an amendment. Permittee is using secondary containment as primary containment.

COMPLIANCE REQUIREMENTS: Remove waste from the facility as needed to maintain an accumulation equal to or less than the capacity of permitted primary containments. Submit a request for an amendment for the addition of the three noted roll-off containers and frac tank. **Work to be completed by March 15, 2024.**

ADDITIONAL COMMENTS:





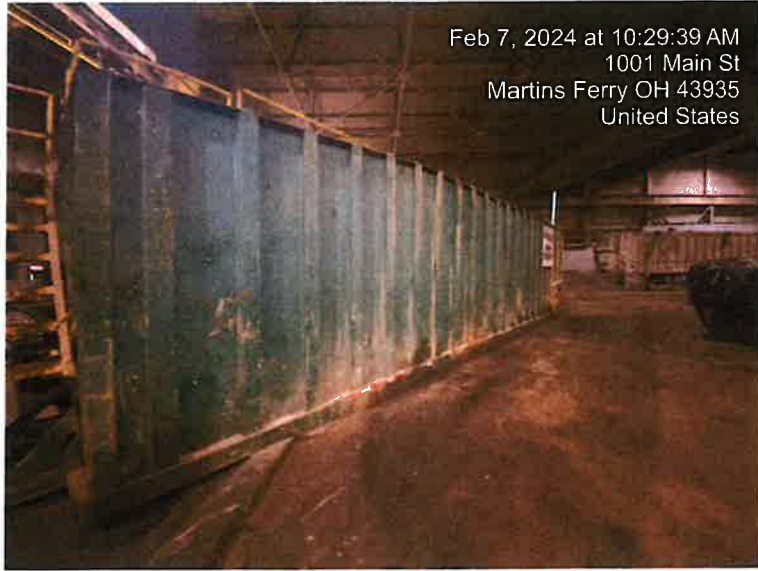
Feb 7, 2024 at 10:24:56 AM
1097 N First St
Martins Ferry OH 43935
United States

Additional storage



Feb 7, 2024 at 10:28:33 AM
1001 Main St
Martins Ferry OH 43935
United States

Additional storage

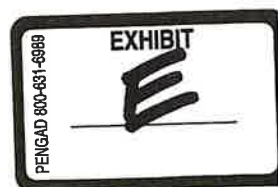
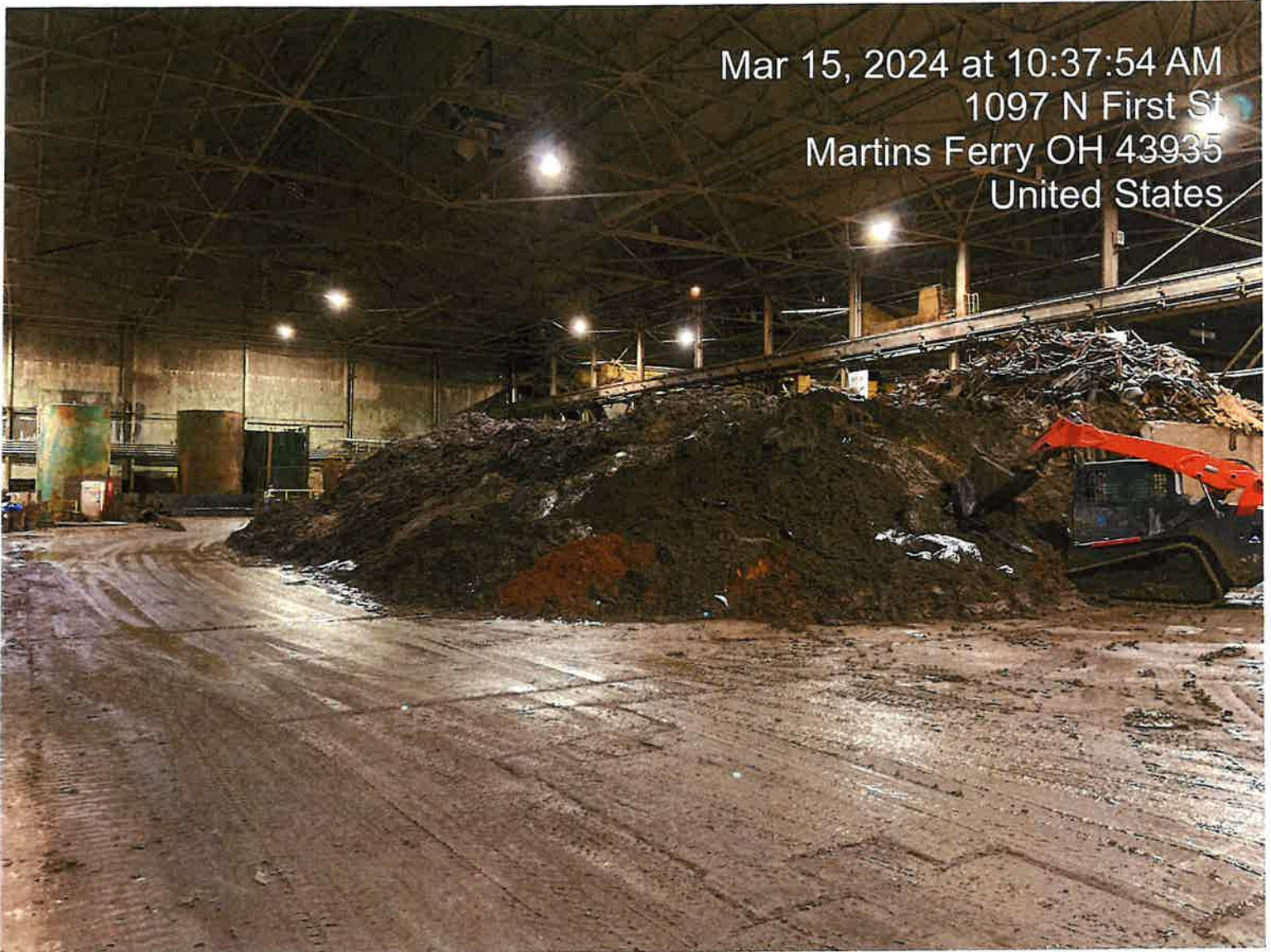


Additional storage

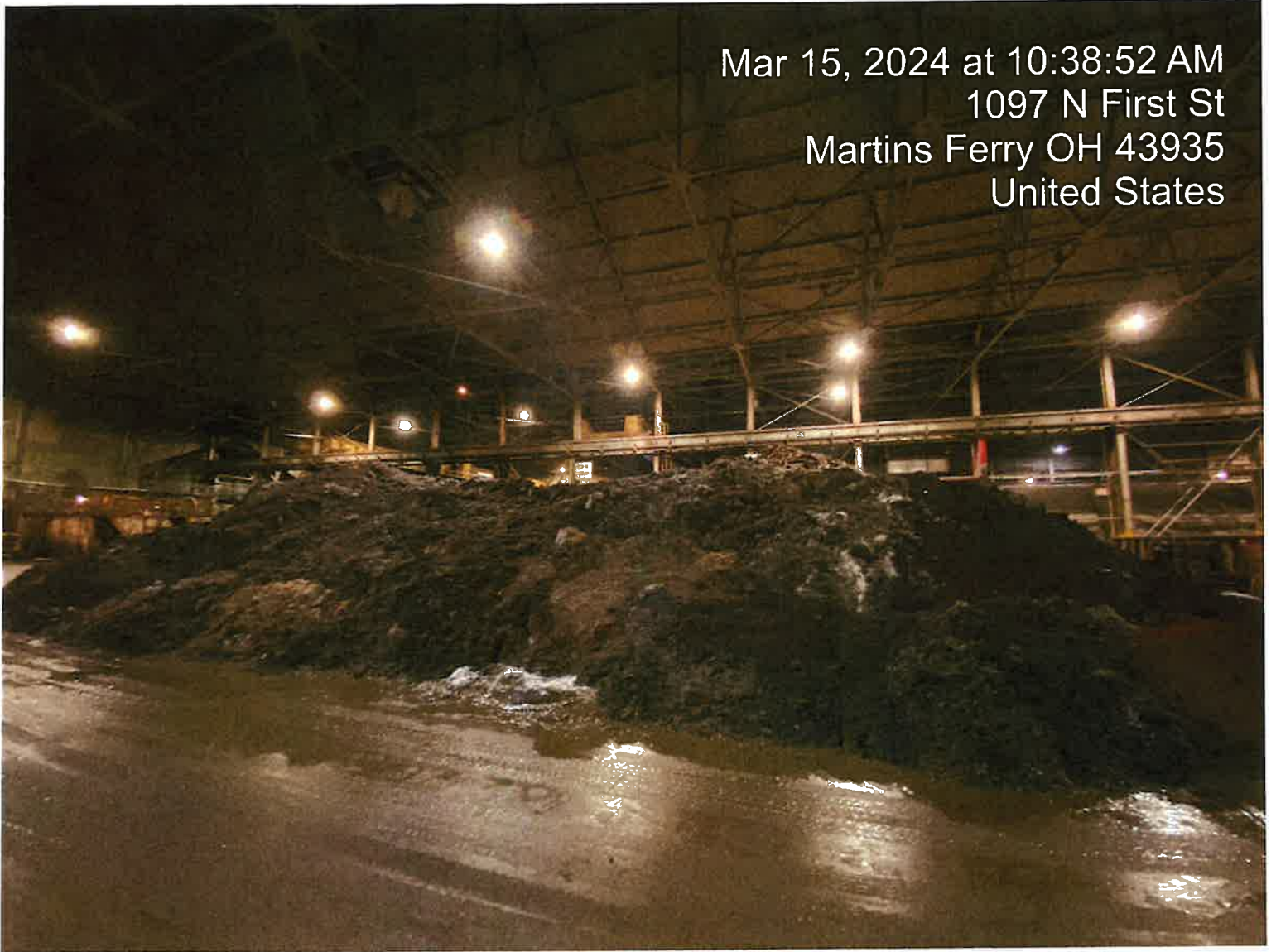


Facility, facing NW

Mar 15, 2024 at 10:37:54 AM
1097 N First St
Martins Ferry OH 43935
United States



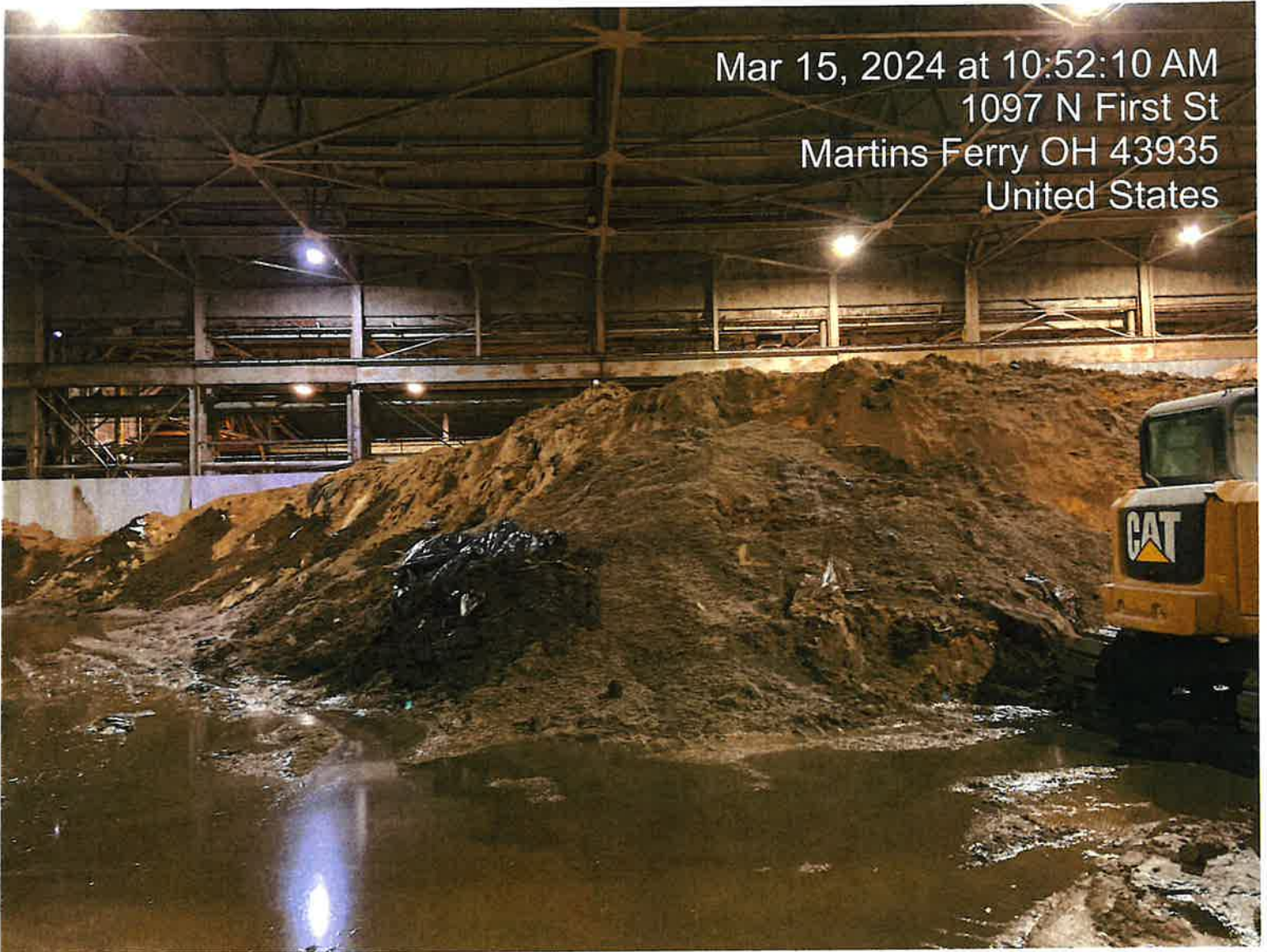
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1097 N First St
Martins Ferry OH 43935
United States



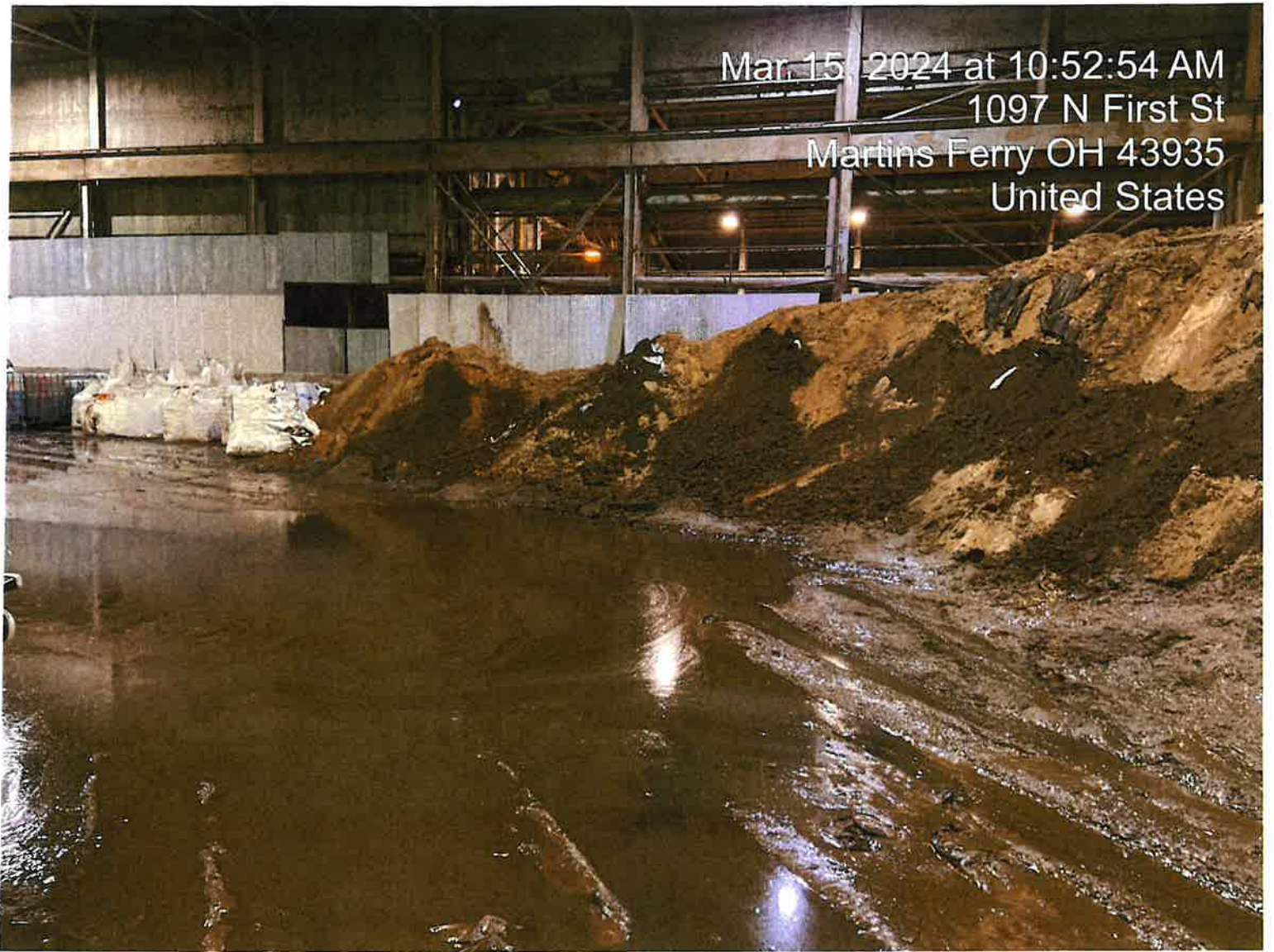
Mar 15, 2024 at 10:42:23 AM
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Martins Ferry OH 43935
United States



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Martins Ferry OH 43935
United States



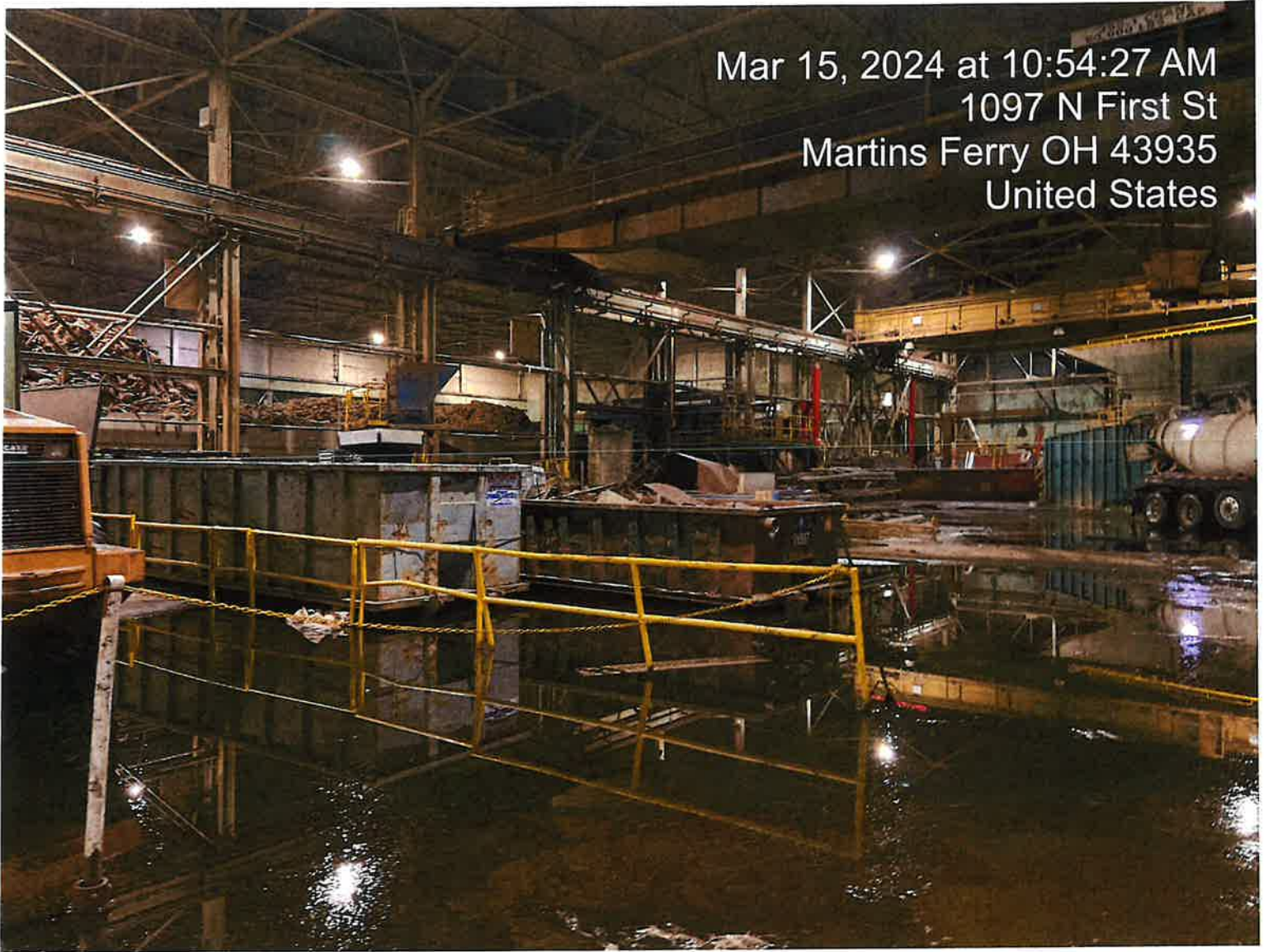
Mar. 15, 2024 at 10:52:54 AM
1097 N First St
Martins Ferry OH 43935
United States





Mar 15, 2024 at 10:53:01 AM
1097 N First St
Martins Ferry OH 43935
United States

Mar 15, 2024 at 10:54:27 AM
1097 N First St
Martins Ferry OH 43935
United States



Mar 15, 2024 at 11:12:53 AM
1097 N First St
Martins Ferry OH 43935
United States





OIL AND GAS WASTE FACILITY INSPECTION REPORT

FACILITY INFORMATION

FACILITY NAME: AMS Martins Ferry Facility

PERMIT NUMBER: WF-2022-05

OWNER: Austin Master Services, LLC

COUNTY: Belmont

INSPECTION INFORMATION

DATE: 3/15/2024

PURPOSE: Follow-up

WEATHER: 55 F Cloudy

TIME IN: 10:25 AM

TIME OUT: 11:35 AM

ATTENDEES: DOGRM: Brian Jacoby, Paul Carder, Rob Leidy, AMS: Joe Bement, Kurtis Hoffman

INSPECTION COMMENTS

Conditions at the facility have worsened since previous inspection. Solid and liquid waste was outside primary containment throughout the facility. A vacuum truck was present removing liquid waste from the floor. Five fully-loaded railcars were present in the railcar area.

NOTIFICATION INFORMATION

TYPE OF NOTIFICATION: Notification of Violation

REFERENCE TO LAW: 1501:9-4-06 (C)(1)(d), 1501:9-4-06 (C)(2)(b), 1501:9-4-06 (D)(1)

DESCRIPTION OF NOTIFICATION: Permittee has allowed primary containment to overflow and is using secondary containment as primary containment. Permittee has operated primary containments in a manner that does not prevent the release of waste substances from the containment. Permittee is not storing solids within primary and secondary containment.

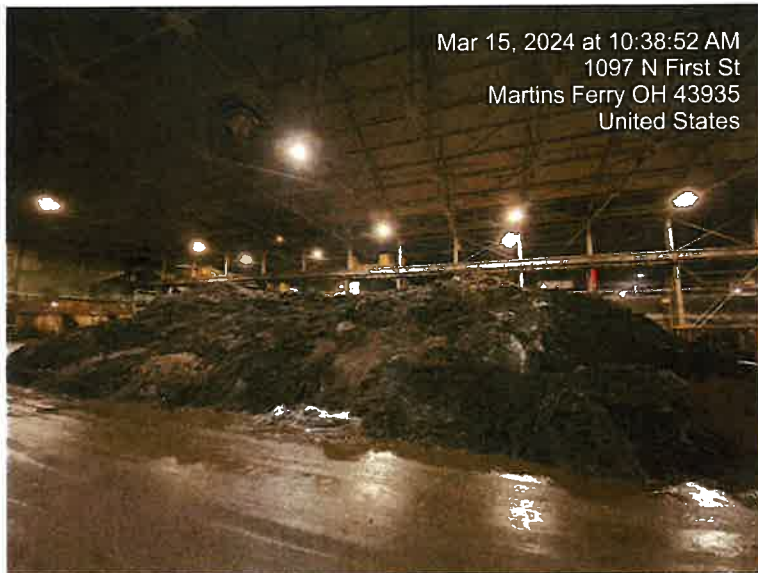
COMPLIANCE REQUIREMENTS: Immediately remove and lawfully dispose of all liquid waste outside primary containment. Remove solid waste from the facility as needed to maintain an accumulation equal to or less than the capacity of permitted primary containments. Develop an inspection procedure and a standard form for recording inspection data. Submit for approval a written description of the inspection procedure, an inspection frequency or schedule and the form that is to be used. Upon approval, permittee shall commence with the approved procedure, and shall submit each completed inspection form within one business day of the inspection.

ADDITIONAL COMMENTS:





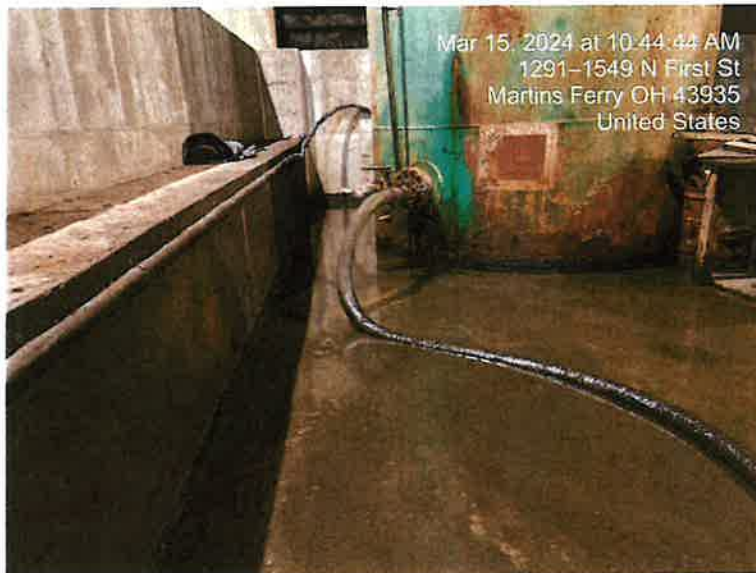
Railcar 31732



Solid waste



Filter press solids storage area



Secondary containment area for the south unloading area



Liquid waste outside containment



Waste behind bins



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Eric Vendel, Chief

Division of Oil and Gas Resources Management

2045 Morse Rd, Building F

Columbus, Ohio 43229

Phone: (614) 265-6922; Fax: (614) 265-6910

ORDER BY THE CHIEF

March 19, 2024

ORDER NO. 2024-78

**TO: Austin Master Services, LLC
801 North First Street
Martins Ferry, Ohio 43935**

**RE: AMS Martins Ferry Facility
Martins Ferry, Belmont County, Ohio**

SUBJECT: Suspension of Operations

Pursuant to Ohio Revised Code Sections 1509.03(D), 1509.04(A), and 1509.22, and Ohio Administrative Code 1501:9-4, the Chief of the Division of Oil and Gas Resources Management ("Chief" or "Division") issues the following Order:

BACKGROUND:

- (1) Since January 13, 2022, Chapter 1501:9-4 of the Ohio Administrative Code governs the process to obtain a permit to store, recycle, treat, and process oil and gas waste substances, sets operational standards for permitted oil and gas waste facilities, and specifies enforcement procedures for oil and gas waste facilities.
- (2) Pursuant to Ohio Admin. Code Chapter 1501:9-4, effective July 12, 2022, the Division authorized AMS to construct the AMS Martins Ferry Facility ("Facility") in Permit No. WF-2022-05 ("Permit"), attached as Exhibit 1.
- (3) The Facility is an "oil and gas waste facility" as defined by Ohio Admin. Code 1501:9-4-01(DD), located at 801 North First Street, Martins Ferry, Belmont County, Ohio. The Facility stores, treats, and processes brine, and other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources.
- (4) Effective July 12, 2022, the Division authorized AMS to commence operations at the Facility in a Letter of Commencement. The Letter of Commencement is attached as Exhibit 2.



- (5) Ohio Admin. Code 1501:9-4-06(C)(1)(d) states “[P]rimary containment shall not overflow. Secondary containment shall not be used as primary containment.”
- (6) On February 7, 2024, Division staff inspected the Facility. The inspection report notes the following:

“Solid waste accumulation at the facility is exceeding the primary containment storage capacity. Facility secondary containment is being used as primary containment. On the west side of the facility, near the filter presses and filtrate water half-round, three roll-off containers and a green frac tank were being used to store waste.”

The three roll-off containers and green frac tank were not approved to use for storage of waste substances (“waste”) in the Facility’s Permit.

- (7) Ohio Admin. Code 1501:9-4-05(C)(1) requires a request for a Division-approved amendment to an oil and gas waste facility permit “prior to implementation of any revision to an oil and gas waste facility.”
 - (8) As of the date of this Chief’s Order, AMS has not submitted an application for an amendment to the Permit.
 - (9) On February 7, 2024, the Division issued a Notification of Violation for violations of Ohio Admin. Code 1501:9-4-05(C)(1) and Ohio Admin. Code 1501:9-06 (C)(1)(d). The Notification stated violations were to be corrected by March 15, 2024. The Notification of Violation is attached as Exhibit 3.
 - (10) On March 15, 2024, Division staff conducted an inspection of the Facility. AMS did not correct the violations noted in the February 7, 2024, Notification of Violation and the Division staff found:
 - a. the amount of waste stored at the Facility exceeded the amount allowed in the Permit because it had exceeded the permitted volumes of the primary containments;
 - b. AMS increased the amount of waste being stored at the Facility since the February 7, 2024, inspection, as shown in the photos attached as Exhibit 4; and
 - c. liquid was present on the Facility floor outside of primary or secondary containment.
- The Division’s March 15, 2024, inspection report is attached as Exhibit 5.
- (10) R.C. 1509.03(D) states, in pertinent part, that “[n]o person shall violate a term or condition of a permit or registration certificate issued under this chapter.”

- (11) From February 7, 2024, to at least March 15, 2024, AMS maintained gondola railcars of waste at the Facility. In its approved permit application documents, AWS explained that the railcars were to ship waste to out-of-state low-level radioactive landfills. Accordingly, these railcars were to store waste only on a temporary basis and the storage capacity of these containers was not factored into the financial assurance calculation for the Facility because their presence at the Facility was intended to be transient in nature.
- (12) The Division generally applies 72 hours as the maximum time frame for storage to be considered temporary. *See* Ohio Admin. Code 1501:9-4-01(DD)(3) (exempting from the definition of an “oil and gas waste facility” the storage of brine or other waste substances in a vehicle, vessel, or container at locations for less than seventy-two hours).
- (14) Ohio Admin. Code 1501:9-4-02 (G)(1) requires that facility owners “[e]xecute and file with the Division financial assurance conditioned on compliance with Chapter 1509 of the Revised Code, Division 1501:9 of the Administrative Code, and all rules and orders issued pursuant to either.”
- (15) As of the date of this Order, AMS has executed and filed with the Division two assigned certificates of deposit providing \$527,486.00 of financial assurance pursuant to Ohio Admin. Code 1501:9-4-02(G)(1).
- (16) Ohio Admin. Code 1501:9-4-06(K)(1) states “[T]he chief may immediately suspend operations at an oil and gas waste facility if any of the following apply:
 - (a) The oil and gas waste facility is operated in a manner different than the approved permit and any approved modifications or amendments;
 - (b) The operation of the oil and gas waste facility does not perform or is likely not to perform as designed;
 - (c) The oil and gas waste facility does not or is likely not to perform in a manner that supports safe production operations;
 - (d) The operation of the oil and gas waste facility fails or could reasonably be anticipated to fail to protect public health and safety;
 - (e) The operation of the oil and gas waste facility causes or could reasonably be anticipated to cause damage to the environment;
 - (f) The oil and gas waste facility is operated outside of the designated oil and gas waste facility boundary;
 - (g) Any violation of a term or condition of an approved permit, Chapter 1509 of the Revised Code or Division 1501:9 of the Administrative Code.; and

- (h) Operations at the class II disposal well associated with the oil and gas waste facility are suspended under rule 1501:9-3-07 of the Administrative Code or the class II disposal well associated with the oil and gas waste facility is ordered to be plugged by the chief.”

FINDINGS:

- (1) The Chief finds that AMS has allowed primary containment to overflow and is using secondary containment as primary containment in violation of Ohio Admin. Code 1501:9-4-06(C)(1)(d).
- (2) The Chief finds that AMS used three roll-off containers, a green frac tank, and the gondola railcars to store waste without obtaining an amendment to its Permit in violation of Ohio Adm. Code 1501:9-4-05(C)(1).
- (3) The Chief finds that the amount of financial assurance is not sufficient to meet the requirements of the Ohio Admin. Code 1501:9-4-02(G)(1) due to the additional amount of waste being stored on site.
- (4) The Chief finds that a suspension of operations at the Facility is lawful and reasonable under Ohio Admin. Code 1501:9-4-06(K)(1) because:
 - a. The Facility was operated in a manner different than the approved Permit; and
 - b. The Facility is in violation of its approved permit, R.C. 1509.03(D), and Ohio Admin. Code 1501:9-4.

ORDERS:

IT IS HEREBY ORDERED:

- (1) AMS shall immediately suspend its operations at the Facility and immediately cease accepting waste at the Facility.
- (2) AMS shall immediately remove all liquids from the Facility floor and secondary containment areas at the Facility.
- (3) Within 14 days after the receipt of this Chief's Order, AMS shall provide financial assurance in accordance with Ohio Admin. Code 1501:9-4-02(G)(1) for the storage capacity of the railcars and additional waste volumes being stored at the Facility exceeding the volume provided for in the Permit.

March 19, 2024

Eric Vendel

Date

Eric Vendel, Chief
Division of Oil and Gas Resources Management

Pursuant to R.C. 1509.224(B), addressee is hereby notified that this action is a preliminary order of the Chief and becomes a final order 30 days after its issuance unless the person to whom the preliminary order is directed submits to the Chief a written request for an informal hearing before the Chief within that 30-day period.

If no informal review is requested within 30 days after the issuance of this order, this order is deemed final and may be appealed pursuant to Sections 1509.36 and 1509.37 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 within 30 days after the date upon which the order becomes final, and sent to the following address: Oil and Gas Commission, 2045 Morse Road, Building E-1, Office 103, Columbus, Ohio 43229.

In addition, within three days after the appeal is filed with the Oil and Gas Commission, notice of the filing of the appeal must be filed with Eric Vendel, Chief of the Division of Oil and Gas Resources Management, 2045 Morse Road, Building F, Columbus, Ohio 43229-6693.

CERTIFIED MAIL No: 9489009000276359257481

Enclosures:

- Exhibit 1
- Exhibit 2
- Exhibit 3
- Exhibit 4
- Exhibit 5

cc:

Austin Master Services, Inc.
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

9489009000276359257498

EXHIBIT 1



OHIO DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL AND GAS RESOURCES MANAGEMENT
PERMIT TO CONSTRUCT AN OIL AND GAS WASTE FACILITY



FACILITY NAME: AMS Martins Ferry Facility		WF ID #: BELM-05	PERMIT #: WF-2022-05
OWNER NAME: Austin Master Services, LLC		OWNER PHONE: (740) 609-3800	OWNER #: 35014
OWNER ADDRESS: 801 North First Street, Martins Ferry, OH 43935			
PURSUANT TO OHIO REVISED CODE 1509.22 AND CHAPTER 1501:9-4 OF THE OHIO ADMINISTRATIVE CODE, AUSTIN MASTER SERVICES, LLC IS HEREBY GRANTED AUTHORIZATION TO CONSTRUCT THE AMS MARTINS FERRY FACILITY LOCATED AT THE ADDRESS LISTED IN THIS PERMIT. PURPOSE OF THE FACILITY IS TO STORE, TREAT, AND PROCESS BRINE, DRILL CUTTINGS, USED DRILLING MUDS, USED PROPPANT, USED FILTER MEDIA, GENERATED SOLIDS, FLOWBACK OR RECYLCED WATER, AND ALL OTHER RCRA EXEMPT OIL AND GAS EXPLORATION AND PRODUCTION WASTE SUBSTANCES.			
DATE EFFECTIVE: 7/12/2022		DATE CERTIFICATION DOCUMENTS DUE TO OBTAIN LETTER OF COMMENCEMENT: 7/12/2024	
FACILITY LOCATION INFORMATION			
COUNTY: Belmont		TOWNSHIP: Martins Ferry	
FACILITY ADDRESS: 801 North First Street, Martins Ferry, OH 43935			
CENTERLINE OF ACCESS ROAD AT PUBLIC RIGHT-OF-WAY: LATITUDE: 40.103039 LONGITUDE: -80.710523			
FACILITY CONTACT INFORMATION			
NAME: Joseph Bement		PHONE: (740) 609-3800	EMAIL ADDRESS: joebement@austinmasterservices.com
PERMIT CONDITIONS			
1) PERMITTEE SHALL COMPLY WITH THIS PERMIT, OHIO REVISED CODE CHAPTER 1509, OHIO ADMINISTRATIVE CODE 1501:9-4, AND ANY OTHER APPLICABLE LAWS.			
 _____			
ERIC VENDEL, Chief Division of Oil and Gas Resources Management			

EXHIBIT 2



OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS RESOURCES MANAGEMENT



**LETTER OF COMMENCEMENT
TO OPERATE AN OIL AND GAS WASTE FACILITY**

FACILITY NAME: AMS Martins Ferry Facility		WF ID #: BELM-05	DATE EFFECTIVE: 7/12/22
		PERMIT #: WF-2022-05	
OWNER NAME: Austin Master Services, LLC		OWNER PHONE: (740) 609-3800	OWNER #: 35014
OWNER ADDRESS: 801 North First Street, Martins Ferry, OH 43935			
PURSUANT TO CHAPTER 1501:9-4 OF THE ADMINISTRATIVE CODE, AUSTIN MASTER SERVICES, LLC IS HEREBY AUTHORIZED TO COMMENCE OPERATIONS AT THE AMS MARTINS FERRY FACILITY. THE AMS MARTINS FERRY FACILITY IS AUTHORIZED TO STORE, TREAT, AND PROCESS BRINE, DRILL CUTTINGS, USED DRILLING MUDS, USED PROPPANT, USED FILTER MEDIA, GENERATED SOLIDS, FLOWBACK OR RECYLCED WATER, AND ALL OTHER RCRA EXEMPT OIL AND GAS EXPLORATION AND PRODUCTION WASTE SUBSTANCES.			
FACILITY LOCATION INFORMATION			
COUNTY: Belmont		TOWNSHIP: Martins Ferry	
FACILITY ADDRESS: 801 North First Street, Martins Ferry, OH 43935			
CENTERLINE OF ACCESS ROAD AT PUBLIC RIGHT-OF-WAY: LATITUDE: 40.103039 LONGITUDE: -80.710523			
FACILITY CONTACT INFORMATION			
NAME: Joseph Bement		PHONE: (740) 609-3800	EMAIL ADDRESS: joebement@austinmasterservices.com
SPECIAL CONDITIONS			
1) PERMITTEE SHALL CONDUCT ALL OPERATIONS IN COMPLIANCE WITH THE PERMIT, OHIO REVISED CODE CHAPTER 1509, OHIO ADMINISTRATIVE CODE 1501:9-4, AND ANY OTHER APPLICABLE LAWS.			
			
ERIC VENDEL, Chief Division of Oil and Gas Resources Management			

EXHIBIT 3

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS RESOURCES MANAGEMENT
2045 MORSE RD, BLDG F, COLUMBUS, OH 43229



OIL AND GAS WASTE FACILITY INSPECTION REPORT

FACILITY INFORMATION

FACILITY NAME: AMS Martins Ferry Facility

PERMIT NUMBER: WF-2022-05

OWNER: Austin Master Services, LLC

COUNTY: Belmont

INSPECTION INFORMATION

DATE: 2/7/2024

PURPOSE: Routine

WEATHER: 28 F Sunny

TIME IN: 9:55 AM

TIME OUT: 11:20 AM

ATTENDEES: DOGRM: Brian Jacoby, Tara Lee, Paul Carder; AMS: Kurtis Hoffman, Joe Bement

INSPECTION COMMENTS

Facility was in operation at the time of inspection. Solid waste accumulation at the facility is exceeding the primary containment storage capacity. Facility secondary containment is being used as primary containment. On the west side of the facility, near the filter presses and filtrate water half-round, three roll-off containers and a green frac tank were being used to store waste.

NOTIFICATION INFORMATION

TYPE OF NOTIFICATION: Notification of Violation

REFERENCE TO LAW: 1501:9-4-05 (C)(1), 1501:9-4-06 (C)(1)(d)

DESCRIPTION OF NOTIFICATION: Permittee has revised an oil and gas waste facility without submitting a request for an amendment. Permittee is using secondary containment as primary containment.

COMPLIANCE REQUIREMENTS: Remove waste from the facility as needed to maintain an accumulation equal to or less than the capacity of permitted primary containments. Submit a request for an amendment for the addition of the three noted roll-off containers and frac tank. **Work to be completed by March 15, 2024.**

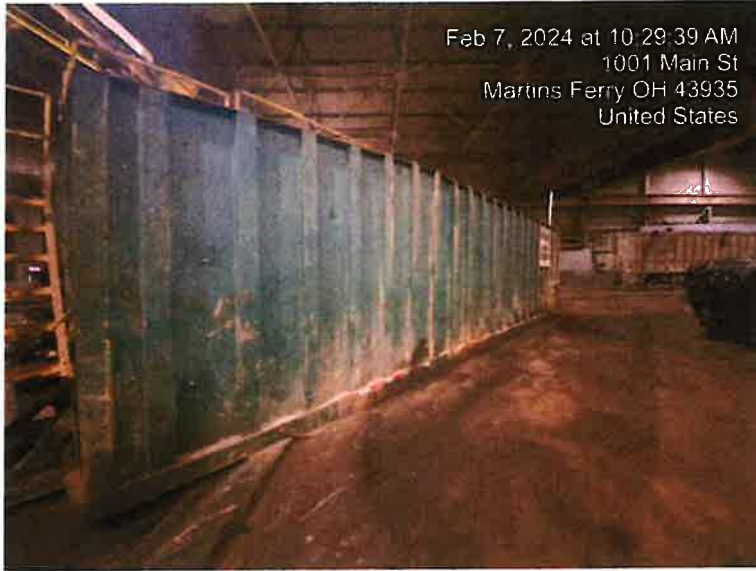
ADDITIONAL COMMENTS:



Additional storage



Additional storage



Additional storage

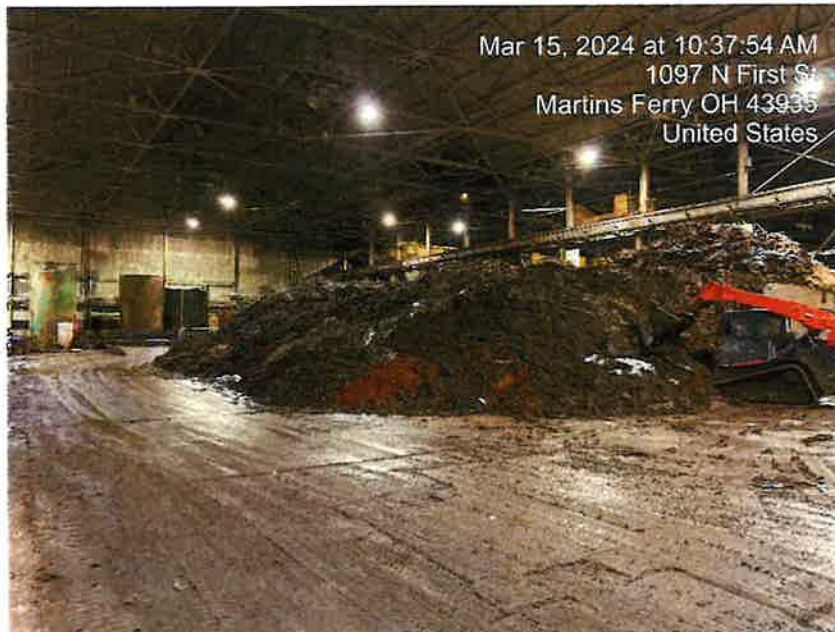


Facility, facing NW

EXHIBIT 4



Higher Level Processing Area on 2/7/24



Higher Level Processing Area on 3/15/24

EXHIBIT 5

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS RESOURCES MANAGEMENT
2045 MORSE RD, BLDG F, COLUMBUS, OH 43229



OIL AND GAS WASTE FACILITY INSPECTION REPORT

FACILITY INFORMATION

FACILITY NAME: AMS Martins Ferry Facility

PERMIT NUMBER: WF-2022-05

OWNER: Austin Master Services, LLC

COUNTY: Belmont

INSPECTION INFORMATION

DATE: 3/15/2024

PURPOSE: Follow-up

WEATHER: 55 F Cloudy

TIME IN: 10:25 AM

TIME OUT: 11:35 AM

ATTENDEES: DOGRM: Brian Jacoby, Paul Carder, Rob Leidy, AMS: Joe Bement, Kurtis Hoffman

INSPECTION COMMENTS

Conditions at the facility have worsened since previous inspection. Solid and liquid waste was outside primary containment throughout the facility. A vacuum truck was present removing liquid waste from the floor. Five fully-loaded railcars were present in the railcar area.

NOTIFICATION INFORMATION

TYPE OF NOTIFICATION: Notification of Violation

REFERENCE TO LAW: 1501:9-4-06 (C)(1)(d), 1501:9-4-06 (C)(2)(b), 1501:9-4-06 (D)(1)

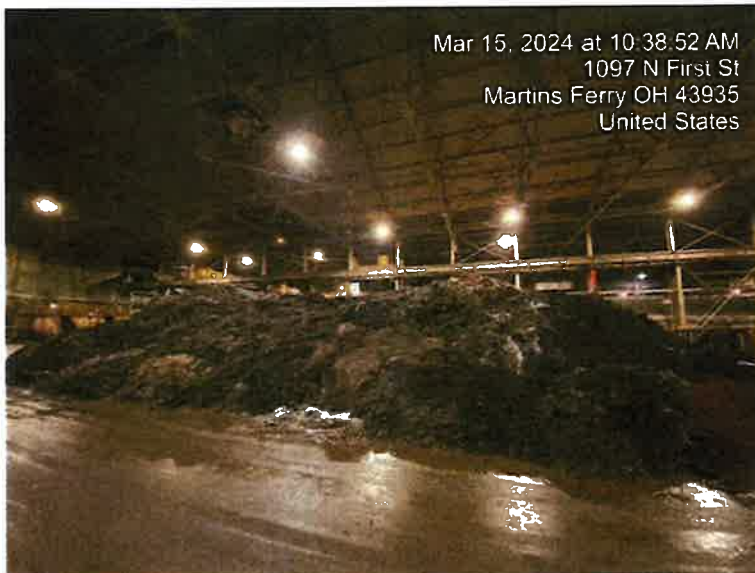
DESCRIPTION OF NOTIFICATION: Permittee has allowed primary containment to overflow and is using secondary containment as primary containment. Permittee has operated primary containments in a manner that does not prevent the release of waste substances from the containment. Permittee is not storing solids within primary and secondary containment.

COMPLIANCE REQUIREMENTS: Immediately remove and lawfully dispose of all liquid waste outside primary containment. Remove solid waste from the facility as needed to maintain an accumulation equal to or less than the capacity of permitted primary containments. Develop an inspection procedure and a standard form for recording inspection data. Submit for approval a written description of the inspection procedure, an inspection frequency or schedule and the form that is to be used. Upon approval, permittee shall commence with the approved procedure, and shall submit each completed inspection form within one business day of the inspection.

ADDITIONAL COMMENTS:



Railcar 31732



Solid waste



Filter press solids storage area



Secondary containment area for the south unloading area



Liquid waste outside containment



Waste behind bins