

The Columbus Dispatch

STATE

Ohio Senator's company doesn't have to pay for well leak after Oil & Gas Commission ruling



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The state Oil and Gas Commission has sided with the Department of Natural Resources in a case involving who should pay for a \$1.3 million environmental cleanup caused by a leak from an Ohio Senator's injection wells.

The commission's decision released Friday says the department acted "lawfully and reasonably" when it billed Genesis Resources for the 2021 cleanup, not Ohio Sen. Brian Chavez's company, Deeprock Disposal Solutions. The commission dismissed Genesis' appeal.

As The Dispatch previously reported, Chavez's company owns two wells in Noble County meant to dispose of brine, a toxic liquid byproduct of fracking. Those wells leached underground miles past where they were permitted to for years before the state shut them down, according to state records.

On five occasions since 2010, that liquid burst to the surface through other companies' dormant oil and gas wells, including in 2021 through one of Genesis' idled wells. That spill contaminated a nearby stream and killed wildlife before the state spent about \$1.3 million to plug the leak and clean up.

Previously while talking to The Dispatch, an attorney for Genesis, Kevin M. Maloney, conceded that Genesis had not plugged its inactive well as required by

Ohio law. Maloney said the owner could not afford to and Genesis was not the primary cause of the 2021 leak.

“(Genesis) is not totally clean and I’m not claiming they are,” Maloney previously told The Dispatch. “But why isn’t the responsible party being held responsible? It’s clear to me they’re protecting Deeprock’s owner.”

Maloney said Friday that his clients, Genesis and its insurer, will appeal their case to the Franklin County Common Pleas Court.

John Fortney, a spokesperson for the Senate Republicans, sent The Dispatch this statement on behalf of Chavez:

“The smear campaign against Senator Chavez has been shown for what it was—unfounded, premature and false. The finding speaks for itself.”

The commission noted in its decision that the burden falls on Genesis to prove the state's order to pay was unreasonable. But Genesis has alleged in motions the Department of Natural Resources has not turned over discovery, or evidence, as it should have.

"How do you establish unreasonableness without discovery?" Maloney said Friday.

The commission said in its decision it assumed Genesis' allegations to be factual, including that the brine originated from nearby injection wells:

"Assuming this fact to be true does not change the legality of the (Chief of the Ohio Department of Natural Resources' Division of Oil and Gas) order or Genesis' responsibility to comply with it. Whether any other entity may also have liability for the releases from (Genesis' well) does not eliminate or mitigate Genesis' liability ..."

After the fifth area well leaked in January 2023 in the vicinity of Deeprock's wells, the Ohio Department of Natural Resources ordered Deeprock to suspend its operations there. In that order, the department attributed all five leaks to Deeprock's wells.

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