Division of Oil and Gas Resources Management
Richard J. Simmers, Chief
2045 Morse Road, Bldg. H-2
Columbus, OH 43229-6693
Phone: (614) 265-6633 Fax: (614) 265-7998

November 30, 2011

Mr. Frederick Hanley, Chairman
Hubbard Township Trustees
Administration Building
2600 Elmwood Drive Ext.
Hubbard, Ohio 44425

Dear Mr. Hanley:

The Division of Oil and Gas Resources Management is in receipt of your objection to the saltwater injection well application of D & L Energy, Inc. for the proposed saltwater injection well to be located in Hubbard Township of Trumbull County, Ohio. The Division of Oil and Gas Resources Management has agreed to hold a public meeting on this application to address the objections and concerns. The public hearing will be held at the Hubbard Township Hall located at 2600 Elmwood Drive Ext. in Hubbard, Ohio on Tuesday, December 13, 2011 at 3:00 pm.

If you have any questions regarding this matter, please feel free to contact me at (614) 265-1032.

Sincerely,

Tom Tomastik, Geologist 4
Division of Oil and Gas Resources Management
2045 Morse Road, H-3
Columbus, Ohio 43229-6693

Cc: Tom Tugend, Division of Oil and Gas Resources Management
Nicholas C. Paparodis, D & L Energy, Inc.
File

HUBBARD TOWNSHIP

Board of Trustees

Administration Building, 2600 Elmwood Dr. Ext. • Hubbard, Ohio 44425

Phone: 330-534-1411 • Fax: 330-534-3032

FREDERICK HANLEY, Trustee
SUE ANN GOTERBA, Fiscal Officer

THOMAS JACOBS, Trustee
JOSEPH GLEYDURA, Trustee

Ohio Department of Natural Resources
Division of Oil and Gas
2045 Morse Rd, Building H-3
Columbus, Ohio, 43229

13 December 2011

RE: Public hearing, Hubbard Township, 12/13/11
Objections to the drilling of a waste brine injection well
OAC1501;9-5-1, continued: Nexlev/D&L Energy
Hubbard Township, Trumbull County, Ohio, Parcel#01-239500

Greetings,

Please find attached a overview of the objections that Hubbard Township has with the above indicated proposed brine waste disposal injection well. I have attached a copy of the original objection dated 19 October 2011 for your information.

Thank you in advance for your consideration of this matter.

FOR THE BOARD OF TOWNSHIP TRUSTEES

FREDERICK HANLEY, Chairman
Hubbard Township

Atch: Comments/hearing overview
Objection of 19 October 2011

CC: Sen Cafaro
Rep O'Brien

Hubbard Township objection overview;

This proposed waste brine injection well jeopardizes the public health, safety, welfare, economic recovery, and exposes enviormental justice issues.

1) Well site, discharge pits, waste storage areas are within 10 meters of Little Run Creek and pose a serious potential contamination issue. This creek flows south into the city of Hubbard. Additionally, Little Yankee Run Creek flows 3.5 miles east into the State of Pennsylvania and the water intake for the public water system of Shenango Water Company, and the Masury Water Company. What protections are being offered to them and the public water systems of Pennsylvania?

2) The proposed brine waste disposal well is directly above and through the Hubbard Groundwater Aquifer as establish and proven by the Trumbull County survey in 2001/ODNR Division of Water, W.C. Haiker. Hubbard Township residents have no major public water source other than private wells and this waste disposal well poses a threat to the water table.

3) The well site and potential spill threat is just east of the 100 year flood plain of the Little Yankee Run watershead.

4) This area of Trumbull County has experienced at least 7 earthquakes associated with the brine waste injection well operated by D&L Energy located on Salts Springs Road in Youngstown, Ohio. A earth quake experienced in Hubbard Township on October 21, 2011 was centered in or around a well being drilled on Mt. Everett Road and Bell Wick Road. This earth quake has been attributed to the drilling in the area.

4 continued); The area of the Hubbard Township earth quake is above a major coal mine complex (Mahoning Coal Company/Coalburg, Ohio) that operated from the Civil War through the turn of the last century.

5) With brine waste disposal wells being banned in Pennsylvania, all of the toxic waste is being sent to Ohio for disposal. Currently there are two wells to Hubbard Townships immediate northwest in Vienna Township, and a brine disposal waste well being planned in Liberty Township to our immediate east. To the south of Hubbard Township there is a waste brine well being drilled in Coitsville Township with a second reportedly scheduled for the King property at or near the Pennsylvania state line on route 422. According to Associated Press as reported in the Columbus (Ohio) Dispatch on November 25, 2011, that Ohio has 192 wells currently in place that have accepted 8.8 million BARRELS of brine waste since January of 2011. Half of the brine waste comes from out of state, the majority of that Pennsylvania. If the brine waste is toxic and illegal to dispose of in Pennsylvania why is it "OK" to dispose of in Ohio just 1.5 miles down the road from the state line?

6). ENVIRONMENTAL JUSTICE ISSUES: Title VI of the Civil Rights Act of 1964 and other civil right statutes, and specifically Presidential Executive Order 12898, initiates public concern for the placement of this well and other brine waste injection wells in areas of the State of Ohio that has populations that are high minority, low income and/or have high poverty and unemployment conditions. A review of current trends for wells authorized by the State of Ohio, ODNR (locally) indicates that permits are being issued in rural, environmental justice entry level communities. A cross section reveals that locally there are no well sites or proposed well sites in the more affluent areas, including cities, upper class townships like Howland, Poland or Canfield.

Examples;

As prepared by Eastgate Regional Council of Governments:

State of Ohio Median Household income: 1990/2000: $40,956.00

Hubbard Township	$ 35,742	87.27%
Hubbard City	34,657	84.62
Liberty Township	36,965	90.26
Girard City	32,672	79.77
Lowellville City	29,565	72.19
Youngstown City	24,201	59.09
Struthers City	30,720	75.01
Campbell City	29,803	72.77

compared to:

Poland Township	$ 52,707	128.69%
Poland Village	47,273	115.42
Canfield	60,452	147.6
Howland	48,763	119.06

1 Atch: Affordability Table:

AFFORDABILITY TABLE FOR SANITARY SEWER AND WATER PROJECTS

COMMUNITIES LOCATED IN MAHONING AND TRUMBULL COUNTIES, OHIO

COMMUNITY	2000 Community MEDIAN HOUSEHOLD INCOME	2000 State MEDIAN HOUSEHOLD INCOME	Community Percent Of State MHI	Drinking Water Affordability Rate	Waste Water Affordability Rate	Combined Affordability Rate	Line 10 Water (A)	Line 21 Sewer (B)	Line 26 Combined (C)
Austintown Township	$40,743.00	$40,956.00	99.48%	0.013	0.017	0.030	$529.66	$692.63	$1,222.29
Bazetta Township	$50,219.00	$40,956.00	122.62%	0.015	0.018	0.033	$753.29	$903.94	$1,657.23
Beaver Township	$42,268.00	$40,956.00	103.20%	0.013	0.017	0.030	$549.48	$718.56	$1,268.04
Beloit Village	$32,279.00	$40,956.00	78.81%	0.011	0.015	0.026	$355.07	$484.19	$839.25
Berlin Township	$51,650.00	$40,956.00	126.11%	0.015	0.018	0.033	$774.75	$929.70	$1,704.45
Bloomfield Township	$39,348.00	$40,956.00	96.07%	0.013	0.017	0.030	$511.52	$668.92	$1,180.44
Boardman Township	$42,159.00	$40,956.00	102.94%	0.013	0.017	0.030	$548.07	$716.70	$1,264.77
Braceville Township	$44,750.00	$40,956.00	109.26%	0.013	0.017	0.030	$581.75	$760.75	$1,342.50
Bristol Township	$50,068.00	$40,956.00	122.25%	0.015	0.018	0.033	$751.02	$901.22	$1,652.24
Brookfield Township	$37,130.00	$40,956.00	90.66%	0.013	0.017	0.030	$482.69	$631.21	$1,113.90
Campbell City	$29,803.00	$40,956.00	72.77%	0.011	0.015	0.026	$327.83	$447.05	$774.88
Canfield City	$59,434.00	$40,956.00	145.12%	0.015	0.018	0.033	$891.51	$1,069.81	$1,961.32
Canfield Township	$60,452.00	$40,956.00	147.60%	0.015	0.018	0.033	$906.78	$1,088.14	$1,994.92
Champion Township	$49,033.00	$40,956.00	119.72%	0.015	0.018	0.033	$735.50	$882.59	$1,618.09
Coitsville Township	$45,574.00	$40,956.00	111.28%	0.015	0.018	0.033	$683.61	$820.33	$1,503.94
Cortland City	$50,941.00	$40,956.00	124.38%	0.015	0.018	0.033	$764.12	$916.94	$1,681.05
Craig Beach Village	$38,594.00	$40,956.00	94.23%	0.013	0.017	0.030	$501.72	$656.10	$1,157.82
Ellsworth Township	$51,625.00	$40,956.00	126.05%	0.015	0.018	0.033	$774.38	$929.25	$1,703.63
Farmington Township	$43,417.00	$40,956.00	106.01%	0.013	0.017	0.030	$564.42	$738.09	$1,302.51
Fowler Township	$48,187.00	$40,956.00	117.66%	0.015	0.018	0.033	$722.81	$867.37	$1,590.17
Girard City	$32,672.00	$40,956.00	79.77%	0.011	0.015	0.026	$359.39	$490.08	$849.47
Goshen Township	$44,583.00	$40,956.00	108.86%	0.013	0.017	0.030	$579.58	$757.91	$1,337.49
Green Township	$41,625.00	$40,956.00	101.63%	0.013	0.017	0.030	$541.13	$707.63	$1,248.75
Greene Township	$42,625.00	$40,956.00	104.08%	0.013	0.017	0.030	$554.13	$724.63	$1,278.75
Gustavus Township	$45,625.00	$40,956.00	111.40%	0.015	0.018	0.033	$684.38	$821.25	$1,505.63
Hartford Township	$48,984.00	$40,956.00	119.60%	0.015	0.018	0.033	$734.76	$881.71	$1,616.47
Howland Township	$48,763.00	$40,956.00	119.06%	0.015	0.018	0.033	$731.45	$877.73	$1,609.18
Hubbard City	$34,657.00	$40,956.00	84.62%	0.011	0.015	0.026	$381.23	$519.86	$901.08
Hubbard Township	$35,742.00	$40,956.00	87.27%	0.011	0.015	0.026	$393.16	$536.13	$929.29
Jackson Township	$45,135.00	$40,956.00	110.20%	0.015	0.018	0.033	$677.03	$812.43	$1,489.46
Johnston Township	$47,115.00	$40,956.00	115.04%	0.015	0.018	0.033	$706.73	$848.07	$1,554.80
Kinsman Township	$40,134.00	$40,956.00	97.99%	0.013	0.017	0.030	$521.74	$682.28	$1,204.02
Liberty Township	$36,965.00	$40,956.00	90.26%	0.013	0.017	0.030	$480.55	$628.41	$1,108.95
Lordstown Township	$51,144.00	$40,956.00	124.88%	0.015	0.018	0.033	$767.16	$920.59	$1,687.75
Lowellville Village	$29,565.00	$40,956.00	72.19%	0.011	0.015	0.026	$325.22	$443.48	$768.69
Mahoning County	$35,248.00	$40,956.00	86.06%	0.011	0.015	0.026	$387.73	$528.72	$916.45
McDonald Village	$41,738.00	$40,956.00	101.91%	0.013	0.017	0.030	$542.59	$709.55	$1,252.14
Mecca Township	$45,913.00	$40,956.00	112.10%	0.015	0.018	0.033	$688.70	$826.43	$1,515.13
Mesopotamia Township	$34,000.00	$40,956.00	83.02%	0.011	0.015	0.026	$374.00	$510.00	$884.00
Milton Township MVSD	$39,912.00	$40,956.00	97.45%	0.013	0.017	0.030	$518.86	$678.50	$1,197.36
New Middletown Village	$35,139.00	$40,956.00	85.80%	0.011	0.015	0.026	$386.53	$527.09	$913.61
Newton Falls City	$32,827.00	$40,956.00	80.15%	0.011	0.015	0.026	$361.10	$492.41	$853.50
Newton Township	$37,416.00	$40,956.00	91.36%	0.013	0.017	0.030	$486.41	$636.07	$1,122.48
Niles City	$35,615.00	$40,956.00	86.96%	0.011	0.015	0.026	$391.77	$534.23	$925.99
Orangeville Village	$44,375.00	$40,956.00	108.35%	0.013	0.017	0.030	$576.88	$754.38	$1,331.25
Poland Township	$52,707.00	$40,956.00	128.69%	0.015	0.018	0.033	$790.61	$948.73	$1,739.33
Poland Village	$47,273.00	$40,956.00	115.42%	0.015	0.018	0.033	$709.10	$850.91	$1,560.01
Sebring Village	$32,019.00	$40,956.00	78.18%	0.011	0.015	0.026	$352.21	$480.29	$832.49
Smith Township	$34,676.00	$40,956.00	84.67%	0.011	0.015	0.026	$381.44	$520.14	$901.58
Southington Township	$48,088.00	$40,956.00	117.41%	0.015	0.018	0.033	$721.32	$865.58	$1,586.90
Springfield Township	$41,203.00	$40,956.00	100.60%	0.013	0.017	0.030	$535.64	$700.45	$1,236.09
Struthers City	$30,720.00	$40,956.00	75.01%	0.011	0.015	0.026	$337.92	$460.80	$798.72
Trumbull County	$38,298.00	$40,956.00	93.51%	0.013	0.017	0.030	$497.87	$651.07	$1,148.94
Vernon Township	$35,844.00	$40,956.00	87.52%	0.011	0.015	0.026	$394.28	$537.66	$931.94
Vienna Township	$44,570.00	$40,956.00	108.82%	0.013	0.017	0.030	$579.41	$757.69	$1,337.10
Warren City	$30,147.00	$40,956.00	73.61%	0.011	0.015	0.026	$331.62	$452.21	$783.82
Warren Township	$35,486.00	$40,956.00	86.64%	0.011	0.015	0.026	$390.35	$532.29	$922.64
Weathersfield Township	$36,094.00	$40,956.00	88.13%	0.011	0.015	0.026	$397.03	$541.41	$938.44
West Farmington Village	$41,146.00	$40,956.00	100.46%	0.013	0.017	0.030	$534.90	$699.48	$1,234.38
Yankee Lake Village	$45,000.00	$40,956.00	109.87%	0.013	0.017	0.030	$585.00	$765.00	$1,350.00
Youngstown City	$24,201.00	$40,956.00	59.09%	0.011	0.015	0.026	$266.21	$363.02	$629.23

Source: U.S. Bureau of Census, Census 2000 (1999 MHI Data)
Prepared by: Eastgate Regional Council of Governments

HUBBARD TOWNSHIP

Board of Trustees

Administration Building, 2600 Elmwood Dr. Ext. • Hubbard, Ohio 44425

Phone: 330-534-1411 • Fax: 330-534-3032

FREDERICK HANLEY, Trustee
SUE ANN GOTERBA, Fiscal Officer
THOMAS JACOBS, Trustee
JOSEPH GLEYDURA, Trustee

Ohio Department of Natural Resourses
Underground Injection Control Section
Division of Mineral Resources Management
Fountain Square
Columbus, Ohio, 43224

19 October 2011

OCT 27 2011

DIVISION OF MINERAL RESOURCES MANAGEMENT

RE: OBJECTION, OAC1501:9-5-1 Proposed brine water injection well (new)
Hubbard Township, Trumbull County, Ohio: Nexlev Inc. Parcel#01-239500
Northstar Nexlev/D&L Energy Inc.

Greetings:

At a special meeting of the Hubbard Township Board of Trustees held public session, a review of the permit application for the above indicated brine water injection well was subject of review and comment. At this special meeting, the Board of Township Trustees voted to file a formal complaint concerning the drilling of this brine waste water well for the following, but not limited to, reasons:

1. Hubbard Township, local government was not notified in a timely manner as specified by OAC1501;9-5-1 (notification received by reg US Mail on 10-17-11).

2. Jeopardizes the publics health, safety and welfare;

a). Well site, discharge pits, waste storage area within 10 meters of Little Yankee Run Creek that flows through the township and into the City of Hubbard.

b). The well site is directly above and through the Groundwater Aquifer (Hubbard's underground river) as identified by ODNR, Division of Water, W.C. Haiker, as prepared by TAN/Trumbull County Planning Commission 2001. Currently Hubbard Township has limited public water sources and relys upon wells.

c) Aspects of this drilling/well/disposal site may be within the 100 year flood plain and may add to the contamination of surface and ground water that is already a issue in this area.

d). This area of Trumbull County has experienced at least five (5) earth quakes in the past 60 days with reports that brine waste water being the possible cause.

e). With brine waste water dumping being banned in Pennsylvania, the influx of out of state waste being deposited into Ohio has become paramont with at least three (3) well sites be built to Hubbards immediate west.

Based upon this information and other unkown factors, the failure of timely notification to the citizens of Hubbard Township and a failure of the state to address the earthquake issue causes Hubbard Township to object to the placement of this waste saltwater brine injection well at this proposed site.

Upon review, hubbard Township is requesting any and all public hearings to be held locally, here in Trumbull County for the convenience of the local citizens.

HUBBARD TOWNSHIP BOARD OF TRUSTEES

FREDERICK HANLEY, Chairman

THOMAS JACOBS, Trustee

CC: Liberty Township Trustees
Hubbard City Council
Mayor Keenan, City of Hubbard
Trumbull County Planning Commission
Trumbull County Commissioners
Zoning Administrator, J. Pieton