

MONROE COUNTY PROSECUTOR'S OFFICE

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February 11, 2020

Ohio Attorney General
c/o Opinions
30 East Broad Street, 26th Floor
Columbus, OH 43215

RE: Request for Attorney General Opinion – Injection Well

Dear Sir or Madam:

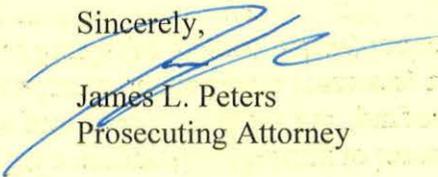
At the request of the Monroe County Board of Commissioners (hereinafter “Board”), this Office respectfully requests a formal opinion addressing whether Ohio Revised Code Section 307.11 permits the Board to enter into a lease of County owned real property for the purpose of the construction and use of what is commonly known as an “injection well.”

The Board has been approached by an Ohio corporation desiring to lease County owned real property for this purpose. Specifically, the proposed lease is for the “purpose of allowing the [l]essee the right to construct, operate and maintain on the Lease Premises, a saltwater disposal facility for the disposal and injection of Fluids (as defined below) including, but not limited to, injection wells, storage tanks, pump stations, roadways and parking area for workers, and other pumps, lines or equipment necessary to operate the site as a saltwater disposal facility.” “Fluid” shall mean brine, flow-backwaters, produced waters, and other fluids that may be lawfully injected, regardless of whether such Fluids are or were used to facilitate the production of oil, gas, or other hydrocarbons, regardless of the source of such Fluids, and without restriction as to quantity or mineral content.”

R.C. 307.11 does specifically allow the Board of Commissioners to lease mineral interests for “mining” purposes. However, by definition, “mining” appears to contemplate a process of extraction, rather than injection. For that reason, I respectfully request an opinion on this matter.

Should you have any questions, please feel free to contact me. Thank you in advance for your consideration in this matter.

Sincerely,


James L. Peters
Prosecuting Attorney

cc: Commissioners