

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 120

**Senator Schiavoni
Cosponsors: Senator Yuko**

A BILL

To amend sections 1509.33 and 1509.99 and to enact
section 1509.051 of the Revised Code to revise
enforcement of the Oil and Gas Law, including
increasing criminal penalties and requiring
revocation of permits for violations of that Law
relating to improper disposal of brine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1509.33 and 1509.99 be amended
and section 1509.051 of the Revised Code be enacted to read as
follows:

Sec. 1509.051. In addition to any other penalties or
enforcement actions provided for in this chapter for a violation
of division (A) or (D) of section 1509.22 of the Revised Code,
if a person who has been issued a permit under this chapter has
been convicted of or pleaded guilty to a knowing violation of
either division (A) or (D) of that section, the chief of the
division of oil and gas resources management shall do both of
the following:

(A) Permanently revoke each permit issued to the person;

(B) Deny any future application by the person for a 19
permit. 20

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 21
1509.31 of the Revised Code, or any rules adopted or orders or 22
terms or conditions of a permit or registration certificate 23
issued pursuant to these sections for which no specific penalty 24
is provided in this section, shall pay a civil penalty of not 25
more than four thousand dollars for each offense. 26

(B) Whoever violates section 1509.221 of the Revised Code 27
or any rules adopted or orders or terms or conditions of a 28
permit issued thereunder shall pay a civil penalty of not more 29
than two thousand five hundred dollars for each violation. 30

(C) Whoever violates division (D) of section 1509.22 or 31
division (A)(1) of section 1509.222 of the Revised Code shall 32
pay a civil penalty of not less than two thousand five hundred 33
dollars nor more than twenty thousand dollars for each 34
violation. 35

(D) Whoever violates division (A) of section 1509.22 of 36
the Revised Code shall pay a civil penalty of not less than two 37
thousand five hundred dollars nor more than ten thousand dollars 38
for each violation. 39

(E) Whoever violates division (A) of section 1509.223 of 40
the Revised Code shall pay a civil penalty of not more than ten 41
thousand dollars for each violation. 42

(F) Whoever violates section 1509.072 of the Revised Code 43
or any rules adopted or orders issued to administer, implement, 44
or enforce that section shall pay a civil penalty of not more 45
than five thousand dollars for each violation. 46

(G) In addition to any other penalties provided in this 47

chapter, whoever violates division (B) of section 1509.22 or 48
division (A)(1) of section 1509.222 or knowingly violates 49
division (A) of section 1509.223 of the Revised Code is liable 50
for any damage or injury caused by the violation and for the 51
cost of rectifying the violation and conditions caused by the 52
violation. If two or more persons knowingly violate one or more 53
of those divisions in connection with the same event, activity, 54
or transaction, they are jointly and severally liable under this 55
division. 56

(H) The attorney general, upon the request of the chief of 57
the division of oil and gas resources management, shall commence 58
an action under this section against any person who violates 59
sections 1509.01 to 1509.31 of the Revised Code, or any rules 60
adopted or orders or terms or conditions of a permit or 61
registration certificate issued pursuant to these sections. Any 62
action under this section is a civil action, governed by the 63
Rules of Civil Procedure and other rules of practice and 64
procedure applicable to civil actions. The remedy provided in 65
this division is cumulative and concurrent with any other remedy 66
provided in this chapter, and the existence or exercise of one 67
remedy does not prevent the exercise of any other, ~~except that~~ 68
~~no person shall be subject to both a civil penalty under~~ 69
~~division (A), (B), (C), or (D) of this section and a criminal~~ 70
~~penalty under section 1509.99 of the Revised Code for the same~~ 71
~~offense.~~ 72

(I) For purposes of this section, each day of violation 73
constitutes a separate offense. 74

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 75
1509.31 of the Revised Code or any rules adopted or orders or 76
terms or conditions of a permit issued pursuant to these 77

sections for which no specific penalty is provided in this 78
section shall be fined not less than one hundred nor more than 79
one thousand dollars for a first offense; for each subsequent 80
offense the person shall be fined not less than two hundred nor 81
more than two thousand dollars. 82

(B) Whoever violates section 1509.221 of the Revised Code 83
or any rules adopted or orders or terms or conditions of a 84
permit issued thereunder shall be fined not more than five 85
thousand dollars for each violation. 86

(C) (1) Whoever knowingly violates section 1509.072, 87
division ~~(A)~~, ~~(B)~~, or ~~(D)~~ of section 1509.22, division (A) (1) or 88
(C) of section 1509.222, or division (A) or (D) of section 89
1509.223 of the Revised Code or any rules adopted or orders 90
issued under division (C) of section 1509.22 or rules adopted or 91
orders or terms or conditions of a registration certificate 92
issued under division (E) of section 1509.222 of the Revised 93
Code shall be fined ten thousand dollars or imprisoned for six 94
months, or both for a first offense; for each subsequent offense 95
the person shall be fined twenty thousand dollars or imprisoned 96
for two years, or both. 97

(2) Whoever knowingly violates division (A) or (D) of 98
section 1509.22 of the Revised Code is guilty of a felony and 99
shall be fined not less than ten thousand dollars nor more than 100
fifty thousand dollars or imprisoned for three years, or both 101
for a first offense; for each subsequent offense the person 102
shall be fined not less than twenty thousand dollars nor more 103
than one hundred thousand dollars or imprisoned for six years, 104
or both. 105

(3) Whoever negligently violates ~~those~~ the divisions, 106
sections, rules, orders, or terms or conditions of a 107

registration certificate specified in division (C) (1) or (2) of 108
this section shall be fined not more than five thousand dollars. 109

(D) Whoever violates division (C) of section 1509.223 of 110
the Revised Code shall be fined not more than five hundred 111
dollars for a first offense and not more than one thousand 112
dollars for a subsequent offense. 113

(E) If a person is convicted of or pleads guilty to a 114
knowing violation of division (A) or (D) of section 1509.22 of 115
the Revised Code, in addition to the financial sanctions 116
authorized by this chapter or section 2929.18 or 2929.28 or any 117
other section of the Revised Code, the court imposing the 118
sentence on the person may order the person to reimburse the 119
state agency or a political subdivision for any response costs 120
that it incurred in responding to the violation, including the 121
cost of rectifying the violation and conditions caused by the 122
violation. 123

(F) The prosecuting attorney of the county in which the 124
offense was committed or the attorney general may prosecute an 125
action under this section. 126

~~(F)~~ (G) For purposes of this section, each day of 127
violation constitutes a separate offense. 128

Section 2. That existing sections 1509.33 and 1509.99 of 129
the Revised Code are hereby repealed. 130