

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 217

Senator Schiavoni

Cosponsors: Senators Yuko, Skindell, Tavares, Brown

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

<u>under this chapter;</u>	19
<u>(B) Deny any future application by the person for a permit</u>	20
<u>under this chapter.</u>	21
Sec. 1509.33. (A) Whoever violates sections 1509.01 to	22
1509.31 of the Revised Code, or any rules adopted or orders or	23
terms or conditions of a permit or registration certificate	24
issued pursuant to these sections for which no specific penalty	25
is provided in this section, shall pay a civil penalty of not	26
more than ten thousand dollars for each offense.	27
(B) Whoever violates section 1509.221 of the Revised Code	28
or any rules adopted or orders or terms or conditions of a	29
permit issued thereunder shall pay a civil penalty of not more	30
than ten thousand dollars for each violation.	31
(C) Whoever violates division (D) of section 1509.22 or	32
division (A)(1) of section 1509.222 of the Revised Code shall	33
pay a civil penalty of not less than two thousand five hundred	34
dollars nor more than twenty thousand dollars for each	35
violation.	36
(D) Whoever violates division (A) of section 1509.22 of	37
the Revised Code shall pay a civil penalty of not less than two	38
thousand five hundred dollars nor more than ten thousand dollars	39
for each violation.	40
(E) Whoever violates division (A) of section 1509.223 of	41
the Revised Code shall pay a civil penalty of not more than ten	42
thousand dollars for each violation.	43
(F) Whoever violates section 1509.072 of the Revised Code	44
or any rules adopted or orders issued to administer, implement,	45
or enforce that section shall pay a civil penalty of not more	46
than five thousand dollars for each violation.	47

(G) In addition to any other penalties provided in this 48
chapter, whoever violates section 1509.05, section 1509.21, 49
division (B) of section 1509.22, or division (A) (1) of section 50
1509.222 of the Revised Code or a term or condition of a permit 51
or an order issued by the chief of the division of oil and gas 52
resources management under this chapter or knowingly violates 53
division (A) of section 1509.223 of the Revised Code is liable 54
for any damage or injury caused by the violation and for the 55
actual cost of rectifying the violation and conditions caused by 56
the violation. If two or more persons knowingly violate one or 57
more of those divisions in connection with the same event, 58
activity, or transaction, they are jointly and severally liable 59
under this division. 60

(H) The attorney general, upon the request of the chief of 61
the division of oil and gas resources management, shall commence 62
an action under this section against any person who violates 63
sections 1509.01 to 1509.31 of the Revised Code, or any rules 64
adopted or orders or terms or conditions of a permit or 65
registration certificate issued pursuant to these sections. Any 66
action under this section is a civil action, governed by the 67
Rules of Civil Procedure and other rules of practice and 68
procedure applicable to civil actions. The remedy provided in 69
this division is cumulative and concurrent with any other remedy 70
provided in this chapter, and the existence or exercise of one 71
remedy does not prevent the exercise of any other, ~~except that~~ 72
~~no person shall be subject to both a civil penalty under~~ 73
~~division (A), (B), (C), or (D) of this section and a fine~~ 74
~~established in section 1509.99 of the Revised Code for the same~~ 75
~~offense.~~ 76

(I) For purposes of this section, each day of violation 77
constitutes a separate offense. 78

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 79
1509.31 of the Revised Code or any rules adopted or orders or 80
terms or conditions of a permit issued pursuant to these 81
sections for which no specific penalty is provided in this 82
section shall be fined not less than one hundred nor more than 83
one thousand dollars for a first offense; for each subsequent 84
offense the person shall be fined not less than two hundred nor 85
more than two thousand dollars. 86

(B) Whoever violates section 1509.221 of the Revised Code 87
or any rules adopted or orders or terms or conditions of a 88
permit issued thereunder shall be fined not more than five 89
thousand dollars for each violation. 90

(C) (1) Whoever knowingly violates section 1509.072, 91
division ~~(A)~~, ~~(B)~~, ~~or (D)~~ of section 1509.22, division (A) (1) or 92
(C) of section 1509.222, or division (A) or (D) of section 93
1509.223 of the Revised Code or any rules adopted or orders 94
issued under division (C) of section 1509.22 or rules adopted or 95
orders or terms or conditions of a registration certificate 96
issued under division (E) of section 1509.222 of the Revised 97
Code shall be fined ten thousand dollars or imprisoned for six 98
months, or both for a first offense; for each subsequent offense 99
the person shall be fined twenty thousand dollars or imprisoned 100
for two years, or both. ~~Whoever~~ 101

(2) Whoever knowingly violates division (A) or (D) of 102
section 1509.22 of the Revised Code is guilty of a felony and 103
shall be fined not less than ten thousand dollars nor more than 104
fifty thousand dollars or imprisoned for three years, or both 105
for a first offense; for each subsequent offense the person 106
shall be fined not less than twenty thousand dollars nor more 107
than one hundred thousand dollars or imprisoned for six years, 108

or both. 109

(3) Whoever negligently violates these the divisions, 110
sections, rules, orders, or terms or conditions of a 111
registration certificate specified in division (C) (1) or (2) of 112
this section shall be fined not more than five thousand dollars. 113

(D) Whoever violates division (C) of section 1509.223 of 114
the Revised Code shall be fined not more than five hundred 115
dollars for a first offense and not more than one thousand 116
dollars for a subsequent offense. 117

(E) ~~The~~ If a person is convicted of or pleads guilty to a 118
knowing violation of division (A) or (D) of section 1509.22 of 119
the Revised Code, in addition to the financial sanctions 120
authorized by this chapter or section 2929.18 or 2929.28 or any 121
other section of the Revised Code, the court imposing the 122
sentence on the person may order the person to reimburse the 123
state agency or a political subdivision for any response costs 124
that it incurred in responding to the violation, including the 125
cost of rectifying the violation and conditions caused by the 126
violation. 127

(F) ~~The~~ prosecuting attorney of the county in which the 128
offense was committed or the attorney general may prosecute an 129
action under this section. 130

~~(F)~~ (G) For purposes of this section, each day of 131
violation constitutes a separate offense. 132

Section 2. That existing sections 1509.33 and 1509.99 of 133
the Revised Code are hereby repealed. 134