

As Introduced

**134th General Assembly
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H. B. No. 579

Representative Lightbody

**Cosponsors: Representatives Denson, Galonski, Ingram, Lepore-Hagan, Miller, A.,
Miller, J., Sheehy, Smith, K., Weinstein**

A BILL

To amend sections 1509.03, 1509.22, 1509.222, 1
1509.223, 1509.224, 1509.33, and 1509.99 and to 2
repeal section 1509.226 of the Revised Code to 3
expressly prohibit the surface application of 4
brine from oil and gas wells on roads. 5

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

Section 1. That sections 1509.03, 1509.22, 1509.222, 6
1509.223, 1509.224, 1509.33, and 1509.99 of the Revised Code be 7
amended to read as follows: 8

Sec. 1509.03. (A) The chief of the division of oil and gas 9
resources management shall adopt, rescind, and amend, in 10
accordance with Chapter 119. of the Revised Code, rules for the 11
administration, implementation, and enforcement of this chapter. 12
The rules shall include an identification of the subjects that 13
the chief shall address when attaching terms and conditions to a 14
permit with respect to a well and production facilities of a 15
well that are located within an urbanized area or with respect 16
to a horizontal well and production facilities associated with a 17
horizontal well. The subjects shall include all of the 18

following:	19
(1) Safety concerning the drilling or operation of a well;	20
(2) Protection of the public and private water supply, including the amount of water used and the source or sources of the water;	21 22 23
(3) Fencing and screening of surface facilities of a well;	24
(4) Containment and disposal of drilling and production wastes;	25 26
(5) Construction of access roads for purposes of the drilling and operation of a well;	27 28
(6) Noise mitigation for purposes of the drilling of a well and the operation of a well, excluding safety and maintenance operations.	29 30 31
No person shall violate any rule of the chief adopted under this chapter.	32 33
(B) (1) Any order issuing, denying, or modifying a permit or notices required to be made by the chief pursuant to this chapter shall be made in compliance with Chapter 119. of the Revised Code, except that personal service may be used in lieu of service by mail. Every order issuing, denying, or modifying a permit under this chapter and described as such shall be considered an adjudication order for purposes of Chapter 119. of the Revised Code. Division (B) (1) of this section does not apply to a permit issued under section 1509.06 of the Revised Code.	34 35 36 37 38 39 40 41 42
(2) Where notice to the owners is required by this chapter, the notice shall be given as prescribed by a rule adopted by the chief to govern the giving of notices. The rule shall provide for notice by publication except in those cases	43 44 45 46

where other types of notice are necessary in order to meet the 47
requirements of the law. 48

(C) The chief or the chief's authorized representative may 49
at any time enter upon lands, public or private, for the purpose 50
of administration or enforcement of this chapter, the rules 51
adopted or orders made thereunder, or terms or conditions of 52
permits or registration certificates issued thereunder and may 53
examine and copy records pertaining to the drilling, conversion, 54
or operation of a well for injection of fluids and logs required 55
by division (C) of section 1509.223 of the Revised Code. No 56
person shall prevent or hinder the chief or the chief's 57
authorized representative in the performance of official duties. 58
If entry is prevented or hindered, the chief or the chief's 59
authorized representative may apply for, and the court of common 60
pleas may issue, an appropriate inspection warrant necessary to 61
achieve the purposes of this chapter within the court's 62
territorial jurisdiction. 63

(D) The chief may issue orders to enforce this chapter, 64
rules adopted thereunder, and terms or conditions of permits 65
issued thereunder. Any such order shall be considered an 66
adjudication order for the purposes of Chapter 119. of the 67
Revised Code. No person shall violate any order of the chief 68
issued under this chapter. No person shall violate a term or 69
condition of a permit or registration certificate issued under 70
this chapter. 71

(E) Orders of the chief denying, suspending, or revoking a 72
registration certificate; approving or denying approval of an 73
application for revision of a registered transporter's plan for 74
disposal; or to implement, administer, or enforce division (A) 75
of section 1509.224 and sections 1509.22, 1509.222, 1509.223, 76

and 1509.225, ~~and 1509.226~~ of the Revised Code pertaining to the 77
transportation of brine by vehicle and the disposal of brine so 78
transported are not adjudication orders for purposes of Chapter 79
119. of the Revised Code. The chief shall issue such orders 80
under division (A) or (B) of section 1509.224 of the Revised 81
Code, as appropriate. 82

Sec. 1509.22. (A) ~~Except when acting in accordance with~~ 83
~~section 1509.226 of the Revised Code, no~~ (1) No person shall 84
place or cause to be placed in ground water or in or on the land 85
or discharge or cause to be discharged in surface water brine, 86
crude oil, natural gas, or other fluids associated with the 87
exploration, development, well stimulation, production 88
operations, or plugging of oil and gas resources that causes or 89
could reasonably be anticipated to cause damage or injury to 90
public health or safety or the environment. 91

(2) No person shall apply brine on the surface of any road 92
or highway in this state. 93

(B) (1) No person shall store or dispose of brine in 94
violation of a plan approved under division (A) of section 95
1509.222 ~~or section 1509.226 of the Revised Code, in violation~~ 96
~~of a resolution submitted under section 1509.226 of the Revised~~ 97
~~Code, or in violation of rules or orders applicable to those~~ 98
~~plans or resolutions~~ that plan. 99

(2) (a) On and after January 1, 2014, no person shall 100
store, recycle, treat, process, or dispose of in this state 101
brine or other waste substances associated with the exploration, 102
development, well stimulation, production operations, or 103
plugging of oil and gas resources without an order or a permit 104
issued under this section or section 1509.06 or 1509.21 of the 105
Revised Code or rules adopted under any of those sections. For 106

purposes of division (B) (2) (a) of this section, a permit or 107
other form of authorization issued by another agency of the 108
state or a political subdivision of the state shall not be 109
considered a permit or order issued by the chief of the division 110
of oil and gas resources management under this chapter. 111

(b) Division (B) (2) (a) of this section does not apply to a 112
person that disposes of such waste substances other than brine 113
in accordance with Chapter 3734. of the Revised Code and rules 114
adopted under it. 115

(C) The chief shall adopt rules regarding storage, 116
recycling, treatment, processing, and disposal of brine and 117
other waste substances. However, the chief shall not adopt any 118
rules authorizing the surface application of brine to roads or 119
highways in this state. The rules shall establish procedures and 120
requirements in accordance with which a person shall apply for a 121
permit or order for the storage, recycling, treatment, 122
processing, or disposal of brine and other waste substances that 123
are not subject to a permit issued under section 1509.06 or 124
1509.21 of the Revised Code and in accordance with which the 125
chief may issue such a permit or order. An application for such 126
a permit shall be accompanied by a nonrefundable fee of two 127
thousand five hundred dollars. 128

The storage, recycling, treatment, processing, and 129
disposal of brine and other waste substances and the chief's 130
rules relating to storage, recycling, treatment, processing, and 131
disposal are subject to all of the following standards: 132

(1) Brine from any well except an exempt Mississippian 133
well shall be disposed of only as follows: 134

(a) By injection into an underground formation, including 135

annular disposal if approved by rule of the chief, which 136
injection shall be subject to division (D) of this section; 137

~~(b) By surface application in accordance with section~~ 138
~~1509.226 of the Revised Code;~~ 139

~~(e)~~In association with a method of enhanced recovery as 140
provided in section 1509.21 of the Revised Code; 141

~~(d)~~(c) In any other manner not specified in divisions (C) 142
(1) (a) ~~to (e)~~ or (b) of this section that is approved by a 143
permit or order issued by the chief. 144

(2) Brine from exempt Mississippian wells shall not be 145
discharged directly into the waters of the state. 146

(3) Muds, cuttings, and other waste substances shall not 147
be disposed of in violation of this chapter or any rule adopted 148
under it. 149

(4) Pits or steel tanks shall be used as authorized by the 150
chief for containing brine and other waste substances resulting 151
from, obtained from, or produced in connection with drilling, 152
well stimulation, reworking, reconditioning, plugging back, or 153
plugging operations. The pits and steel tanks shall be 154
constructed and maintained to prevent the escape of brine and 155
other waste substances. 156

(5) A dike or pit may be used for spill prevention and 157
control. A dike or pit so used shall be constructed and 158
maintained to prevent the escape of brine and crude oil, and the 159
reservoir within such a dike or pit shall be kept reasonably 160
free of brine, crude oil, and other waste substances. 161

(6) Impoundments constructed utilizing a synthetic liner 162
pursuant to the division's specifications may be used for the 163

temporary storage of waste substances used in the construction, 164
stimulation, or plugging of a well. 165

(7) No pit or dike shall be used for the temporary storage 166
of brine or other waste substances except in accordance with 167
divisions (C) (4) and (5) of this section. 168

(8) No pit or dike shall be used for the ultimate disposal 169
of brine or other liquid waste substances. 170

(D) (1) No person, without first having obtained a permit 171
from the chief, shall inject brine or other waste substances 172
resulting from, obtained from, or produced in connection with 173
oil or gas drilling, exploration, or production into an 174
underground formation unless a rule of the chief expressly 175
authorizes the injection without a permit. The permit shall be 176
in addition to any permit required by section 1509.05 of the 177
Revised Code, and the permit application shall be accompanied by 178
a permit fee of one thousand dollars. The chief shall adopt 179
rules in accordance with Chapter 119. of the Revised Code 180
regarding the injection into wells of brine and other waste 181
substances resulting from, obtained from, or produced in 182
connection with oil or gas drilling, exploration, or production. 183
The rules shall include provisions regarding all of the 184
following: 185

(a) Applications for and issuance of the permits required 186
by this division; 187

(b) Entry to conduct inspections and to examine and copy 188
records to ascertain compliance with this division and rules, 189
orders, and terms and conditions of permits adopted or issued 190
under it; 191

(c) The provision and maintenance of information through 192

monitoring, recordkeeping, and reporting. In addition, the rules shall require the owner of an injection well who has been issued a permit under division (D) of this section to quarterly submit electronically to the chief information concerning each shipment of brine or other waste substances received by the owner for injection into the well.

(d) The provision and electronic reporting quarterly of information concerning brine and other waste substances from a transporter that is registered under section 1509.222 of the Revised Code prior to the injection of the transported brine or other waste substances;

(e) Any other provisions in furtherance of the goals of this section and the Safe Drinking Water Act.

(2) The chief may adopt rules in accordance with Chapter 119. of the Revised Code authorizing tests to evaluate whether fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of the permit. In addition, the chief may adopt rules that do both of the following:

(a) Establish the total depth of a well for which a permit has been applied for or issued under this division;

(b) Establish requirements and procedures to protect public health and safety.

(3) To implement the goals of the Safe Drinking Water Act, the chief shall not issue a permit for the injection of brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production unless the chief concludes that the applicant has

demonstrated that the injection will not result in the presence 222
of any contaminant in ground water that supplies or can 223
reasonably be expected to supply any public water system, such 224
that the presence of the contaminant may result in the system's 225
not complying with any national primary drinking water 226
regulation or may otherwise adversely affect the health of 227
persons. 228

(4) The chief may issue an order to the owner of a well in 229
existence on September 10, 2012, to make changes in the 230
operation of the well in order to correct problems or to address 231
safety concerns. 232

(5) This division and rules, orders, and terms and 233
conditions of permits adopted or issued under it shall be 234
construed to be no more stringent than required for compliance 235
with the Safe Drinking Water Act unless essential to ensure that 236
underground sources of drinking water will not be endangered. 237

(E) The owner holding a permit, or an assignee or 238
transferee who has assumed the obligations and liabilities 239
imposed by this chapter and any rules adopted or orders issued 240
under it pursuant to section 1509.31 of the Revised Code, and 241
the operator of a well shall be liable for a violation of this 242
section or any rules adopted or orders or terms or conditions of 243
a permit issued under it. 244

(F) An owner shall replace the water supply of the holder 245
of an interest in real property who obtains all or part of the 246
holder's supply of water for domestic, agricultural, industrial, 247
or other legitimate use from an underground or surface source 248
where the supply has been substantially disrupted by 249
contamination, diminution, or interruption proximately resulting 250
from the owner's oil or gas operation, or the owner may elect to 251

compensate the holder of the interest in real property for the 252
difference between the fair market value of the interest before 253
the damage occurred to the water supply and the fair market 254
value after the damage occurred if the cost of replacing the 255
water supply exceeds this difference in fair market values. 256
However, during the pendency of any order issued under this 257
division, the owner shall obtain for the holder or shall 258
reimburse the holder for the reasonable cost of obtaining a 259
water supply from the time of the contamination, diminution, or 260
interruption by the operation until the owner has complied with 261
an order of the chief for compliance with this division or such 262
an order has been revoked or otherwise becomes not effective. If 263
the owner elects to pay the difference in fair market values, 264
but the owner and the holder have not agreed on the difference 265
within thirty days after the chief issues an order for 266
compliance with this division, within ten days after the 267
expiration of that thirty-day period, the owner and the chief 268
each shall appoint an appraiser to determine the difference in 269
fair market values, except that the holder of the interest in 270
real property may elect to appoint and compensate the holder's 271
own appraiser, in which case the chief shall not appoint an 272
appraiser. The two appraisers appointed shall appoint a third 273
appraiser, and within thirty days after the appointment of the 274
third appraiser, the three appraisers shall hold a hearing to 275
determine the difference in fair market values. Within ten days 276
after the hearing, the appraisers shall make their determination 277
by majority vote and issue their final determination of the 278
difference in fair market values. The chief shall accept a 279
determination of the difference in fair market values made by 280
agreement of the owner and holder or by appraisers under this 281
division and shall make and dissolve orders accordingly. This 282
division does not affect in any way the right of any person to 283

enforce or protect, under applicable law, the person's interest 284
in water resources affected by an oil or gas operation. 285

(G) In any action brought by the state for a violation of 286
division (A) of this section involving any well at which annular 287
disposal is used, there shall be a rebuttable presumption 288
available to the state that the annular disposal caused the 289
violation if the well is located within a one-quarter-mile 290
radius of the site of the violation. 291

(H) (1) There is levied on the owner of an injection well 292
who has been issued a permit under division (D) of this section 293
the following fees: 294

(a) Five cents per barrel of each substance that is 295
delivered to a well to be injected in the well when the 296
substance is produced within the division of oil and gas 297
resources management regulatory district in which the well is 298
located or within an adjoining oil and gas resources management 299
regulatory district; 300

(b) Twenty cents per barrel of each substance that is 301
delivered to a well to be injected in the well when the 302
substance is not produced within the division of oil and gas 303
resources management regulatory district in which the well is 304
located or within an adjoining oil and gas resources management 305
regulatory district. 306

(2) The maximum number of barrels of substance per 307
injection well in a calendar year on which a fee may be levied 308
under division (H) of this section is five hundred thousand. If 309
in a calendar year the owner of an injection well receives more 310
than five hundred thousand barrels of substance to be injected 311
in the owner's well and if the owner receives at least one 312

substance that is produced within the division's regulatory 313
district in which the well is located or within an adjoining 314
regulatory district and at least one substance that is not 315
produced within the division's regulatory district in which the 316
well is located or within an adjoining regulatory district, the 317
fee shall be calculated first on all of the barrels of substance 318
that are not produced within the division's regulatory district 319
in which the well is located or within an adjoining district at 320
the rate established in division (H) (2) of this section. The fee 321
then shall be calculated on the barrels of substance that are 322
produced within the division's regulatory district in which the 323
well is located or within an adjoining district at the rate 324
established in division (H) (1) of this section until the maximum 325
number of barrels established in division (H) (2) of this section 326
has been attained. 327

(3) The owner of an injection well who is issued a permit 328
under division (D) of this section shall collect the fee levied 329
by division (H) of this section on behalf of the division of oil 330
and gas resources management and forward the fee to the 331
division. The chief shall transmit all money received under 332
division (H) of this section to the treasurer of state who shall 333
deposit the money in the state treasury to the credit of the oil 334
and gas well fund created in section 1509.02 of the Revised 335
Code. The owner of an injection well who collects the fee levied 336
by this division may retain up to three per cent of the amount 337
that is collected. 338

(4) The chief shall adopt rules in accordance with Chapter 339
119. of the Revised Code establishing requirements and 340
procedures for collection of the fee levied by division (H) of 341
this section. 342

Sec. 1509.222. (A) (1) ~~Except as provided in section~~ 343
~~1509.226 of the Revised Code, no~~ No person shall transport brine 344
by vehicle in this state unless the business entity that employs 345
the person first registers with and obtains a registration 346
certificate and identification number from the chief of the 347
division of oil and gas resources management. 348

(2) No more than one registration certificate shall be 349
required of any business entity. Registration certificates 350
issued under this section are not transferable. An applicant 351
shall file an application with the chief, containing such 352
information in such form as the chief prescribes. The 353
application shall include at least all of the following: 354

(a) A list that identifies each vehicle, vessel, railcar, 355
and container that will be used in the transportation of brine; 356

(b) A plan for disposal that provides for compliance with 357
the requirements of this chapter and rules of the chief 358
pertaining to the transportation of brine by vehicle and the 359
disposal of brine so transported and that lists all disposal 360
sites that the applicant intends to use; 361

(c) The bond required by section 1509.225 of the Revised 362
Code; 363

(d) A certificate issued by an insurance company 364
authorized to do business in this state certifying that the 365
applicant has in force a liability insurance policy in an amount 366
not less than three hundred thousand dollars bodily injury 367
coverage and three hundred thousand dollars property damage 368
coverage to pay damages for injury to persons or property caused 369
by the collecting, handling, transportation, or disposal of 370
brine. 371

The insurance policy required by division (A) (2) (d) of 372
this section shall be maintained in effect during the term of 373
the registration certificate. The policy or policies providing 374
the coverage shall require the insurance company to give notice 375
to the chief if the policy or policies lapse for any reason. 376
Upon such termination of the policy, the chief may suspend the 377
registration certificate until proper insurance coverage is 378
obtained. 379

(3) Each application for a registration certificate shall 380
be accompanied by a nonrefundable fee of fifty dollars. 381

(4) If a business entity that has been issued a 382
registration certificate under this section changes its name due 383
to a business reorganization or merger, the business entity 384
shall revise the bond or certificates of deposit required by 385
section 1509.225 of the Revised Code and obtain a new 386
certificate from an insurance company in accordance with 387
division (A) (2) (e) of this section to reflect the change in the 388
name of the business entity. 389

(B) The chief shall issue an order denying an application 390
for a registration certificate if the chief finds that either of 391
the following applies: 392

(1) The applicant, at the time of applying for the 393
registration certificate, has been found liable by a final 394
nonappealable order of a court of competent jurisdiction for 395
damage to streets, roads, highways, bridges, culverts, or 396
drainways pursuant to section 4513.34 or 5577.12 of the Revised 397
Code until the applicant provides the chief with evidence of 398
compliance with the order. 399

(2) The applicant's plan for disposal does not provide for 400

compliance with the requirements of this chapter and rules of 401
the chief pertaining to the transportation of brine by vehicle 402
and the disposal of brine so transported. 403

(C) No applicant shall attempt to circumvent division (B) 404
of this section by applying for a registration certificate under 405
a different name or business organization name, by transferring 406
responsibility to another person or entity, or by any similar 407
act. 408

(D) A registered transporter shall apply to revise a 409
disposal plan under procedures that the chief shall prescribe by 410
rule. However, at a minimum, an application for a revision shall 411
list all sources and disposal sites of brine currently 412
transported. The chief shall deny any application for a revision 413
of a plan under this division if the chief finds that the 414
proposed revised plan does not provide for compliance with the 415
requirements of this chapter and rules of the chief pertaining 416
to the transportation of brine by vehicle and the disposal of 417
brine so transported. Approvals and denials of revisions shall 418
be by order of the chief. 419

(E) The chief may adopt rules, issue orders, and attach 420
terms and conditions to registration certificates as may be 421
necessary to administer, implement, and enforce sections 422
1509.222 to ~~1509.226~~ 1509.225 of the Revised Code for protection 423
of public health or safety or conservation of natural resources. 424

Sec. 1509.223. (A) No permit holder or owner of a well 425
shall enter into an agreement with or permit any person to 426
transport brine produced from the well who is not registered 427
pursuant to section 1509.222 of the Revised Code ~~or exempt from~~ 428
~~registration under section 1509.226 of the Revised Code.~~ 429

(B) Each registered transporter shall file with the chief 430
of the division of oil and gas resources management, on or 431
before the fifteenth day of April, a statement concerning brine 432
transported, including quantities transported and source and 433
delivery points, during the last preceding calendar year, and 434
such other information in such form as the chief may prescribe. 435

(C) Each registered transporter shall keep on each vehicle 436
used to transport brine a daily log and have it available upon 437
the request of the chief or an authorized representative of the 438
chief or a peace officer. The log shall, at a minimum, include 439
all of the following information: 440

(1) The name of the owner or owners of the well or wells 441
producing the brine to be transported; 442

(2) The date and time the brine is loaded; 443

(3) The name of the driver; 444

(4) The amount of brine loaded at each collection point; 445

(5) The disposal location; 446

(6) The date and time the brine is disposed of and the 447
amount of brine disposed of at each location. 448

The chief, by rule, may establish procedures for the 449
electronic submission to the chief of the information that is 450
required to be included in the daily log. No registered 451
transporter shall falsify or fail to keep or submit the log 452
required by this division. 453

(D) Each registered transporter shall legibly identify 454
with reflective paints all vehicles employed in transporting or 455
disposing of brine. Letters shall be no less than four inches in 456
height and shall indicate the identification number issued by 457

the chief, the word "brine," and the name and telephone number 458
of the transporter. 459

(E) The chief shall maintain and keep a current list of 460
persons registered to transport brine under section 1509.222 of 461
the Revised Code. The list shall be open to public inspection. 462
It is an affirmative defense to a charge under division (A) of 463
this section that at the time the permit holder or owner of a 464
well entered into an agreement with or permitted a person to 465
transport brine, the person was shown on the list as currently 466
registered to transport brine. 467

Sec. 1509.224. (A) In addition to any other remedies 468
provided in this chapter, if the chief of the division of oil 469
and gas resources management has reason to believe that a 470
pattern of the same or similar violations of any requirements of 471
section 1509.22, 1509.222, or 1509.223 of the Revised Code, or 472
any rule adopted thereunder or term or condition of the 473
registration certificate issued thereunder exists or has 474
existed, and the violations are caused by the transporter's 475
indifference, lack of diligence, or lack of reasonable care, or 476
are willfully caused by the transporter, the chief shall 477
immediately issue an order to the transporter to show cause why 478
the certificate should not be suspended or revoked. After the 479
issuance of the order, the chief shall provide the transporter 480
an opportunity to be heard and to present evidence at an 481
informal hearing conducted by the chief. If, at the conclusion 482
of the hearing, the chief finds that such a pattern of 483
violations exists or has existed, the chief shall issue an order 484
suspending or revoking the transporter's registration 485
certificate. An order suspending or revoking a certificate under 486
this section may be appealed under sections 1509.36 and 1509.37 487
of the Revised Code, or notwithstanding any other provision of 488

this chapter, may be appealed directly to the court of common 489
pleas of Franklin county. 490

(B) Before issuing an order denying a registration 491
certificate; approving or denying approval of an application for 492
revision of a registered transporter's plan for disposal; or to 493
implement, administer, or enforce section 1509.22, 1509.222, 494
1509.223, or 1509.225, ~~or 1509.226~~ of the Revised Code and rules 495
and terms and conditions of registration certificates adopted or 496
issued thereunder pertaining to the transportation of brine by 497
vehicle and the disposal of brine so transported, the chief 498
shall issue a preliminary order indicating the chief's intent to 499
issue a final order. The preliminary order shall clearly state 500
the nature of the chief's proposed action and the findings on 501
which it is based and shall state that the preliminary order 502
becomes a final order thirty days after its issuance unless the 503
person to whom the preliminary order is directed submits to the 504
chief a written request for an informal hearing before the chief 505
within that thirty-day period. At the hearing the person may 506
present evidence as to why the preliminary order should be 507
revoked or modified. Based upon the findings from the informal 508
hearing, the chief shall revoke, issue, or modify and issue the 509
preliminary order as a final order. A final order may be 510
appealed under sections 1509.36 and 1509.37 of the Revised Code. 511

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 512
1509.31 of the Revised Code, or any rules adopted or orders or 513
terms or conditions of a permit or registration certificate 514
issued pursuant to these sections for which no specific penalty 515
is provided in this section, shall pay a civil penalty of not 516
more than ten thousand dollars for each offense. 517

(B) Whoever violates section 1509.221 of the Revised Code 518

or any rules adopted or orders or terms or conditions of a 519
permit issued thereunder shall pay a civil penalty of not more 520
than ten thousand dollars for each violation. 521

(C) Whoever violates division (D) of section 1509.22 or 522
division (A) (1) of section 1509.222 of the Revised Code shall 523
pay a civil penalty of not less than two thousand five hundred 524
dollars nor more than twenty thousand dollars for each 525
violation. 526

(D) Whoever violates division ~~(A)~~ (A) (1) or (2) of section 527
1509.22 of the Revised Code shall pay a civil penalty of not 528
less than two thousand five hundred dollars nor more than ten 529
thousand dollars for each violation. 530

(E) Whoever violates division (A) of section 1509.223 of 531
the Revised Code shall pay a civil penalty of not more than ten 532
thousand dollars for each violation. 533

(F) Whoever violates section 1509.072 of the Revised Code 534
or any rules adopted or orders issued to administer, implement, 535
or enforce that section shall pay a civil penalty of not more 536
than five thousand dollars for each violation. 537

(G) In addition to any other penalties provided in this 538
chapter, whoever violates section 1509.05, section 1509.21, 539
division (B) of section 1509.22, or division (A) (1) of section 540
1509.222 of the Revised Code or a term or condition of a permit 541
or an order issued by the chief of the division of oil and gas 542
resources management under this chapter or knowingly violates 543
division (A) of section 1509.223 of the Revised Code is liable 544
for any damage or injury caused by the violation and for the 545
actual cost of rectifying the violation and conditions caused by 546
the violation. If two or more persons knowingly violate one or 547

more of those divisions in connection with the same event, 548
activity, or transaction, they are jointly and severally liable 549
under this division. 550

(H) The attorney general, upon the request of the chief of 551
the division of oil and gas resources management, shall commence 552
an action under this section against any person who violates 553
sections 1509.01 to 1509.31 of the Revised Code, or any rules 554
adopted or orders or terms or conditions of a permit or 555
registration certificate issued pursuant to these sections. Any 556
action under this section is a civil action, governed by the 557
Rules of Civil Procedure and other rules of practice and 558
procedure applicable to civil actions. The remedy provided in 559
this division is cumulative and concurrent with any other remedy 560
provided in this chapter, and the existence or exercise of one 561
remedy does not prevent the exercise of any other, except that 562
no person shall be subject to both a civil penalty under 563
division (A), (B), (C), or (D) of this section and a fine 564
established in section 1509.99 of the Revised Code for the same 565
offense. 566

(I) For purposes of this section, each day of violation 567
constitutes a separate offense. 568

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 569
1509.31 of the Revised Code or any rules adopted or orders or 570
terms or conditions of a permit issued pursuant to these 571
sections for which no specific penalty is provided in this 572
section shall be fined not less than one hundred nor more than 573
one thousand dollars for a first offense; for each subsequent 574
offense the person shall be fined not less than two hundred nor 575
more than two thousand dollars. 576

(B) Whoever violates section 1509.221 of the Revised Code 577

or any rules adopted or orders or terms or conditions of a permit issued thereunder shall be fined not more than five thousand dollars for each violation.

(C) Whoever knowingly violates section 1509.072, division ~~(A)~~ (A) (1) or (2), (B), or (D) of section 1509.22, division (A) (1) or (C) of section 1509.222, or division (A) or (D) of section 1509.223 of the Revised Code or any rules adopted or orders issued under division (C) of section 1509.22 or rules adopted or orders or terms or conditions of a registration certificate issued under division (E) of section 1509.222 of the Revised Code shall be fined ten thousand dollars or imprisoned for six months, or both for a first offense; for each subsequent offense the person shall be fined twenty thousand dollars or imprisoned for two years, or both. Whoever negligently violates those divisions, sections, rules, orders, or terms or conditions of a registration certificate shall be fined not more than five thousand dollars.

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

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

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

Section 2. That existing sections 1509.03, 1509.22, 1509.222, 1509.223, 1509.224, 1509.33, and 1509.99 of the Revised Code are hereby repealed.

Section 3. That section 1509.226 of the Revised Code is
hereby repealed.

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