

As Introduced

136th General Assembly

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H. B. No. 439

Representatives Rader, Brennan

Cosponsors: Representatives Troy, Lett, McNally, Brownlee, Robinson

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

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

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

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

(1) Safety concerning the drilling or operation of a well;	20
(2) Protection of the public and private water supply,	21
including the amount of water used and the source or sources of	22
the water;	23
(3) Fencing and screening of surface facilities of a well;	24
(4) Containment and disposal of drilling and production	25
wastes;	26
(5) Construction of access roads for purposes of the	27
drilling and operation of a well;	28
(6) Noise mitigation for purposes of the drilling of a	29
well and the operation of a well, excluding safety and	30
maintenance operations.	31
No person shall violate any rule of the chief adopted	32
under this chapter.	33
(B) (1) Any order issuing, denying, or modifying a permit	34
or notices required to be made by the chief pursuant to this	35
chapter shall be made in compliance with Chapter 119. of the	36
Revised Code, except that personal service may be used in lieu	37
of service by mail. Every order issuing, denying, or modifying a	38
permit under this chapter and described as such shall be	39
considered an adjudication order for purposes of Chapter 119. of	40
the Revised Code. Division (B) (1) of this section does not apply	41
to a permit issued under section 1509.06 of the Revised Code.	42
(2) Where notice to any person is required by this	43
chapter, the notice shall be given in order to meet the	44
requirements of law.	45
(C) The chief or the chief's authorized representative may	46
at any time enter upon lands, public or private, for the purpose	47

of administration or enforcement of this chapter, the rules 48
adopted or orders made thereunder, or terms or conditions of 49
permits or registration certificates issued thereunder and may 50
examine and copy records pertaining to the drilling, conversion, 51
or operation of a well for injection of fluids and logs required 52
by division (C) of section 1509.223 of the Revised Code. No 53
person shall prevent or hinder the chief or the chief's 54
authorized representative in the performance of official duties. 55
If entry is prevented or hindered, the chief or the chief's 56
authorized representative may apply for, and the court of common 57
pleas may issue, an appropriate inspection warrant necessary to 58
achieve the purposes of this chapter within the court's 59
territorial jurisdiction. 60

(D) The chief may issue orders to enforce this chapter, 61
rules adopted thereunder, and terms or conditions of permits 62
issued thereunder. Any such order shall be considered an 63
adjudication order for the purposes of Chapter 119. of the 64
Revised Code. No person shall violate any order of the chief 65
issued under this chapter. No person shall violate a term or 66
condition of a permit or registration certificate issued under 67
this chapter. 68

(E) Orders of the chief denying, suspending, or revoking a 69
registration certificate; approving or denying approval of an 70
application for revision of a registered transporter's plan for 71
disposal; or to implement, administer, or enforce division (A) 72
of section 1509.224 and sections 1509.22, 1509.222, 1509.223, 73
and 1509.225, and 1509.226 of the Revised Code pertaining to the 74
transportation of brine by vehicle and the disposal of brine so 75
transported are not adjudication orders for purposes of Chapter 76
119. of the Revised Code. The chief shall issue such orders 77
under division (A) or (B) of section 1509.224 of the Revised 78

Code, as appropriate.

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

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

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

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(2) (a) On and after January 1, 2014, no person shall
store, recycle, treat, process, or dispose of in this state
brine or other waste substances associated with the exploration,
development, well stimulation, production operations, or
plugging of oil and gas resources without an order or a permit
issued under this section or section 1509.06 or 1509.21 of the
Revised Code or rules adopted under any of those sections. For
purposes of division (B) (2) (a) of this section, a permit or
other form of authorization issued by another agency of the
state or a political subdivision of the state shall not be
considered a permit or order issued by the chief of the division
of oil and gas resources management under this chapter.

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(b) Division (B)(2)(a) of this section does not apply to a 109
person that disposes of such waste substances other than brine 110
in accordance with Chapter 3734. of the Revised Code and rules 111
adopted under it. 112

(C) The chief shall adopt rules regarding storage, 113
recycling, treatment, processing, and disposal of brine and 114
other waste substances. However, the chief shall not adopt any 115
rules authorizing the surface application of brine to roads or 116
highways in this state. The rules shall establish procedures and 117
requirements in accordance with which a person shall apply for a 118
permit or order for the storage, recycling, treatment, 119
processing, or disposal of brine and other waste substances that 120
are not subject to a permit issued under section 1509.06 or 121
1509.21 of the Revised Code and in accordance with which the 122
chief may issue such a permit or order. An application for such 123
a permit shall be accompanied by a nonrefundable fee of two 124
thousand five hundred dollars. 125

The storage, recycling, treatment, processing, and 126
disposal of brine and other waste substances and the chief's 127
rules relating to storage, recycling, treatment, processing, and 128
disposal are subject to all of the following standards: 129

(1) Brine from any well except an exempt Mississippian 130
well shall be disposed of only as follows: 131

(a) By injection into an underground formation, including 132
annular disposal if approved by rule of the chief, which 133
injection shall be subject to division (D) of this section; 134

(b) ~~By surface application in accordance with section~~ 135
~~1509.226 of the Revised Code;~~ 136

~~(c)~~ In association with a method of enhanced recovery as 137

provided in section 1509.21 of the Revised Code; 138

~~(d)~~ (c) In any other manner not specified in ~~divisions~~ 139
division (C) (1) (a) ~~to (c) or (b)~~ of this section that is 140
approved by a permit or order issued by the chief. 141

(2) Brine from exempt Mississippian wells shall not be 142
discharged directly into the waters of the state. 143

(3) Muds, cuttings, and other waste substances shall not 144
be disposed of in violation of this chapter or any rule adopted 145
under it. 146

(4) Pits or steel tanks shall be used as authorized by the 147
chief for containing brine and other waste substances resulting 148
from, obtained from, or produced in connection with drilling, 149
well stimulation, reworking, reconditioning, plugging back, or 150
plugging operations. The pits and steel tanks shall be 151
constructed and maintained to prevent the escape of brine and 152
other waste substances. 153

(5) A dike or pit may be used for spill prevention and 154
control. A dike or pit so used shall be constructed and 155
maintained to prevent the escape of brine and crude oil, and the 156
reservoir within such a dike or pit shall be kept reasonably 157
free of brine, crude oil, and other waste substances. 158

(6) Impoundments constructed utilizing a synthetic liner 159
pursuant to the division's specifications may be used for the 160
temporary storage of waste substances used in the construction, 161
stimulation, or plugging of a well. 162

(7) No pit or dike shall be used for the temporary storage 163
of brine or other waste substances except in accordance with 164
divisions (C) (4) and (5) of this section. 165

(8) No pit or dike shall be used for the ultimate disposal 166
of brine or other liquid waste substances. 167

(D) (1) No person, without first having obtained a permit 168
from the chief, shall inject brine or other waste substances 169
resulting from, obtained from, or produced in connection with 170
oil or gas drilling, exploration, or production into an 171
underground formation unless a rule of the chief expressly 172
authorizes the injection without a permit. The permit shall be 173
in addition to any permit required by section 1509.05 of the 174
Revised Code, and the permit application shall be accompanied by 175
a permit fee of one thousand dollars. The chief shall adopt 176
rules in accordance with Chapter 119. of the Revised Code 177
regarding the injection into wells of brine and other waste 178
substances resulting from, obtained from, or produced in 179
connection with oil or gas drilling, exploration, or production. 180
The rules shall include provisions regarding all of the 181
following: 182

(a) Applications for and issuance of the permits required 183
by this division; 184

(b) Entry to conduct inspections and to examine and copy 185
records to ascertain compliance with this division and rules, 186
orders, and terms and conditions of permits adopted or issued 187
under it; 188

(c) The provision and maintenance of information through 189
monitoring, recordkeeping, and reporting. In addition, the rules 190
shall require the owner of an injection well who has been issued 191
a permit under division (D) of this section to quarterly submit 192
electronically to the chief information concerning each shipment 193
of brine or other waste substances received by the owner for 194
injection into the well. 195

(d) The provision and electronic reporting quarterly of 196
information concerning brine and other waste substances from a 197
transporter that is registered under section 1509.222 of the 198
Revised Code prior to the injection of the transported brine or 199
other waste substances; 200

(e) Any other provisions in furtherance of the goals of 201
this section and the Safe Drinking Water Act. 202

(2) The chief may adopt rules in accordance with Chapter 203
119. of the Revised Code authorizing tests to evaluate whether 204
fluids or carbon dioxide may be injected in a reservoir and to 205
determine the maximum allowable injection pressure, which shall 206
be conducted in accordance with methods prescribed in the rules 207
or in accordance with conditions of the permit. In addition, the 208
chief may adopt rules that do both of the following: 209

(a) Establish the total depth of a well for which a permit 210
has been applied for or issued under this division; 211

(b) Establish requirements and procedures to protect 212
public health and safety. 213

(3) To implement the goals of the Safe Drinking Water Act, 214
the chief shall not issue a permit for the injection of brine or 215
other waste substances resulting from, obtained from, or 216
produced in connection with oil or gas drilling, exploration, or 217
production unless the chief concludes that the applicant has 218
demonstrated that the injection will not result in the presence 219
of any contaminant in ground water that supplies or can 220
reasonably be expected to supply any public water system, such 221
that the presence of the contaminant may result in the system's 222
not complying with any national primary drinking water 223
regulation or may otherwise adversely affect the health of 224

persons. 225

(4) The chief may issue an order to the owner of a well in 226
existence on September 10, 2012, to make changes in the 227
operation of the well in order to correct problems or to address 228
safety concerns. 229

(5) This division and rules, orders, and terms and 230
conditions of permits adopted or issued under it shall be 231
construed to be no more stringent than required for compliance 232
with the Safe Drinking Water Act unless essential to ensure that 233
underground sources of drinking water will not be endangered. 234

(E) The owner holding a permit, or an assignee or 235
transferee who has assumed the obligations and liabilities 236
imposed by this chapter and any rules adopted or orders issued 237
under it pursuant to section 1509.31 of the Revised Code, and 238
the operator of a well shall be liable for a violation of this 239
section or any rules adopted or orders or terms or conditions of 240
a permit issued under it. 241

(F) An owner shall replace the water supply of the holder 242
of an interest in real property who obtains all or part of the 243
holder's supply of water for domestic, agricultural, industrial, 244
or other legitimate use from an underground or surface source 245
where the supply has been substantially disrupted by 246
contamination, diminution, or interruption proximately resulting 247
from the owner's oil or gas operation, or the owner may elect to 248
compensate the holder of the interest in real property for the 249
difference between the fair market value of the interest before 250
the damage occurred to the water supply and the fair market 251
value after the damage occurred if the cost of replacing the 252
water supply exceeds this difference in fair market values. 253
However, during the pendency of any order issued under this 254

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

(G) In any action brought by the state for a violation of 283
division (A) of this section involving any well at which annular 284
disposal is used, there shall be a rebuttable presumption 285

available to the state that the annular disposal caused the 286
violation if the well is located within a one-quarter-mile 287
radius of the site of the violation. 288

(H) (1) There is levied on the owner of an injection well 289
who has been issued a permit under division (D) of this section 290
the following fees: 291

(a) Five cents per barrel of each substance that is 292
delivered to a well to be injected in the well when the 293
substance is produced within the division of oil and gas 294
resources management regulatory district in which the well is 295
located or within an adjoining oil and gas resources management 296
regulatory district; 297

(b) Twenty cents per barrel of each substance that is 298
delivered to a well to be injected in the well when the 299
substance is not produced within the division of oil and gas 300
resources management regulatory district in which the well is 301
located or within an adjoining oil and gas resources management 302
regulatory district. 303

(2) The maximum number of barrels of substance per 304
injection well in a calendar year on which a fee may be levied 305
under division (H) of this section is five hundred thousand. If 306
in a calendar year the owner of an injection well receives more 307
than five hundred thousand barrels of substance to be injected 308
in the owner's well and if the owner receives at least one 309
substance that is produced within the division's regulatory 310
district in which the well is located or within an adjoining 311
regulatory district and at least one substance that is not 312
produced within the division's regulatory district in which the 313
well is located or within an adjoining regulatory district, the 314
fee shall be calculated first on all of the barrels of substance 315

that are not produced within the division's regulatory district 316
in which the well is located or within an adjoining district at 317
the rate established in division ~~(H) (2)~~ (H) (1) (b) of this 318
section. The fee then shall be calculated on the barrels of 319
substance that are produced within the division's regulatory 320
district in which the well is located or within an adjoining 321
district at the rate established in division ~~(H) (1)~~ (H) (1) (a) of 322
this section until the maximum number of barrels established in 323
division (H) (2) of this section has been attained. 324

(3) The owner of an injection well who is issued a permit 325
under division (D) of this section shall collect the fee levied 326
by division (H) of this section on behalf of the division of oil 327
and gas resources management and forward the fee to the 328
division. The chief shall transmit all money received under 329
division (H) of this section to the treasurer of state who shall 330
deposit the money in the state treasury to the credit of the oil 331
and gas well fund created in section 1509.02 of the Revised 332
Code. The owner of an injection well who collects the fee levied 333
by this division may retain up to three per cent of the amount 334
that is collected. 335

(4) The chief shall adopt rules in accordance with Chapter 336
119. of the Revised Code establishing requirements and 337
procedures for collection of the fee levied by division (H) of 338
this section. 339

Sec. 1509.222. (A) (1) ~~Except as provided in section~~ 340
~~1509.226 of the Revised Code, no~~ No person shall transport brine 341
by vehicle in this state unless the business entity that employs 342
the person first registers with and obtains a registration 343
certificate and identification number from the chief of the 344
division of oil and gas resources management. 345

(2) No more than one registration certificate shall be 346
required of any business entity. Registration certificates 347
issued under this section are not transferable. An applicant 348
shall file an application with the chief, containing such 349
information in such form as the chief prescribes. The 350
application shall include at least all of the following: 351

(a) A list that identifies each vehicle, vessel, railcar, 352
and container that will be used in the transportation of brine; 353

(b) A plan for disposal that provides for compliance with 354
the requirements of this chapter and rules of the chief 355
pertaining to the transportation of brine by vehicle and the 356
disposal of brine so transported and that lists all disposal 357
sites that the applicant intends to use; 358

(c) The bond required by section 1509.225 of the Revised 359
Code; 360

(d) A certificate issued by an insurance company 361
authorized to do business in this state certifying that the 362
applicant has in force a liability insurance policy in an amount 363
not less than three hundred thousand dollars bodily injury 364
coverage and three hundred thousand dollars property damage 365
coverage to pay damages for injury to persons or property caused 366
by the collecting, handling, transportation, or disposal of 367
brine. 368

The insurance policy required by division (A) (2) (d) of 369
this section shall be maintained in effect during the term of 370
the registration certificate. The policy or policies providing 371
the coverage shall require the insurance company to give notice 372
to the chief if the policy or policies lapse for any reason. 373
Upon such termination of the policy, the chief may suspend the 374

registration certificate until proper insurance coverage is 375
obtained. 376

(3) Each application for a registration certificate shall 377
be accompanied by a nonrefundable fee of fifty dollars. 378

(4) If a business entity that has been issued a 379
registration certificate under this section changes its name due 380
to a business reorganization or merger, the business entity 381
shall revise the bond or certificates of deposit required by 382
section 1509.225 of the Revised Code and obtain a new 383
certificate from an insurance company in accordance with 384
division ~~(A) (2) (e)~~ (A) (2) (d) of this section to reflect the 385
change in the name of the business entity. 386

(B) The chief shall issue an order denying an application 387
for a registration certificate if the chief finds that either of 388
the following applies: 389

(1) The applicant, at the time of applying for the 390
registration certificate, has been found liable by a final 391
nonappealable order of a court of competent jurisdiction for 392
damage to streets, roads, highways, bridges, culverts, or 393
drainways pursuant to section 4513.34 or 5577.12 of the Revised 394
Code until the applicant provides the chief with evidence of 395
compliance with the order. 396

(2) The applicant's plan for disposal does not provide for 397
compliance with the requirements of this chapter and rules of 398
the chief pertaining to the transportation of brine by vehicle 399
and the disposal of brine so transported. 400

(C) No applicant shall attempt to circumvent division (B) 401
of this section by applying for a registration certificate under 402
a different name or business organization name, by transferring 403

responsibility to another person or entity, or by any similar 404
act. 405

(D) A registered transporter shall apply to revise a 406
disposal plan under procedures that the chief shall prescribe by 407
rule. However, at a minimum, an application for a revision shall 408
list all sources and disposal sites of brine currently 409
transported. The chief shall deny any application for a revision 410
of a plan under this division if the chief finds that the 411
proposed revised plan does not provide for compliance with the 412
requirements of this chapter and rules of the chief pertaining 413
to the transportation of brine by vehicle and the disposal of 414
brine so transported. Approvals and denials of revisions shall 415
be by order of the chief. 416

(E) The chief may adopt rules, issue orders, and attach 417
terms and conditions to registration certificates as may be 418
necessary to administer, implement, and enforce sections 419
1509.222 to ~~1509.226~~ 1509.225 of the Revised Code for protection 420
of public health or safety or conservation of natural resources. 421

Sec. 1509.223. (A) No permit holder or owner of a well 422
shall enter into an agreement with or permit any person to 423
transport brine produced from the well who is not registered 424
pursuant to section 1509.222 of the Revised Code ~~or exempt from~~ 425
~~registration under section 1509.226 of the Revised Code.~~ 426

(B) Each registered transporter shall file with the chief 427
of the division of oil and gas resources management, on or 428
before the fifteenth day of April, a statement concerning brine 429
transported, including quantities transported and source and 430
delivery points, during the last preceding calendar year, and 431
such other information in such form as the chief may prescribe. 432

(C) Each registered transporter shall keep on each vehicle 433
used to transport brine a daily log and have it available upon 434
the request of the chief or an authorized representative of the 435
chief or a peace officer. The log shall, at a minimum, include 436
all of the following information: 437

(1) The name of the owner or owners of the well or wells 438
producing the brine to be transported; 439

(2) The date and time the brine is loaded; 440

(3) The name of the driver; 441

(4) The amount of brine loaded at each collection point; 442

(5) The disposal location; 443

(6) The date and time the brine is disposed of and the 444
amount of brine disposed of at each location. 445

The chief, by rule, may establish procedures for the 446
electronic submission to the chief of the information that is 447
required to be included in the daily log. No registered 448
transporter shall falsify or fail to keep or submit the log 449
required by this division. 450

(D) Each registered transporter shall legibly identify 451
with reflective paints all vehicles employed in transporting or 452
disposing of brine. Letters shall be no less than four inches in 453
height and shall indicate the identification number issued by 454
the chief, the word "brine," and the name and telephone number 455
of the transporter. 456

(E) The chief shall maintain and keep a current list of 457
persons registered to transport brine under section 1509.222 of 458
the Revised Code. The list shall be open to public inspection. 459
It is an affirmative defense to a charge under division (A) of 460

this section that at the time the permit holder or owner of a 461
well entered into an agreement with or permitted a person to 462
transport brine, the person was shown on the list as currently 463
registered to transport brine. 464

Sec. 1509.224. (A) In addition to any other remedies 465
provided in this chapter, if the chief of the division of oil 466
and gas resources management has reason to believe that a 467
pattern of the same or similar violations of any requirements of 468
section 1509.22, 1509.222, or 1509.223 of the Revised Code, or 469
any rule adopted thereunder or term or condition of the 470
registration certificate issued thereunder exists or has 471
existed, and the violations are caused by the transporter's 472
indifference, lack of diligence, or lack of reasonable care, or 473
are willfully caused by the transporter, the chief shall 474
immediately issue an order to the transporter to show cause why 475
the certificate should not be suspended or revoked. After the 476
issuance of the order, the chief shall provide the transporter 477
an opportunity to be heard and to present evidence at an 478
informal hearing conducted by the chief. If, at the conclusion 479
of the hearing, the chief finds that such a pattern of 480
violations exists or has existed, the chief shall issue an order 481
suspending or revoking the transporter's registration 482
certificate. An order suspending or revoking a certificate under 483
this section may be appealed under sections 1509.36 and 1509.37 484
of the Revised Code, or notwithstanding any other provision of 485
this chapter, may be appealed directly to the court of common 486
pleas of Franklin county. 487

(B) Before issuing an order denying a registration 488
certificate; approving or denying approval of an application for 489
revision of a registered transporter's plan for disposal; or to 490
implement, administer, or enforce section 1509.22, 1509.222, 491

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

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 509
1509.31 of the Revised Code, or any rules adopted or orders or 510
terms or conditions of a permit or registration certificate 511
issued pursuant to these sections for which no specific penalty 512
is provided in this section, shall pay a civil penalty of not 513
more than ten thousand dollars for each offense. 514

(B) Whoever violates section 1509.221 of the Revised Code 515
or any rules adopted or orders or terms or conditions of a 516
permit issued thereunder shall pay a civil penalty of not more 517
than ten thousand dollars for each violation. 518

(C) Whoever violates division (D) of section 1509.22 or 519
division (A)(1) of section 1509.222 of the Revised Code shall 520
pay a civil penalty of not less than two thousand five hundred 521

dollars nor more than twenty thousand dollars for each 522
violation. 523

(D) Whoever violates division ~~(A)~~ (A) (1) or (2) of section 524
1509.22 of the Revised Code shall pay a civil penalty of not 525
less than two thousand five hundred dollars nor more than ten 526
thousand dollars for each violation. 527

(E) Whoever violates division (A) of section 1509.223 of 528
the Revised Code shall pay a civil penalty of not more than ten 529
thousand dollars for each violation. 530

(F) Whoever violates section 1509.072 of the Revised Code 531
or any rules adopted or orders issued to administer, implement, 532
or enforce that section shall pay a civil penalty of not more 533
than five thousand dollars for each violation. 534

(G) In addition to any other penalties provided in this 535
chapter, whoever violates section 1509.05, section 1509.21, 536
division (B) of section 1509.22, or division (A) (1) of section 537
1509.222 of the Revised Code or a term or condition of a permit 538
or an order issued by the chief of the division of oil and gas 539
resources management under this chapter or knowingly violates 540
division (A) of section 1509.223 of the Revised Code is liable 541
for any damage or injury caused by the violation and for the 542
actual cost of rectifying the violation and conditions caused by 543
the violation. If two or more persons knowingly violate one or 544
more of those divisions in connection with the same event, 545
activity, or transaction, they are jointly and severally liable 546
under this division. 547

(H) The attorney general, upon the request of the chief of 548
the division of oil and gas resources management, shall commence 549
an action under this section against any person who violates 550

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

(I) For purposes of this section, each day of violation 564
constitutes a separate offense. 565

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 566
1509.31 of the Revised Code or any rules adopted or orders or 567
terms or conditions of a permit issued pursuant to these 568
sections for which no specific penalty is provided in this 569
section shall be fined not less than one hundred nor more than 570
one thousand dollars for a first offense; for each subsequent 571
offense the person shall be fined not less than two hundred nor 572
more than two thousand dollars. 573

(B) Whoever violates section 1509.221 of the Revised Code 574
or any rules adopted or orders or terms or conditions of a 575
permit issued thereunder shall be fined not more than five 576
thousand dollars for each violation. 577

(C) Whoever knowingly violates section 1509.072, division 578
~~(A)~~ (A) (1) or (2), (B), or (D) of section 1509.22, division (A) 579
(1) or (C) of section 1509.222, or division (A) or (D) of 580

section 1509.223 of the Revised Code or any rules adopted or 581
orders issued under division (C) of section 1509.22 or rules 582
adopted or orders or terms or conditions of a registration 583
certificate issued under division (E) of section 1509.222 of the 584
Revised Code shall be fined ten thousand dollars or imprisoned 585
for six months, or both for a first offense; for each subsequent 586
offense the person shall be fined twenty thousand dollars or 587
imprisoned for two years, or both. Whoever negligently violates 588
those divisions, sections, rules, orders, or terms or conditions 589
of a registration certificate shall be fined not more than five 590
thousand dollars. 591

(D) Whoever violates division (C) of section 1509.223 of 592
the Revised Code shall be fined not more than five hundred 593
dollars for a first offense and not more than one thousand 594
dollars for a subsequent offense. 595

(E) The prosecuting attorney of the county in which the 596
offense was committed or the attorney general may prosecute an 597
action under this section. 598

(F) For purposes of this section, each day of violation 599
constitutes a separate offense. 600

Section 2. That existing sections 1509.03, 1509.22, 601
1509.222, 1509.223, 1509.224, 1509.33, and 1509.99 of the 602
Revised Code are hereby repealed. 603

Section 3. That section 1509.226 of the Revised Code is 604
hereby repealed. 605