

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 217**

**Senator Schiavoni**

**Cosponsors: Senators Yuko, Skindell, Tavares, Brown**

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**A BILL**

To amend sections 1509.33 and 1509.99 and to enact 1  
section 1509.051 of the Revised Code to revise 2  
enforcement of the Oil and Gas Law, including 3  
increasing criminal penalties and requiring 4  
revocation of permits for violations of that Law 5  
relating to improper disposal of brine. 6

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

**Section 1.** That sections 1509.33 and 1509.99 be amended 7  
and section 1509.051 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 1509.051.** In addition to any other penalties or 10  
enforcement actions provided for in this chapter for a violation 11  
of division (A) or (D) of section 1509.22 of the Revised Code, 12  
if a person who has been issued a permit under this chapter has 13  
been convicted of or pleaded guilty to a knowing violation of 14  
either division (A) or (D) of that section, the chief of the 15  
division of oil and gas resources management shall do both of 16  
the following: 17

(A) Permanently revoke each permit issued to the person 18

under this chapter; 19

(B) Deny any future application by the person for a permit 20  
under this chapter. 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