



Ohio Legislative Service Commission

Bill Analysis

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H.B. 93

130th General Assembly
(As Introduced)

Reps. R. Hagan, Foley, Boyd, Driehaus, Antonio, Cera, Ashford, Pillich, Curtin, Fedor

BILL SUMMARY

- Increases the criminal penalties for violations of the Oil and Gas Law relating to the improper disposal, storage, transport, and management of brine.
 - Requires the Chief of the Division of Oil and Gas Resources Management to revoke, and deny future applications for, a permit or registration certificate if the holder is convicted of or pleads guilty to violations of that Law relating to improper disposal of brine or prohibited actions involving a brine transporter's daily log.
 - Establishes a criminal penalty for a negligent violation of certain provisions of the Solid, Hazardous, and Infectious Wastes Law.
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CONTENT AND OPERATION

Enforcement of the Oil and Gas Law

The bill increases the criminal penalties for violations of the Oil and Gas Law relating to the improper disposal, storage, transport, and management of brine. The bill makes both knowing and negligent violation of those provisions a felony.¹ The following table discusses the penalties in the bill and current law:

¹ R.C. 1509.99(C).

The Bill	Current Law
<ol style="list-style-type: none"> 1. A knowing violation is punishable by: <ol style="list-style-type: none"> a. A fine of not less than \$10,000 nor more than \$50,000; or b. Imprisonment for three years; or c. Both. 2. A subsequent knowing violation is punishable by: <ol style="list-style-type: none"> a. A fine of not less than \$20,000 nor more than \$100,000; or b. Imprisonment for six years; or c. Both. 3. A negligent violation is punishable by: <ol style="list-style-type: none"> a. A fine of not less than \$5,000 nor more than \$25,000; or b. Imprisonment for not more than one year; or c. Both. 4. A subsequent negligent violation is punishable by: <ol style="list-style-type: none"> a. A fine of not less than \$10,000 nor more than \$50,000; or b. Imprisonment for two years; or c. Both. 	<ol style="list-style-type: none"> 1. A knowing violation is punishable by: <ol style="list-style-type: none"> a. A fine of \$10,000; or b. Imprisonment for six months; or c. Both. 2. A subsequent knowing violation is punishable by: <ol style="list-style-type: none"> a. A fine of \$20,000; or b. Imprisonment for two years; or c. Both. 3. A negligent violation is punishable by: <ol style="list-style-type: none"> a. A fine of not more than \$5,000.

In addition, the bill requires the Chief of the Division of Oil and Gas Resources Management to permanently revoke a permit or registration certificate if the permit or registration certificate holder has been convicted of or pleaded guilty to certain violations of the Oil and Gas Law and to deny any future applications for permits or registration certificates by the violator.² Specifically, the bill requires revocation of a holder's permit when the permit holder improperly disposes of brine or other fluids associated with the development of oil and gas resources.³ The bill requires revocation of a brine transporter's registration certificate when the certificate holder falsifies or fails to keep or submit the daily log required to be kept by brine transporters under the Oil and Gas Law.⁴ Current law does not specifically require the Chief to revoke permits or registration certificates or deny future applications for the above violations.

² R.C. 1509.16.

³ R.C. 1509.22(A), not in the bill; R.C. 1509.16.

⁴ R.C. 1509.223(C), not in the bill; R.C. 1509.16.

Criminal penalty under the Solid, Hazardous, and Infectious Wastes Law

The bill adds to the existing criminal penalties for violations of the Solid, Hazardous, and Infectious Wastes Law a new criminal penalty for negligent violations of provisions of that Law relating to: (1) permit requirements for solid waste, infectious waste, solid waste transfer, and compost facilities, (2) the storage, treatment, disposal, and transportation of hazardous waste, (3) the filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or a solid waste facility was operated without prior authorization, (4) the emission of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance from hazardous waste facilities, (5) the disposal of certain infectious wastes at a sanitary landfill, and (6) the disposal of solid wastes or infectious wastes by burning or open dumping.⁵ Under the bill, a negligent violation of any of those provisions is a misdemeanor, punishable by a fine of not more than \$10,000, imprisonment for not more than two years, or both.⁶

HISTORY

ACTION	DATE
Introduced	03-05-13

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⁵ R.C. 3734.02 (C), (F), (H), (I), and (K) and 3734.03, not in the bill.

⁶ R.C. 3734.99 (A).

