



Ohio Revised Code

Section 1521.40 Violation; remedies.

Effective: September 30, 2021

Legislation: House Bill 110

(A) No person shall violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(B) The attorney general, upon written request of the chief of the division of water resources, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(C) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. The chief also may assess a civil penalty of not more than five thousand dollars per day for each day a violation occurs of any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(D) Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs and civil penalties in the court of common pleas of Franklin county. Money recovered under this division for violations of sections 1521.06 to 1521.063 of the Revised Code, any rule or order adopted or issued under those sections, or any term or condition of a permit issued under those sections shall be deposited in the state treasury to the credit of the dam safety fund created in section 1521.06 of the Revised Code. Money recovered under this division for violations of sections 1521.16 and 1521.22 to 1521.35 of the Revised Code, any rule or order adopted or issued under those sections, or any term or condition of a permit issued under those sections shall be deposited in the state treasury to the credit of the water management fund created in section 1521.22 of the Revised Code.