



Ohio Revised Code

Section 1522.20 Issuance of order of compliance.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) The chief of the division of water resources may issue an order of compliance to a person if the chief determines one of the following:

- (1) That the person has violated, is violating, or is threatening to violate any provisions of this chapter, rules adopted under it, or a permit or order issued under it;
- (2) That the continued withdrawal or consumptive use of water under a permit issued to the person under section 1522.12 of the Revised Code will endanger the public health, safety, or welfare;
- (3) That the withdrawal or consumptive use of water under a permit issued to the person under section 1522.12 of the Revised Code will result in a significant lowering of the water level within an aquifer, the overdrafting of an aquifer, or the imminent threat of irreparable material damage to an aquifer such that the aquifer will no longer yield the amount of water it did before the withdrawal or consumptive use.

(B) An order of compliance issued under division (A) of this section is effective upon issuance. The chief shall identify all of the following in the order:

- (1) The facility to which the order applies;
- (2) The findings of fact and specific circumstances that led to the issuance of the order;
- (3) The actions that the owner or operator of the facility must take to comply with the order.

The chief shall fix and specify in the order a reasonable date by which the owner or operator must comply with the order.

(C)(1) If a person that is issued an order of compliance under division (A) of this section does not



comply with the order by the date specified in the order, the chief may issue a proposed order to suspend or revoke the permit issued to the person and may subsequently issue a final order to suspend or revoke the permit in accordance with section 1522.21 of the Revised Code.

(2) If the chief issues a proposed order to suspend or revoke a permit, the chief, in the proposed order, shall identify all of the following:

(a) The facility to which the order applies;

(b) The findings of fact and specific circumstances that led to the issuance of the order;

(c) The actions that the permittee must take to comply with the order.

The chief shall fix and specify in the proposed order a reasonable date or time by which the permittee must comply. The chief shall state in the proposed order that the chief may issue a final order suspending or revoking the permit if the permittee fails to comply with the proposed order by that date or time.

(D) If the chief, after making a determination under division (A)(2) or (3) of this section, issues an order under division (A) of this section, a proposed order under division (C) of this section, or a final order to suspend a permit under section 1522.21 of the Revised Code, the permittee may request the chief to amend the permit or suspended permit prior to its expiration. The chief may amend the permit and allow the withdrawal or consumptive use of water under it to be resumed if the chief determines that, under the amended permit, the reasons for the order or suspension specified in division (A)(2) or (3) of this section, as applicable, will no longer apply.

(E) The chief shall issue an order or proposed order under this section, or a final order under section 1522.21 of the Revised Code in writing and shall contain a finding of the facts on which the order is based. The chief shall provide notice of the order by certified mail to the applicable owner or operator of a facility. The chief also shall provide notice to a person who initiated a complaint that resulted in the order. The chief shall post the notice on the web site of the department of natural resources in a manner prescribed by the chief.



(F) The chief or the chief's designee may enter on private or public lands and take action to mitigate, minimize, remove, or abate the conditions that are the subject of an order or proposed order issued under this section.