

901:13-1-99                    **Civil penalties.**

(A) The following violations shall be considered minor violations:

- (1) Violations of rule 901:13-1-07 of the Administrative Code;
- (2) Violations of rule 901:13-1-08 of the Administrative Code;
- (3) Violations of rule 901:13-1-09 of the Administrative Code;
- (4) Violations of paragraph (B)(4) of rule 901:13-1-11 of the Administrative Code;
- (5) Violations of rule 901:13-1-12 of the Administrative Code; and
- (6) Violations of paragraph (E) of rule 901:13-1-19 of the Administrative Code.

(B) The following violations shall be considered moderate violations:

- (1) Violations of rule 901:13-1-02 of the Administrative Code;
- (2) Violations of rule 901:13-1-03 of the Administrative Code;
- (3) Violations of rule 901:13-1-04 of the Administrative Code;
- (4) Violations of rule 901:13-1-05 of the Administrative Code;
- (5) Violations of rule 901:13-1-06 of the Administrative Code;
- (6) Violations of paragraph (A) of rule 901:13-1-11 of the Administrative Code;
- (7) Violations of paragraph (C) of rule 901:13-1-11 of the Administrative Code;
- (8) Violations of rule 901:13-1-13 of the Administrative Code;
- (9) Violations of paragraph (A) of rule 901:13-1-19 of the Administrative Code;
- (10) Violations of paragraph (F) of rule 901:13-1-19 of the Administrative Code; and
- (11) Violations of paragraph (G) of rule 901:13-1-19 of the Administrative Code.

(C) Events of noncompliance with section 939.08 of the Revised Code and paragraphs (B) (1), (B)(2), (B)(3), and (B)(5) of rule 901:13-1-11 of Administrative Code that meet all of the following parameters shall be considered moderate violations:

- (1) The total volume of the manure application is less than three hundred and fifty tons of solid manure or one hundred thousand gallons of liquid manure;

- (2) The manure application does not pose a significant risk of harm to public health or the environment; and
  - (3) The manure application has not resulted in any discharge of manure that enters the waters of the state.
- (D) Events of noncompliance with section 939.08 of the Revised Code and paragraphs (B)(1), (B)(2), (B)(3), and (B)(5) of rule 901:13-1-11 of Administrative Code that meet any of the following parameters shall be considered major violations:
- (1) The total volume of the manure application is equal to or more than three hundred fifty tons of solid manure, or one hundred thousand gallons of liquid manure.
  - (2) The manure application poses a significant risk of harm to public health or the environment.
  - (3) The manure application has resulted in a discharge of manure that enters the waters of the state.
- (E) Pursuant to sections 939.02 and 939.09 of the Revised Code, a schedule of fines for violations identified in paragraphs (A), (B), (C) and (D) of this rule is hereby established:
- (1) The department may assess the following civil penalties for any minor violation:
    - (a) Not more than two hundred fifty dollars for a first violation;
    - (b) Not more than one thousand dollars for a second violation; and
    - (c) Not more than five thousand dollars for a third violation.
  - (2) The department may assess the following civil penalties for any moderate violation:
    - (a) Not more than two thousand dollars for a first violation;
    - (b) Not more than five thousand dollars for a second violation; and
    - (c) Not more than ten thousand dollars for a third violation.
  - (3) The department may assess a civil penalty of not more than ten thousand dollars for any major violation.
- (F) Failure to take corrective action as specified by the director or the director's designated representative for any minor violation may be considered a moderate violation.

(G) Failure to take corrective action as specified by the director or the director's designated representative for any moderate violation may be considered a major violation.

(H) All money paid under paragraph (E) of this rule shall be deposited into the agricultural pollution abatement fund.

Five Year Review (FYR) Dates: 4/19/2024 and 04/19/2029

CERTIFIED ELECTRONICALLY

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Certification

04/19/2024

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Date

Promulgated Under: 119.03  
Statutory Authority: 939.02, 939.09  
Rule Amplifies: 939.07, 939.08, 939.09  
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