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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 and 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 and 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 divisions (E) of this rule shall be deposited into the agricultural pollution abatement fund.