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H.B. 439
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Reps. Rader and Brennan

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SUMMARY

- Expressly prohibits the surface application of brine from oil and gas wells on roads and highways.
- Applies criminal and civil penalties to any violation of the prohibition.
- Eliminates current provisions of law authorizing local governments, state and federal agencies, and private entities to apply brine on roads or highways in accordance with specified standards.

DETAILED ANALYSIS

Prohibition against applying brine on roads

The bill expressly prohibits the surface application of brine from oil and gas wells (saline geological formation water)¹ on roads and highways in Ohio. It also prohibits the Chief of the Division of Oil and Gas Resources Management from adopting any rules authorizing brine application that would conflict with the bill's express prohibition.² The bill imposes criminal and civil penalties on a person who violates the prohibition against applying brine to roads and highways. Criminal penalties that apply to a violation are as follows:³

¹ See R.C. 1509.01, not in the bill.

² R.C. 1509.22(A)(2) and (C).

³ R.C. 1509.99.

Brine application criminal penalties*		
Type of offense	Mental state	Penalty
First and any subsequent offense	Negligently	Fined up to \$5,000
First offense	Knowingly	Fined \$10,000, or imprisoned for six months, or both
Any subsequent offense	Knowingly	Fined \$20,000, or imprisoned for two years, or both

*Each day of violation is a separate offense.⁴

Regarding civil penalties, a court may impose a fine of between \$2,500 and \$10,000 per violation. Each day of violation is a separate offense.⁵

Corresponding with the bill's express prohibition, the bill eliminates current provisions of law that do all of the following:

1. Authorize a board of county commissioners, a board of township trustees, or the legislative authority of a municipal corporation to allow, via a resolution process, the surface application of brine on roads or highways;
2. Subject state and federal entities to notification requirements when applying brine to roads and highways;
3. Authorize a private entity that owns or has a legal right or obligation to maintain a road or other similar surface to apply brine in accordance with a plan submitted and approved by the board of county commissioners with jurisdiction; and
4. Require brine to be applied on roads and highways in accordance with specific standards.⁶

HISTORY

Action	Date
Introduced	09-09-25

ANHB0439IN-136/sb

⁴ R.C. 1509.99.

⁵ R.C. 1509.22(A)(2) and 1509.33(D) and (I).

⁶ R.C. 1509.226, repealed; conforming changes in R.C. 1509.03, 1509.22, 1509.222, 1509.223, and 1509.224.