



Ohio Department of Agriculture



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Livestock Environmental Permitting Program
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Fact Sheet: Livestock Environmental Permitting Program

The Ohio Department of Agriculture (ODA) is a regulatory agency responsible for holding farms of all sizes to high environmental standards to help assure a safe, abundant food supply that benefits communities and protects the environment throughout the state of Ohio. Ninety-three percent of the department's budget is dedicated to protecting producers, agribusinesses, and the consuming public by enforcing clearly written, scientific-based regulations as stipulated in Ohio's laws. In turn, Ohioans get soundly regulated businesses that add value to any neighborhood.

The Livestock Environmental Permitting Program, also known as LEPP, is just one example, and is one of the most recent regulatory programs to be added to ODA's list of responsibilities. Staff is responsible for regulating Ohio's largest livestock and poultry farms, their construction, and how those farms handle manure and waste water to protect surface and ground water quality, as well as manage flies, rodents and other pests.

Authority was given to the department under Senate Bill 141 – signed into law in December 2000 – to develop rules and regulations, and to permit concentrated animal feeding facilities (CAFFs) or concentrated animal feeding facilities (CAFOs). These regulations were finished in August 2002 and meet federal standards in all environmental areas and exceed U.S. EPA standards in over ten areas.

LEPP Requirements

ODA rules are more stringent than federal requirements and are enforced by the department as listed below:

- All large concentrated animal feeding operations (CAFOs) or concentrated animal feeding facilities (CAFFs) must have a state operating permit or Permit to Operate (PTO), but these same size facilities may not be required to apply for a federal operating permit or National Pollutant Discharge Elimination System (NPDES). Non-permitted farms are not required to obtain this rigorous permit unless they have a manure spill.
- All large facilities are required to receive a federal operating permit or National Pollutant Discharge Elimination System (NPDES). Non-permitted farms are not required to obtain this rigorous permit unless they have a manure spill.
- ODA rules require a compliance history or environmental background evaluation of owners and operators of the facility. No other permitting program in the nation has this stringent rule.
- ODA rules require notification to local officials to foster state and local communication and to allow for suggestion on improvements that may be necessary for infrastructure.
- ODA has a Certified Livestock Program that requires certification of manure brokers or applicators and CAFFs that house 10 times the number of animals that require a permit.

- ODA rules require a Permit to Install (PTI) to construct manure or livestock facilities. These permits include:
 - Engineering plans, and if a liquid manure storage facility is present, it must be designed and approved by a professional engineer.
 - Geological exploration and evaluation, including field evaluations, lab testing and evaluation for liner systems.
 - Depending on the outcome of the geological exploration, ODA has the authority to require additional design criteria for construction of any manure storage or treatment facility, including additional liner thickness or alternative liner types, groundwater monitoring, etc.
 - Siting criteria of manure storage or treatment facilities from environmental features and other sensitive items.
 - Construction specifications for any manure storage or treatment facility.
 - Construction plans provided in an “as-built plans” form accompanied by a notarized statement from the owner or the farm’s designated representative.
 - Documentation of facility inspections as it is being constructed and after the date of completion. Formal authorization by ODA is required prior to stocking, which triggers the completion of the PTI and the beginning of the Permit to Operate (PTO).
 - Groundwater testing to provide background information prior to the annual groundwater analysis required by the PTO.
 - Identification of facility water supply and estimated amounts that will be withdrawn on a daily and annual basis.
- ODA requires an annual groundwater sampling from a well at the facility for total coliform bacteria and nitrates.
- ODA requires an insect and Rodent Control Plan.
- ODA requires a plan for odor minimization.
- ODA requires an Emergency Response Plan.
- ODA requires an two full inspections annually at each facility. U.S. EPA recommends that states and regions inspect at least once every five years to determine compliance with the permit.
- ODA responds to all oral and written complaints.
- ODA conducts public information sessions for draft permits.

Program Accomplishments

Prior to ODA taking over the regulatory responsibility for large farms in 2002, the Ohio EPA issued only PTIs for concentrated animal feeding operations, had no PTOs, and had no routine inspection program. Now, under the ODA, the state requires both a PTI and a PTO, and two on-site inspections each year.

The PTI includes: siting criteria, geological report, manure storage and treatment facilities size and design plans, and groundwater quantity and quality – all of which exceed federal standards.

The PTO includes: a manure management plan, land application setbacks, mortality management plan, methods to minimize odors, emergency response plan, insect and rodent control plan, groundwater monitoring, operators’ records, and a closure plan.

Proper manure management is one of the most important aspects of the PTO. A manure lagoon built in Ohio that has been constructed in compliance with the U.S. Department of Agriculture Natural Resource Conservation Service Ohio engineering standards, from which ODAs standards are based, has never failed.

U.S. EPA requires ODA to inspect only 25 large farms per year. However staff members have performed more than 1,200 inspections since the department began regulating large farms in August 2002. LEPP officials conduct a full inspection of each permitted farm every six months, which is 10 times the federal requirement. And while not required by state law, LEPP officials respond and follow-up on written and oral complaints.

Few states in the United States have permitting programs for large livestock farms that include a PTI and PTO, and none are as comprehensive and stringent as Ohio. Ohio is the only state that requires an environmental background check of the farm's owners and operators and the only state with a Certified Livestock Mangers certification program.

Additional Program Information and Facts

- During 2006, the LEPP issued PTIs and PTOs to 15 farms, including five dairies, seven chicken facilities, three swine farms, and one cattle operation.
- At year-end, there were 161 permitted facilities in the state. Seventy-five received PTIs and PTOs, 30 had PTOs only, and 86 had Review Compliance Certificates (RCCs); RCCs were issued to farms that previously had Ohio EPA Permits to Install. These farms were given five years to transition their operations from the Ohio EPA permit to an ODA RCC or a PTO. With only one exception, this has been accomplished.
- LEPP inspectors conducted 343 inspections during 2006. Two hundred and ninety of these were complete inspections, and 53 were partial inspections. There were 130 complaint follow-up inspections, an increase of 33 from the previous year. LEPP inspectors responded to all of the 130 verbal and written complaints received.
- The large majority of these complaints, 64, were for chicken layer operations. There were 30 dairy complaints, nine for cattle and four from swine farms. Most of the complaints involved flies (54), manure applications (25) or odors (nine).
- Forty-six enforcement actions were issued in 2006; down 23 from the previous year. These included 15 Warning Letters, 24 Notices of Deficiency, five Notices of Hearing and two Final Orders.
- There are several examples that indicate property values increase around large livestock farms. For example, a leading agricultural realtor in Marion County has compiled data on property values near large livestock farms and poultry operations and has shown that when large livestock operations start up in an area, land prices actually increase in value. In addition, a University of Minnesota study found that rural residences actually increased in value, hypothesizing that CAFOs increased the demand for nearby residences employed in agriculture. (Taff, S. J., D. G. Tiffany and S. Weisberg. "Measured Effects of Feedlots Property Values in Minnesota: A Report to the Legislature." Staff Paper Department of Applied Economics, 1996.)
- Ohio's permitting process for livestock facilities prohibits any discharge into waterways throughout the state and requires all manure and potentially contaminated runoff to be contained and applied only to crop land. This compares to Ohio's cities, which are permitted to discharge treated human waste. For example, Bowling Green, Toledo, and Findlay combined are permitted to discharge 155 million gallons of wastewater per day.