



Ohio Department of Agriculture
LIVESTOCK ENVIRONMENTAL PERMITTING PROGRAM
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COMPLIANCE INFORMATION

Purpose: This attachment is to fulfill the requirements of Section 903.05 of the Ohio Revised Code (ORC). See Rules 901:10-1-02 and 901:10-03 of the Ohio Administrative Code (OAC). This form shall accompany the permit application to identify the owner and operator. This form shall also be used by any person seeing to acquire ownership or for permit transfers. (Rule 901:10-1-08 of the OAC).

Background: Rules 901:10-1-02 and 901:10-1-03 of the OAC and Section 903.05 of the ORC require that all applicants seeking to own or operate a concentrated animal feeding facility (CAFF) fill out a Compliance Information Form ("Background Check") if they have not operated a CAFF in the state of Ohio for two of the last five years immediately preceding the permit application. If the applicant seeks to purchase or acquire a CAFF the applicant must comply with Section 903.05 of the ORC by completing the Compliance Form before the CAFF permit can transfer to the applicant. If the applicant has operated an animal feeding facility (AFF) and plans to expand or otherwise change to facility to a CAFF, the applicant must complete a Compliance Form.

To obtain a permit or transfer a permit, the person or persons who seek a permit must also demonstrate that they (and persons associated with the applicant in the operation of a CAFF) have a positive or favorable record with respect to farming and the environment. This means a record or reputation of competence, reliability, and expertise.

Form: This form asks the applicant to provide information stating if the applicant has owned and operated a facility in the state of Ohio, elsewhere in the United States, or outside of the United States. Owner means the person who has the right to control or in fact controls management of the CAFF or the selection of officers, directors, or managers of the operation. The form requires the applicant to provide specific information, and copies of supporting documentation. This includes documentation about the nature of the ownership interest, whether a sole proprietorship, partnership, or corporation. Information is required to identify corporate officers, if the nature of a business concern is a corporation, whether the corporation is public or private, as well as information on all partners, for a partnership.

Information must be provided as to whether the applicant, owner, or operator has been required to pay a fine or penalty or to perform a service because of actions that caused water pollution. For example, do documents exist that verify that complaints from neighbors? Has the applicant been sued by a government agency or fined by a government office?

The applicant may submit additional information explaining the applicant's record of compliance. The Department is interested in information that demonstrates competence, reliability, and expertise.

The Department will evaluate the information. Staff will verify the information submitted by checking any information on file with other Divisions within the Department of Agriculture as appropriate, e.g., with the Dairy Division or Division of Animal Industry. In addition, the Director will verify the information with the Ohio Environmental Protection Agency, the local Soil and Water Conservation Districts, in Ohio, with other states' regulatory agencies, local health departments, and other appropriate government agencies in other countries. To expedite the Director's review and verification, the owner, operator, or applicant must submit copies of any documents pertaining to enforcement actions—whether administrative, civil, or criminal—and related compliance information.

Denying a Permit: A permit to install or permit to operate or an application to transfer a permit can be denied because of the applicant's compliance history. Even if the applicant has operated a concentrated animal feeding facility in Ohio for two of the past five years immediately preceding the application, the Director can deny the permit in accordance with Section 903.05(B) of the ORC. If information is submitted to the Director or if the Director obtains other information that the applicant and persons associated with the applicant have a history of significant noncompliance, the Director may deny the permits. The Director shall deny the permits if the permit contains false or misleading information.

A copy of the final report on Compliance Information will become part of the Permit.

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(Please proceed to the next page.)

OWNER'S NAME AND ADDRESS

OWNER INFORMATION

Owner's Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ Fax Number: _____
E-mail (if available): _____

OWNER DEFINITION

Is the owner a corporation, partnership, sole proprietorship, or other form of commercial organization, such as an association, firm, or trust? (*See examples below.*)

1. Corporation DBA: _____
 Partnership DBA: _____
 Sole Proprietorship DBA: _____
 Other DBA: _____

Examples:

- A. Corporation: "Publicly traded corporation" means a business concern that is a corporation whose shares are listed on a national securities exchange, or whose shares are regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association, or is comprised of 50 or more shareholders.
- B. Partnership: "Partner" means a business concern where any person holding a position as, or similar to, a general partner, as defined in Division E of Section 1782.01 of the Ohio Revised Code (ORC), or a limited partner, as defined in Division F of Section 1782.01 of the Ohio Revised Code (ORC), or persons who share profits and liability and have management powers of a partnership, as partnership is defined in Section 1775.05 of the Ohio Revised Code.
- C. Sole Proprietorship: "Sole Proprietorship" means a form of business concern, other than a partnership or corporation, in which one person owns all the assets and is solely liable for all the debts of the business. Sole proprietor includes any individual or entity in which an individual is an applicant or permittee or prospective owner.
2. If the owner is a publicly traded corporation, identify those who own, hold, or control, either directly or through a holding company or subsidiary, at least twenty-five percent of the equity of the corporation:

3. If the facility is any other business concern, (i.e., other than a publicly traded corporation, identify those who own, hold, or control, either directly or through a holding company or subsidiary, at least fifty percent of the equity of the business concern:

"Equity" means any ownership interest in a business concern, including sole proprietorship, the shares of a partner, and stock in a corporation.

******* I M P O R T A N T *******

DO NOT INSERT DOLLAR AMOUNTS OR ATTACH COPIES OF ANY FINANCIAL DOCUMENTS TO THIS COMPLIANCE REPORT. THE PURPOSE OF THESE QUESTIONS ON EQUITY AND DEBT LIABILITY IS TO IDENTIFY INDIVIDUALS WHO MAY BE REQUIRED TO PROVIDE INFORMATION PERTAINING TO A HISTORY OF ENVIRONMENTAL COMPLIANCE.

OPERATOR'S NAME AND ADDRESS

OPERATOR INFORMATION

Operator's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax Number: _____

E-mail: _____

OPERATOR DEFINITION

If the operator of the CAFF is a person who is not the owner, identify the operator:

For example, the following questions describe the nature of the operator:

- A. Is this person employed or to be employed to be responsible for the direct control or overall operations of the CAFF? Yes No
- B. Will this person's duties or responsibilities involve, in whole or part, the management of the facility and exercise of independent or discretionary judgment? Yes No

"Right to control or in fact controls management of the applicant or of the owner" means an individual who has authority which:

- A. Is delegated in the interest of the employer;
- B. Involves the exercise of that individual's independent judgment;
- C. Is not merely authority to perform a routine or clerical task; and
- D. Has authority to perform or effectively to recommend any one or more of the following actions: hiring, firing, transferring, suspending, laying off, recalling, promoting, dis-charging, assigning, rewarding, disciplining, directing, or adjusting grievances of, employees whose duties or responsibilities involve, in whole or in part, the management of (including but not limited to) the evaluation of, identification of, the effects of, handling of, transportation of, storage of, or treatment of, the application of manure.

OPERATOR DEFINITION

“Right to control or in fact controls management of the applicant or of the owner” includes any individual who has an agreement that grants authority to operate the CAFF as set forth in a contract with the applicant or permittee or the prospective owner.

- A. Is there a contract?
- B. Are there employees of the contractor who are employed in a supervisory capacity for the subject facility; or
- C. Are employees of the contractor empowered to exercise independent judgment for the subject facility?

OTHER ANIMAL FEEDING FACILITIES (IN OHIO ONLY)

This information shall be completed by both the owner and the operator, where the operator is not the owner. *Please specify who is the "owner" and who is the "operator".*

List the AFFs or CAFFs that the applicant for the current permit has operated (during the five-year period immediately preceding the submission of the current permit application) or is operating **in Ohio**.

Name of AFF or CAFF	Location Address	County	Permit ID(s)	Date
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				

OTHER ANIMAL FEEDING FACILITIES (OUTSIDE OHIO; IN U.S.)

This information shall be completed by both the owner and the operator, where the operator is not the owner. *Please specify who is the "owner" and who is the "operator".*

List the AFFs or CAFFs that the applicant has operated (during the five-year period immediately preceding the submission of the current permit application) or is operating elsewhere **in the United States and that are regulated under the Federal Water Pollution Control Act.**

Name of AFF or CAFF	Location Address	County	Permit ID(s)	Date
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				
<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator				

OTHER ANIMAL FEEDING FACILITIES (OUTSIDE THE U.S.)

This information shall be completed by both the owner and the operator, where the operator is not the owner. *Please specify who is the "owner" and who is the "operator".*

List the AFFs or CAFFs that the applicant for the current permit has operated (during the five-year period immediately preceding the submission of the current permit application) or is operating **outside the United States**.

Name of AFF or CAFF:	_____	
Applicant Status:	<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator	Applicant's Date of Birth: _____
Farm Address:	_____	
Country:	_____	State/Province: _____
Agency of Regulation:	_____	
Agency Address:	_____	
Permit ID:	_____	Date Affiliated: _____

Name of AFF or CAFF:	_____	
Applicant Status:	<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator	Applicant's Date of Birth: _____
Farm Address:	_____	
Country:	_____	State/Province: _____
Agency of Regulation:	_____	
Agency Address:	_____	
Permit ID:	_____	Date Affiliated: _____

Name of AFF or CAFF:	_____	
Applicant Status:	<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator	Applicant's Date of Birth: _____
Farm Address:	_____	
Country:	_____	State/Province: _____
Agency of Regulation:	_____	
Agency Address:	_____	
Permit ID:	_____	Date Affiliated: _____

Name of AFF or CAFF:	_____	
Applicant Status:	<input type="checkbox"/> Owner, or <input type="checkbox"/> Operator	Applicant's Date of Birth: _____
Farm Address:	_____	
Country:	_____	State/Province: _____
Agency of Regulation:	_____	
Agency Address:	_____	
Permit ID:	_____	Date Affiliated: _____

COMPLIANCE RECORD

List all administrative enforcement actions issued to the applicant, all civil actions in which the applicant was determined by the Trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all criminal actions in which the applicant pleaded guilty or was convicted during the five years immediately preceding the submission of this permit application in connection with any violation of the Clean Water Act, the Safe Drinking Water Act or any other applicable state laws pertaining to environmental protection that was alleged to have occurred or to be occurring at any AFF that the applicant has operated or is operating in the United States or with any violation of the environmental laws of another country that was alleged to have occurred or to be occurring at any AFF that the applicant has operated or is operating outside the United States.

“Administrative Enforcement Action” means any administrative orders, notices of violation letters, and letters that serve as notices of deficiencies that result in noncompliance:

ADMINISTRATIVE ENFORCEMENT ACTIONS

None.

Pending: _____

Resolved: _____

Dismissed: _____

CIVIL ACTIONS

None.

Pending: _____

Resolved: _____

Dismissed: _____

CRIMINAL ACTIONS

None.

Pending: _____

Resolved: _____

Dismissed: _____

FORM 3900-GEN-003, PART 7: COMPLIANCE INFORMATION (MAY 11, 2006)

SIGNATURE AND AUTHORIZATION

AUTHORIZATIONS

"I authorize the Soil and Water Conservation District having authority over any operation or facility identified above to disclose to the Ohio Department of Agriculture any and all information that may be on file with the local Soil and Water District and the Division of Soil and Water within the Ohio Department of Natural Resources. I understand that I may claim confidentiality for any information in the local or division files if that information is a trade secret, confidential business information, or confidential financial information."

Signature

Date Signed

Print Name

NOTE: The applicant may submit any explanation pertaining to the above actions for consideration by the Director. This may include discussion of notices of violation letters or related government correspondence, fines, penalties paid, or work or services performed in place of fines or penalties.

Check if applicant is enclosing additional information.