



REQUEST FOR PUBLIC COMMENT Agricultural Pollution Abatement – Five Year Rule Review

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. **The comment period will remain open through January 5, 2018.** Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

Chapter 901:13-1 of the Ohio Administrative Code (OAC) establishes state standards for a level of management and conservation practices to farming and animal feeding operations on farms in order to abate excessive soil erosion or the pollution of waters of the state by soil sediment including pollutants attached to the sediment and animal manure. This chapter further defines Ohio's pollution abatement grant program for landowners or operators to voluntarily install conservation practices.

The rules have been reviewed and amended pursuant to Chapter 119 of the Ohio Revised Code (ORC). The rules and the proposed amendments are as follows:

OAC 901:13-1-01 outlines the purpose of the Chapter and the definitions used within it. The rule has been amended to delete definitions of terms that are not used in the chapter and amend certain definitions to ensure that consistent terminology is being used throughout the chapter. Further, definitions were amended to ensure that these terms match the statutory definitions found in Chapter 939 of the Revised Code.

OAC 901:13-1-02 states that owners, operators, or persons responsible for an animal feeding operation (hereinafter “operator”) shall prevent pollution by operating and maintaining their facilities so that overflow or discharge of manure into waters of the state is prevented. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission’s guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-03 states that operators shall prevent pollution by designing, constructing, operating, and maintaining their operations to prevent seepage. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission’s guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-04 states that operators shall prevent pollution from discharge of manure contaminated runoff from animal feed lots and manure management facilities. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the



Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-05 states that operators shall prevent pollution from residual farm products. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. Further, the existing rule regulates "other waste waters." Due to a definitional change in OAC 901:13-1-01, this term has been replaced with "residual farm products."

OAC 901:13-1-06 states that operators shall prevent pollution caused from flooding of animal feeding operations. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-07 states that operators shall prevent pollution caused from sheet and rill erosion. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-08 states that operators shall prevent pollution caused from gully erosion. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-09 states that operators shall prevent pollution caused from wind erosion. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-12 states that operators shall prevent pollution caused by placing soil directly into or in such a position that it may readily erode or slough into waters of the state. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more



than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-13 states that operators shall prevent pollution caused from composting dead animals. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-14 outlines the cost sharing program established pursuant to ORC 939.02(F). The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.

OAC 901:13-1-15 is proposed to be rescinded. The rule outlined administrative procedures for the chapter. The contents of this rule have been incorporated in OAC 901:13-1-17.

OAC 901:13-1-16 outlines the operating procedures of the Department and the local soil and water districts in administering ORC Chapter 939 and OAC Chapter 901:13-1. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. Several paragraphs of the existing rule have been removed and incorporated into OAC 901:13-1-17. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. Further, the rule has been significantly streamlined in order to cut down on duplicative language.

OAC 901:13-1-17 outlines the operating procedures of the Department and the local soil and water districts in administering ORC Chapter 939 and OAC Chapter 901:13-1. The existing rule is proposed to be rescinded and replaced by a new version. The rescission is due to the Legislative Service Commission's guide on administrative rule drafting which states that if more than 50% of an existing rule has been amended it shall be rescinded and replaced with a new version. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. Further, the rule has been significantly streamlined in order to cut down on duplicative language. Finally, the proposed rule outlines the enforcement procedures from the investigation to emergency orders.

OAC 901:13-1-18 outlines the Department's authority to enter into agreements with soil and water districts. No changes have been proposed to this rule.

OAC 901:13-1-19 outlines the nutrient management planning requirements for watersheds in distress. The rule has been amended to reduce the frequency of review of these plans. The Department found that many of the management plans were needlessly reviewed every three years. In order to reduce the administrative cost of review, the Department has proposed to review every five years rather than three.

OAC 901:13-1-20 states that the director may designate watersheds in distress. The amendments proposed alter the format and structure of the rule which should allow for easier reading comprehension. The amendments do not impact the substance of the rule.





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