Rule Summary and Fiscal Analysis (Part A)

Department of Agriculture

Agency Name

Livestock Environmental Permitting

William A. Hopper, Jr.

Division

Contact

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901:10-1-01

AMENDMENT

Rule Number TYPE of rule filing

Rule Title/Tag Line

Definitions.

RULE SUMMARY

- 1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**
- 2. Are you proposing this rule as a result of recent legislation? No
- 3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: 119.03
- 4. Statute(s) authorizing agency to adopt the rule: 903.08, 903.10
- 5. Statute(s) the rule, as filed, amplifies or implements: 903.01, 903.02, 903.04, 903.07, 903.08, 903.081, 903.082, 903.09, 903.10
- 6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To correct typographical and grammatical errors.

To change drainageway to field surface furrow. Drainageway is a term used in Ohio EPA's water quality standards as a use designation for waters of the state. Field surface drains or (now) furrows are the opposite, i.e., not waters of the state.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

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then summarize the content of the rule:

901:10-1-01 (A): Correct spelling of word "pollution".

901:10-1-01(EE): remove

901:10-1-01 (FF)(1) Nd (2): grammatical corrections

901:10-1-01 (II): change "refer" to "refers"

901:10-1-01(KK): add "Field surface furrow means an area of short-term low-gradient..."

901:10-1-01 (FFF)(3): change "insect rodent and control" to "insect and rodent control"

901:10-1-01 (EEEE): change "principle" to "principal"

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Sections 121.71 et seq. do not apply because the information is readily intelligible to persons expected to be effected by the rule, available at either www.ohioline.osu.edu.lines.stock.hmtl# Facilities or at www.oh.nrcs.gov//., and specifies the date or edition of the documents incorporated.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Sections 121.71 et seq. do not apply because the information is readily intelligible to persons expected to be effected by the rule, available at either www.ohioline.osu.edu.lines.stock.hmtl# Facilities or at www.oh.nrcs.gov//., and specifies the date or edition of the documents incorporated.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

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Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: 11/9/2006

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This rule will have no impact on revenues or expenditures.

This rule will have no impact on the budget.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Item 700-418

Expenditure: Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

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Industry standards and specifications put into rule. The cost of compliance is minimal if in compliance with the rules.

- 16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? N_0
- 17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? Yes

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

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Environmental Rule Adoption/Amendment Form

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.
- (A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted ? Yes

Please list each contact.

Please see attachment 1 of 901:10-1-01

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

Please see attachment 2 of 901:10-1-01

(C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal

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environmental law or to participate in a federal environmental program ? Yes

Is the proposed rule or rule amendment more stringent than its federal counterpart ? No

(D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No

Not Applicable

Environmental Rule Adoption/Amendment Form Attachment 1

Contact List:

Deb Abbott, ODA

Yvonne Ackerman, Ohio Farmers Union

Jack Advent, Ohio Veterinary Medical

Doug Alderman, Burch Hydro

Cathy Alexander, OEPA

Tom Allen, OEPA

Bob Anderson, Paulding County Commissioners

Marilyn Baker, Ohio Farm Bureau

Ron Baldrich, Attowa Vet Clinic

Tim Barnes

Fred Bartenstein, Fred Bartenstein & Assoc.

Robert Bear, Concerned Citizens

Rosella Bear, Concerned Citizens

Brad Biggs, ODOD

Dan Binder, Ohio Environmental Council

Richard Bodenbender, Citizens of Putnam County

Gary Bowman, OSU

Scott Briggs, Tuscarawas SWCD

Beverly Byrum, ODA

James Carey, Concerned Citizens

Jim Chakeres, Ohio Sheep Improvement Assn.

Don Clark, ODOD

William Cleland, Jr.

Michael Cochran, Ohio Township Assn.

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Kim Coy, Akron City Water Supply

Fred Dailey, ODA

Matt Davis, Ohio Pork Producers

Fred DeCamp

Vicki Deisner, Ohio Environmental Council

Tim Demland, Ohio Dairy Farmers Federation

Chuck Divelbiss, Licking County Concerned Citizens

John Douglass, Catalpadale Farms

Freda Douthitt, Licking County Citizens

Fritz Douthitt, Licking County Citizens

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Maurice Eastridge, OSU

Michael Eggert, OEPA

Kevin Elder, ODA

Norman Fausey, USDA-ARS

Glen Feichtner, Ohio Cattlemen's Assn.

Jennifer Firth, Ohio Environmental Council

Henry Fisher, NRCS

Kit Fogle, Ohio Farmers Union

Kristi Ford, ODA

Tony Forshey, OVMA

Stephen Foster, OSU

Heidi Fought, Ohio Township Assn.

Andrew Franks, Ohio Farmers Union

Jerry Freewalt, Ohio Catholic Rural Life

Julie Funk, OSU

Larry Gearhardt, AgPro, Inc.

Mary Gibson

David Glauer, ODA

Dr. Glauer, ODA

Ralph Haefner, USGS

Tom Hafer, Marion SWCD

Joe Haines, ODA

Amanda Hargett, OSU Extension

Elizabeth Harsh, Ohio Cattlemen's Assn.

Terry Haworth, Darke County Commissioner

Jack Heavenridge, Ohio Poultry Assn.

Bernard Heisner, COBA/Select Sires, Inc.

Tom Hertzfeld, Sr., Ohio Poultry Assn.

Kent Hoblet, OSU

Leo Homan, Ohio Farmers Union

Jim Hoops, State Representative

Pat Hord

Dick Isler, Ohio Pork Producers

Peggy Jackson, ODA

Lewis Jones, ODA

Martin Joyce, ODNR-DSWC

Ron Kadesch, Ohio Family Farm Coalition

Vicki Kadesch, Pauling County First

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Janice Kennedy, Concerned Citizens

John Kessler, OEPA

Becky Kibler, Concerned Citizens

Jeff Layman, OSU

Ritchie Laymon, Ohio Law Coalition

Jeff LeJeune, OSU

Maggie Lewis, OCDRCM

David Linkhart, OFSWCD

William Long, Ohio Farm Family Coalition

Dick Lorenz, Westerville Water Division

Lenny Losh

Ed Luersman, Ohio Family Farm Coalition

Laddie Marous, Ohio State Grange

John McCarthy, AP

Alice McKenney, Tuscarawas SWCD

Shannon McQuade, ODA

Thomas Menke, Menke Consulting, Inc.

Terry Mescher, ODNR-DSWC

Mike Monnin, NRCS

Bobby Moser, OSU

Michael Mull, Ohio Veterinary Medical

Paul Novak, OEPA

Lisa Pfeifer, OSU

Irene Probasco, Ohio Alliance for the Environment

Dean Putt, dairy farmer

Nancy Raeder, Ohio Farm Family Coalition

John Rausch, OSU - Extension

Christina Ritchey Wilson, Ohio Env. Health Assn.

Rob Russell, Protect Our Earth's Trees

Bill Saville, OSU

Peter Schade, Cuyahoga Co. Health Dept.

David Schleich, ODA

Heather Schofield, Ohio Dairy Farmers Federation

Mike Schroeder, Windmill Swine Farms

Barb Serve, ODA

Fred Shimp, ODA

Rendell Shira, Burch Hydro

William Shulaw, OSU

William Skelding, ODA

George Slater

Brent Sohngen, OSU

Tom Sporleder, OSU

Keith Stimpert, Ohio Farm Bureau

Ben Stinner, Ohio Alliance for the Environment

Ralph Stonerock, Akey, Inc.

Susan Studer King, Ohio Environmental Council

Cheryl Subler, County Commissioners Assn.

Susan Sutherland, Ohio Environmental Health Assn.

Scott Sutliff, OEPA

Mac Swinford, ODNR-Geo Survey

Lindsay Taliaferro, OEPA

Lisa Tharp, Ohio State Grange

Jenny Tiell, ODA

Jim Tobin, Catholic Conference of Ohio

Curtis Truss, Ohio Water Environment Assn.

Larry Vance, ODNR-DSWC

Maurice Wannemalher, Paulding County Commissioners

Tim Weaver, Ohio Poultry Assn.

Dave White, Ohio Livestock Coalition Norman Widman, NRCS Mark Wilson, ODA Rick Wilson, OEPA Jim Young, OFSWCD Environmental Rule Adoption/Amendment Form Attachment 2

Index List:

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