

Rule Summary and Fiscal Analysis (Part A)**Department of Agriculture**

Agency Name

Division

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901:10-1-01

Rule Number

AMENDMENT

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 , 903.03 , 903.04 , 903.05 , 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:

This rule is being filed consistent with the requirements of the RC 119.032 review.

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,

then summarize the content of the rule:

901:10-1-01 sets for the definitions for Chapter 901:10 and is being amended in order to delete and incorporate comments into the rule and to add definitions.

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:

Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

For all other material incorporated by reference, a web link has been provided in the rule allowing for interested persons to locate the material.

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:

Not applicable.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **3/21/2014**

(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.

\$0.00

Not applicable.

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

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:

As this is a definitions section there is no cost of compliance associated with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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.

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

This rule does not specifically impose a criminal or civil penalty, however, violations of this rule may be subject to the civil penalties in 901:10-5-04 of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

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:

- (1) 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.
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(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.

Cathy Alexander, Ohio EPA, ODA CAFF Advisory Committee

Tony Anderson, County Commissioners Association of Ohio, ODA CAFF Advisory Committee

Patrick Bailey, ODA

Mike Monnin, USDA-NRCS

Tim Sword, Ohio Department of Development, ODA CAFF Advisory Committee

Jim Chakeres, Ohio Poultry Association

Tim Weaver, Ohio Poultry Association, ODA CAFF Advisory Committee

Karen Chapman, Environmental Defense Fund, ODA CAFF Advisory Committee

Chuck Divelbiss, Public Representative, ODA CAFF Advisory Committee

Eric Dresbach, Midwest Professional Manure Applicators Association & Ohio Water Environment Association, ODA CAFF Advisory Committee

Trent Dougherty, Ohio Environmental Council, ODA CAFF Advisory Committee

Rod Dunn, Water Management Association of Ohio, ODA CAFF Advisory Committee

Dr. Maurice Eastridge, The Ohio State University, ODA CAFF Advisory Committee

Kevin Elder, ODA

Andy Ety, ODA

Glen Feichtner, Ohio Cattlemen's Association, ODA CAFF Advisory Committee

Mark Fritz, ODA

David White, Ohio Farm Bureau

Elizabeth Harsh, Ohio Cattlemen's Association, ODA CAFF Advisory Committee

Josh Hahn, County Commissioners Association of Ohio

Todd Price, DVM, ODA CAFF Advisory Committee

Scott Higgins, Ohio Dairy Producers Association

Roger High, Ohio Sheep Improvement Association, ODA CAFF Advisory Committee

Kirk Hines, Ohio Department of Natural Resources, ODA CAFF Advisory Committee

David Gorman, ODA

Pat Hord, Swine Producer, ODA CAFF Advisory Committee

Dick Isler, Ohio Pork Producers Council

Carl Link, Ohio Pork Producers Council, ODA CAFF Advisory Committee

Dick Lorenz, Westerville Water Division, Water Management Association of Ohio, ODA CAFF Advisory Committee

Russell Ludwig, Public Representative, ODA CAFF Advisory Committee

Jason Menchhofer, Ohio Environmental Health Association, ODA CAFF Advisory Committee

Andy Miedema, Ohio Dairy Producers Association, ODA CAFF Advisory Committee

Dr. Michael Mull, Ohio Veterinary Medical Association, ODA CAFF Advisory Committee

Christine Pence, ODA

Mark Scarpitti, USDA-NRCS

Jim Young, ODA

Gary Zwolinski, ODA Cathy Alexander, Ohio EPA, ODA CAFF Advisory Committee

- (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.)

APHA (1992) Standard methods for examination of water and wastewater (18th edition). New York, NY.

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American Society For Testing and Materials (2009) Practice D2488-09a Standard Practice for Description and Identification of Soils (Visual-Manual Procedure). West Conshohocken, PA.

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Cornell University, Cornell Cooperative Extension, Department of Entomology, Integrated Management of Flies in and around Dairy and Livestock Barns, D. Wes Watson, J. Keith Waldron, and Donald A. Rutz, June 1994.

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M.L. Eastridge and S. Steele (2001). Questions Pertaining to Large Dairy Enterprises in Ohio: Regulations. AS-0009-01. Ohio State University Extension: Columbus, OH.

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Purdue University Extension, Using the Presidedress Nitrate Soil Test (PSNT) to Predict N Needs for Corn, David Mengel, Extension Agronomist, AGRY 96-09
Purdue University, West Lafayette, IN.

Sauer, T.J., T.C. Daniel, P.A. Moore, Jr., K.P. Coffey, D.J. Nichols, and C.P. West

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(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 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**

Not Applicable

(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? **Yes**

Please explain why?

To comply with the federal regulations for NPDES delegation.