

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

Agency Name

**Livestock Environmental Permitting**

Division

**William A. Hopper, Jr.**

Contact

**8995 E. Main St. Reynoldsburg OH 43068-3399**

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**901:10-1-11**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Exclusions.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB152**General Assembly: **125**Sponsor: **Rep. Reinhard**

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**

5. Statute(s) the rule, as filed, amplifies or implements: **903.01, 903.02, 903.04, 903.07, 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 because U.S. Environmental Protection Agency requires adoption of this rule in order for the Ohio Department of Agriculture to receive delegation of the National Pollution Discharge Elimination System (NPDES) regulatory program, as called for in S.B. 141 and in H.B. 152.

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:

This rule is for Exclusions and lists those types of discharges for which an NPDES permit is not required such as return flows from irrigated agriculture.

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*Not Applicable.*

12. 119.032 Rule Review Date:

(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

Not applicable

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

Item 700-418

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:

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? **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.

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Rule Number: 901:10-1-11

**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.

Please see attachment 1 of 901:10-1-11

(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 901:10-1-11

(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**

(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 2****Index List:**

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

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Environmental Rule Adoption/Amendment Form  
Attachment 1

Contact List:

Deb Abbott, ODA  
Doug Alderman, Burch Hydro  
Cathy Alexander, OEPA  
Bob Anderson, Paulding County Commissioners  
Carl Ayers, Ohio Dairy Farmers  
Ron Baldrich, Attowa Vet Clinic  
Tim Barnes, Sheep Producer  
Robert Bear, Concerned Citizens  
Rosella Bear, Concerned Citizens  
Dan Binder, Ohio Environmental Council  
Richard Bodenbender, Citizens of Putnam County  
Gary Bowman, OSU  
Gerald Boynton, Concerned Citizens  
Scott Briggs, Tuscarawas SWCD  
Beverly Byrum, ODA  
James Carey, Concerned Citizens  
Jim Chakeres, Ohio Poultry Assn.  
Don Clark, Ohio Dept. of Development  
Michael Cochran, Ohio Township Assn.  
Diane Conley, ODA  
Kim Coy, Akron City Water Supply  
Fred Dailey, ODA  
Matt Davis, Ohio Pork Producers  
Tim Demland, Ohio Dairy Farmers Federation  
Chuck Divelbiss, Concerned Citizens  
Freda Douthitt, Licking County Citizens  
Fritz Douthitt, Licking County Citizens  
Maurice Eastridge, OSU  
Michael Eggert, OEPA  
Kevin Elder, ODA  
Andy Ety, ODA  
Norman Fausey, USDA-ARS  
Glen Feichtner, Ohio Cattlemen's Assn.  
Kit Fogle, Ohio Farmers Union  
Tony Forshey, OVMA  
Heidi Fought, Ohio Township Assn.  
Andrew Franks, Ohio Farmers Union  
Jerry Freewalt, Ohio Catholic Rural Life  
Julie Funk, OSU  
Larry Gearhardt, AgPro, Inc.  
Ralph Haefner, USGS

Tom Hafer, Marion SWCD  
Joe Haines, ODA  
Amanda Hargett, OSU Extension  
Elizabeth Harsh, Ohio Cattlemen's Assn.  
Kelly Harvey, ODA  
Terry Haworth, Darke County Commissioner  
Mick Heiby, ODA  
Bernard Heisner, COBA/Select Sires, Inc.  
Tom Hertzfeld, Sr., Ohio Poultry Assn.  
Kent Hoblet, OSU  
Leo Homan, Ohio Farmers Union  
Jim Hoops, State Representative  
Bill Hopper, ODA  
Pat Hord, Swine Producer  
Dick Isler, Ohio Pork Producers  
Peggy Jackson, ODA  
Martin Joyce, ODNR  
Ron Kadesch, Ohio Family Farm Coalition  
Vicki Kadesch, Pauling County First  
John Kahle, Citizens of Putnam County  
Janice Kennedy, Concerned Citizens  
Jeff Layman, OSU  
Ritchie Laymon, Ohio Law Coalition  
Jeff LeJeune, OSU  
Maggie Lewis, OCDRCM  
Carl Link, Ohio Pork Producers  
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  
Michelle McKay, ODA  
Alice McKenney, Tuscarawas SWCD  
Thomas Menke, Menke Consulting, Inc.  
Terry Mescher, ODNR  
Mike Monnin, NRCS  
Bobby Moser, OSU  
Michael Mull, Ohio Veterinary Medical  
Lisa Pfeifer, OSU  
Tom Price, Concerned Citizens  
Irene Probasco, Ohio Alliance for the Environment  
Dean Putt, dairy farmer  
Nancy Raeder, Ohio Farm Family Coalition  
John Rausch, OSU - Extension  
Christina Ritchey Wilson, Columbus Health Dept.

Andy Rogowski, ODA  
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  
Jack Shailer, ODA  
Fred Shimp, ODA  
Rendell Shira, Burch Hydro  
William Shulaw, OSU  
George Slater, OFU  
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.  
Mac Swinford, ODNR-Geo Survey  
Roger Tedrick, ODA  
Lisa Tharp, Ohio State Grange  
Jenny Tiell, ODA  
Jim Tobin, Catholic Conference of Ohio  
Curtis Truss, Ohio Water Environment Assn.  
Charles Twining, ODA  
Maurice Wannemalher, Paulding County Commissioners  
Tim Weaver, Weaver Brothers Poultry  
Dave White, Ohio Livestock Coalition  
Norman Widman, NRCS  
Rick Wilson, OEPA  
Jim Young, ODA  
Gary Zwolinski, ODA