

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

Agency Name

Livestock Environmental Permitting

Division

William A. Hopper, Jr.

Contact

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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, 903.10**

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:

Add 903.10 to Statutory Authority.

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.

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* (18th edition). New York, NY.

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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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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