DATE: 06/14/2005 4:08 PM

## 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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614-728-6430

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Agency Mailing Address (Plus Zip)

Phone

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901:10-2-03

NEW

Rule Number

TYPE of rule filing

Rule Title/Tag Line

**Geological explorations.** 

## **RULE SUMMARY**

- 1. Is the rule being filed consistent with the requirements of the RC 119.032 review?  $N_0$
- 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, 903.08, 903.082, 903.09, 903.10

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To amend rules setting forth and requiring compliance with regulations as required by S.B. 141 as amended by H.B. 152 and to adopt and rescind rules to carry out 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:

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This rule is reorganized to distinguish between technical requirements for manure storage and treatment for solid versus liquid manure; to recognize that some concentrated animal feeding facilities are served by public water; to clarify the requirements of a complete geological report; to allow field changes during construction; and to re-write "certified laboratory" as "certified soil testing procedures".

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 to the rule appendix because the citation is intelligible to persons expected to be effected by the rule and the date and edition of the document incorporated are specified.

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 to the rule appendix because the citation is intelligible to persons expected to be effected by the rule and the date and edition of the document incorporated are specified.

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:

To revise appendix.

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

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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: N/A

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?  $N_0$
- 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

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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 901:10-2-03

(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 901:10-2-03

(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 2**

#### **Index List:**

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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