

901:10-5-03 **Enforcement procedures.**(A) Applicability. ~~This~~

This rule applies to concentrated animal feeding operations, concentrated animal feeding facilities, and major concentrated animal feeding facilities.

(B) An agent or employee of the department shall conduct inspections and determine if the owner or operator is not in compliance with section 903.02, 903.03, or 903.04 or division (A) of section 903.07 of the Revised Code, the terms and conditions of a permit to install; or a permit to operate ~~or review compliance certificate~~ issued for the facility, including the requirements established under division (C) of section 903.06, of the Revised Code, division (B) of section 903.08 of the Revised Code, or paragraph (D) of rule 901:10-1-10 of the Administrative Code, the terms and conditions of a NPDES permit, the NPDES provisions of a permit to operate, or rules adopted under division (A), (B), (C), (D), (E), (F), or (J) of section 903.10 of the Revised Code. Violations shall be described in an inspection report.

(C) Upon observation by an agent or employee of the department during an inspection, through notification by another agency or through a written complaint from a person, the director will initiate an investigation in order to determine if there is a violation of Chapter 903. of the Revised Code and the rules adopted thereunder. Violations shall be described in an inspection report.

(D) If the inspection report indicates a violation, the director shall do the following:

(1) Evaluate the facts established by the inspection report.

(2)

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enforcement action commensurate with the nature and degree of the violation and consistent with the requirements of sections 903.16, 903.17, and 903.99 of the Revised Code.

(E) Penalties. Penalties assessed by the director shall be commensurate with the nature and degree of the violation. Penalties shall be assessed in accordance with rule 901:10-5-04 of the Administrative Code.

Effective: 05/07/2017

Five Year Review (FYR) Dates: 02/17/2017 and 05/07/2022

CERTIFIED ELECTRONICALLY

Certification

04/27/2017

Date

Promulgated Under: 119.03
Statutory Authority: 903.08, 903.10
Rule Amplifies: 903.01, 903.02, 903.03, 903.04, 903.07, 903.08,
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