Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 901:13-1-01

Rule Type: Amendment

Rule Title/Tagline: General provisions.

Agency Name: Department of Agriculture

Division: Soil and Water Conservation

Address: 8995 East Main Street Reynoldsburg OH 43068

Contact: David E Miran

Email: david.miran@agri.ohio.gov **Phone:** 614-728-6390

I. Rule Summary

1. **Is this a five year rule review?** Yes

   A. **What is the rule's five year review date?** 3/5/2018

2. **Is this rule the result of recent legislation?** No

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 939.02

5. **What statute(s) does the rule implement or amplify?** 939.02

6. **What are the reasons for proposing the rule?**

   This rule is up for five year rule review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

   OAC 901:13-1-01 outlines the purpose of the Chapter and the definitions used within it. The rule has been amended to delete definitions of terms that are not used in the chapter and amend certain definitions to ensure that consistent terminology is being used throughout the chapter. Further, definitions were amended to ensure that these terms match the statutory definitions found in Chapter 939 of the Revised Code.

8. **Does the rule incorporate material by reference?** Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
   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. Further, the field office technical guide has been incorporated into this rule. The rule outlines where interested parties may obtain the guide.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

    Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

    This will have no impact on revenues or expenditures.

    0.00

    Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

    This rule is a definitional rule. Therefore, there is no cost of compliance.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** Yes

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office?** Yes

16. **Does this rule have an adverse impact on business?** No

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

       This is a definitional rule.

    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

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

Rule Summary and Fiscal Analysis
Part C - Environmental Rule Questions

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.

(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.

Ohio Environmental Council Adam Rissien
Ohio State University Adam Ward
Ohio Ecological Food and Farm Association Amalie Lipstreu
Ohio Agribusiness Assoc. Andrew Allman
The Nature Conservancy Anthony Sasson
Capitol Consulting Belinda Jones
Ohio Turf Association Brian Laurent
County Commissioners Association of Ohio Brian Mead
Ohio Pork Producers Council Bryan Humphreys
Ohio Agribusiness Assoc. Chris Henney
Ohio Wine Producers Donniella Winchell
Ohio Beef Council/Ohio Cattlemen's Association Elizabeth Harsh
Ohio Farm Bureau Jack Irvin
Sierra Club, Ohio Chapter Jennifer Miller
The Nature Conservancy Jessica D'Ambrosio
Ohio Poultry Association Jim Chakeres

Ohio Farmers Union Joe Logan
Ohio Seed Improvement Assoc John Armstrong
Ohio Forestry Association John Dorka
The Nature Conservancy John Stark
Ohio Corn & Wheat John Torres
The Nature Conservancy Josh Knights
Environmental Defense Fund Katie Champan
Ohio Nursery Landscape Association Kevin Thompson
Ohio Soybean Council Kirk Merritt
Ohio Farm Bureau Larry Antosch
Ohio Farmers Union Linda Borton
Environmental Law & Policy Center Madeline Fleisher
Ohio Agribusiness Assoc. Margo Long
Lake Erie Foundation Matt Fisher
Ohio Forestry Association Michael Geary
Ohio Federation of Soil and Water Conservation Districts Mindy Bankey
Lake Erie Charter Boat Association Paul Pacholski
The Nature Conservancy Sara Madenwald
Ohio Dairy Producers Scott Higgins
Ohio Corn & Wheat Tadd Nicholson
Tom Price Chairperson, Ohio Soil and Water Conservation Commission
Fred Cash Vice Chairperson, Ohio Soil and Water Conservation Commission
Bill Knapke Member, Ohio Soil and Water Conservation Commission
Etta Reed Member. Ohio Soil and Water Conservation Commission
Bill Tom Member, Ohio Soil and Water Conservation Commission
Dennis Corcoran Member, Ohio Soil and Water Conservation Commission
Clark Sheets OFSWCD Appointee
James Zehringer (Represented by Jim Raab) Director, ODNR
Bruce A. McPherson (Represented by Scott Shearer), Vice President, OSU CFAES
David Daniels (Represented by Kevin Elder) Director, ODA
Craig W. Butler, (Represented by Russ Gibson), Director, Ohio EPA
Harold Neuenschwander OFSWCD Officer
Kirk Hines Chief, Division of Soil and Water, ODA

(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.)

Natural Resources Conservation Service (NRCS) Conservation Practice Standard, Nutrient Management, Code 590. A copy of which may be found here: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1192371.pdf

NRCS, Field Office Technical Guide (FOTG). A copy of which may be found here: https://efotg.sc.egov.usda.gov/

(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? No

Is the proposed rule or rule amendment more stringent than its federal counterpart? *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? No