

901:13-1-16

**Operating procedures.****(A) Operation and management plans.**

The district shall approve or disapprove operation and management plans at their regularly scheduled board meetings and shall maintain a record of their actions as part of their meeting minutes. Approved plans shall be signed by the chairman. Plans may also be submitted by the owner or operator to the director for approval. District boards of supervisors may establish such guidelines as may be needed for plan format and submission; however, all plans shall meet the standards for agricultural pollution abatement contained in rules of this Chapter. Any portion of an operation and management plan specifying control of agricultural pollution shall allow the owner or operator to phase in installation of conservation practices under a schedule approved by the director or the director's designee until compliance with Chapter 901:13-1 of the Administrative Code is accomplished.

- (1) If the director or the director's designee determines that any person owning or responsible for an agricultural production operation is managing such operation in accordance with an operation and management plan currently approved by the director or the director's designee, the person shall be considered in compliance with the state rules for agricultural pollution abatement. In a private civil action for nuisances involving agricultural pollution, it is an affirmative defense if the person owning, operating, or otherwise responsible for agricultural production operations is operating under and in substantial compliance with an approved operation and management plan.
- (2) In the event that the district finds that an operation and management plan does not meet agricultural pollution abatement standards as contained in these rules, the district shall provide a written explanation, by certified mail listing all the deficiencies to be corrected, to the person who submitted the plan. Any person may appeal the district's decision to the director. Upon such appeal, the director shall review the plan for compliance with these standards, and uphold the district's action or reverse it. If the director reverses the district's action the plan shall be deemed approved. In either case, the director shall make such determination within thirty days of receiving the appeal and shall inform the owner or operator and the district of his decision in writing. Such notification shall include the reasons for the director's decision.
- (3) In the event that any person operating or owning an agricultural production operation in accordance with an approved operation and management plan who, in good faith, is following that plan, causes agricultural pollution, the plan shall be revised in a manner necessary to mitigate the agricultural pollution, as determined and approved by the district board.

(4) In the event that the district board determines that it lacks staff or expertise to adequately review an operation and management plan, the district board of supervisors may submit such plan to the director for review and approval or disapproval.

(B) Pollution complaints.

(1) Any person who wishes to make a complaint regarding nuisances involving agricultural pollution may do so orally or by submitting a written complaint to the director or the director's designee.

(2) By written agreement with the director, the district may receive complaints and investigate them to determine whether agricultural pollution has occurred or is imminent however, the director reserves the right to assume responsibility to investigate and resolve any complaint.

(a) The district shall provide the director a copy of any complaint received.

(b) The district also shall inform the director of the disposition of the complaint and provide relevant information concerning the agricultural production operation.

Replaces: 901:13-1-16

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 939.02  
Rule Amplifies: 939.02  
Prior Effective Dates: 11/01/1979, 05/01/1989, 05/07/1992, 11/15/1994,  
06/01/2000, 12/23/2010, 12/31/2015 (Emer.),  
04/01/2016