

PUBLIC NOTICE

The Ohio Department of Agriculture, State of Ohio, will hold a public hearing to accept testimony on the proposed adoption, rescission and amendment of rules:

Proposed new rules: 901:10-1-11 and 901:10-2-20;

Rules to be rescinded and/or revised: 901:10-1-01, 901:10-1-05, 901:10-1-06, 901:10-1-09; 901:10-2-02, 901:10-2-03, 901:10-2-08, 901:10-2-10, 901:10-2-18, 901:10-3-01 to 901:10-3-07, 901:10-3-10, 901:10-3-11, 901:10-4-03, 901:10-5-03, 901:10-5-04, 901:10-6-01 to 901:10-6-03, 901:10-6-05 and 901:10-6-06;

Rules to be amended: 901:10-1-02 to 901:10-1-04, 901:10-1-07, 901:10-1-08, and 901:10-1-10, 901:10-2-01, 901:10-2-04 to 901:10-2-07, 901:10-2-09, 901:10-2-11; 901:10-2-13 to 901:10-2-17, 901:10-2-19, 901:10-3-08, 901:10-4-01, 901:10-4-04, 901:10-4-05, 901:10-5-01, and 901:10-6-04.

These rules relate to regulation of Ohio's large livestock and poultry farms, and are intended to adopt those rules promulgated by the United States Environmental Protection Agency, April 13, 2003. Accordingly, these rules establish requirements for Ohio facilities subject to the Federal Water Pollution Control Act, including regulatory requirements governing National Pollutant Discharge and Elimination System (NPDES) permits for livestock and poultry farms. Senate Bill 141, effective March 15, 2001, and House Bill 152, effective November 5, 2003, both require the Director of the Ohio Department of Agriculture to develop a state program to participate in the NPDES program and these rules should satisfy this requirement.

The hearing will be held May 25, 2005, at 9:00 a.m., in the Hearing Room (Seminar Rooms A and B) of Bromfield Administration Building, Ohio Department of Agriculture, 8995 East Main Street, Reynoldsburg, Ohio 43068-3399.

The hearing will be conducted in accordance with Chapter 119 of the Ohio Revised Code. Any person affected by the proposed changes to the rules may appear and be heard in person, by his attorney or both, may present his position, arguments, or contentions, orally or in writing, and

present evidence tending to show that the proposed changes, if adopted, or effectuated, will be unreasonable or unlawful.

Any person who wishes to present positions, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing their written comments to the Ohio Department of Agriculture, Livestock Environmental Permitting Program, 8995 East Main Street, Reynoldsburg, Ohio 43068; or by transmitting by facsimile at (614) 728-6335. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing. Copies of the rules can be obtained through the Register of Ohio online at www.registerofohio.state.oh.us or by contacting Kelly Harvey, Ohio Department of Agriculture, Livestock Environmental Permitting Program, 8995 East Main Street, Reynoldsburg, Ohio 43068-3399.