



PUBLIC HEARING NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed new rules as outlined below:

On July 3, 2015, Senate Bill 1 of Ohio's 131st General Assembly passed into law Ohio Revised Code (hereinafter "ORC") §§ 905.326 and 1511.10 which prohibited any individual from making surface applications of fertilizer and manure in Ohio's Western Basin under certain conditions. Further, Senate Bill 1 stated that the Director of Agriculture and the Chief of the Division of Soil and Water Resources shall adopt rules establishing the amount of the civil penalty for violations of ORC §§ 905.326 and 1511.10. Ohio Administrative Code (hereinafter "OAC") § 901:5-4-07 and 901:13-1-10 has been created to fulfill this requirement. Additionally, ORC § 1511.10(E)(2) requires the Chief to adopt rules which establish requirements governing the application form used for an exemption from the manure prohibition. The rules are further outlined below:

OAC § 901:5-4-07 establishes the civil penalties that may be imposed for applying fertilizer in the western basin on frozen ground, saturated soil, and during certain weather conditions. Ohio's Western Basin is defined in ORC § 905.326(E) as any of the following watersheds: St. Marys watershed, Auglaize watershed, Blanchard watershed, Sandusky watershed, Cedar-Portage watershed, Lower Maumee watershed, Upper Maumee watershed, Tiffin watershed, St. Joseph watershed, Ottawa watershed, and the River Raisin watershed.

For a minor violation, the Director may assess a civil penalty of up to two thousand dollars for each day of noncompliance. For a major violation, the Director may assess a civil penalty of up to ten thousand dollars for each day of noncompliance. All money collected through the civil penalties will be deposited into the agricultural pollution abatement fund.

OAC § 901:13-1-99 has been developed to fulfill the requirement in ORC 1511.11 (E) (1). This rule establishes the civil penalties that may be imposed for applying manure in the western basin on frozen ground, saturated soil, and during certain weather conditions. For a minor violation, the chief may assess a civil penalty of up to two thousand dollars for each day of noncompliance. For a major violation, the chief may assess a civil penalty of up to ten thousand dollars for each day of noncompliance. All money collected through the civil penalties will be deposited into the agricultural pollution abatement fund.

OAC § 901:13-1-10 has been developed to fulfill the requirement in ORC 1511.11 (E) (2). This rule establishes the requirements governing the application form to be used for an exemption request from small and medium agricultural operations. If the exemption requests are approved, the operation may receive an exemption for a period of time up to 1 to 2 years from the effective date of the legislation in order to comply with the manure application prohibitions on frozen ground, saturated ground, and during certain weather conditions. The form will require the



applicant to state the reasons for the necessity of the exemption and provide an opportunity for the applicant to request technical and/or programmatic assistance.

The hearing will be held on:

December 17, 2015 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 129 (Seminar “A”)
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

To obtain copies of these rules, please visit the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. 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.

