



PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the new, transferred rules housed in chapters 901:13-1, 13-2, and 13-3 of the Ohio Administrative Code.

Amended Substitute House Bill No. 64 of the 131st General Assembly became effective on June 30, 2015. A highlight of the bill was the transfer of the Agricultural Soil and Water Conservation Program from Ohio Department of Natural Resources (ODNR) to the Ohio Department of Agriculture (ODA). This transfer occurred on January 1, 2016.

Uncodified section 709.20 of H.B. 64 outlines that ODA and ODNR are to enter into a memorandum of understanding regarding the transfer of the program. Specifically, the agreement is to identify which administrative rules are to be transferred from ODNR to ODA. The section continues to require ODA to adopt these transferred rules through the requirements of Chapter 119 of the Revised Code.

As you are well aware, Chapter 119 of the Revised Code requires the Department to examine any adverse business impacts of the proposed rules and file a business impact analysis with your office. While the rules which are proposed to be transferred ODNR to ODA do have a business impact, section 709.20(C) of H.B. 64 states:

“The Director of Agriculture shall adopt rules . . . that are identical to the rules that are identified in the memorandum of understanding signed under this section except that references to the Division of Soil and Water Resources in the Department of Natural Resources shall be replaced with references to the Department of Agriculture, and references to the Chief of the Division of Soil and Water Resources in the Department of Natural Resources shall be replaced with references to the Director of Agriculture.”

The rules listed below have been transferred and amended pursuant to HB 64. More specifically, the rules which have been transferred are as follows:

ODA Rule Number	Title	Former ODNR Rule Number
901:13-1-01	General provisions.	1501:15-5-01
901:13-1-02	Overflow and discharge from animal manure collection, storage or treatment facilities.	1501:15-5-02
901:13-1-03	Seepage from animal manure management facilities.	1501:15-5-03
901:13-1-04	Manure contaminated runoff from feedlots and manure management facilities.	1501:15-5-04



901:13-1-05	Other waste waters.	1501:15-5-06
901:13-1-06	Flooding of animal feeding operations.	1501:15-5-07
901:13-1-07	Sheet and rill erosion.	1501:15-5-08
901:13-1-08	Gully erosion.	1501:15-5-09
901:13-1-09	Wind erosion.	1501:15-5-10
901:13-1-11	Land application of animal manure.	1501:15-5-05
901:13-1-12	Placing and sloughing.	1501:15-5-11
901:13-1-13	Composting of animal mortality.	1501:15-5-18
901:13-1-14	Agricultural pollution abatement cost sharing.	1501:15-5-13
901:13-1-15	Administrative procedures.	1501:15-5-14
901:13-1-16	Operating procedures.	1501:15-5-15
901:13-1-17	Director's orders.	1501:15-5-16
901:13-1-18	Grants.	1501:15-5-17
901:13-1-19	Nutrient management planning requirements for watersheds in distress.	1501:15-5-19
901:13-1-20	Designating watersheds in distress.	1501:15-5-20
901:13-2-01	Notice of public rules hearing.	1515-1-01
901:13-2-02	Notice of public meetings (sunshine rule).	1515-1-02
901:13-2-03	Minutes.	1515-1-03
901:13-3-01	Nominations (successor elections).	1515-3-01
901:13-3-02	Candidate, voter, and ballot eligibility (successor elections).	1515-3-02
901:13-3-03	Notice of elections (successor elections).	1515-3-03
901:13-3-04	Election conduct (successor elections).	1515-3-04
901:13-3-05	Election challenge (successor elections).	1515-3-05

The hearing will be held on:

February 18, 2016 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.

