

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1501:15-5-18

**Rule Type:** Rescission

**Rule Title/Tagline:** Composting of animal mortality.

**Agency Name:** Department of Natural Resources

**Division:** Division of Soil and Water Resources - Agricultural and Non-agricultural

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 4/11/2023
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? 1511.02(E)
5. What statute(s) does the rule implement or amplify? 1511.02,1515.08
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

It is proposed to rescind this rule because the authority lies with another agency, Ohio Department of Agriculture. This rule is therefore obsolete. Amended Substitute House Bill No. 64 of the 131st General Assembly became effective on June 30, 2015. The bill transferred the Agricultural Soil and Water Conservation Program from Ohio

Department of Natural Resources (ODNR) to the Ohio Department of Agriculture (ODA). This transfer took place on January 1, 2016.

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

This rule establishes the minimum criteria for composting animal mortality. It is proposed to rescind this rule because the authority lies with another agency, Ohio Department of Agriculture.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

- 11. 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**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

Not Applicable

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

Not Applicable

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

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

### **III. Common Sense Initiative (CSI) Questions**

17. Was this rule filed with the Common Sense Initiative Office? No
18. 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
  - 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
  - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
- A. How many new regulatory restrictions do you propose adding to this rule? 0
  - B. How many existing regulatory restrictions do you propose removing from this rule? 3

1501:15-5-18 Each owner, operator or person responsible for an animal feeding operation shall prevent pollution caused by composting of animal mortality.

1501:15-5-18 Animal feeding operations found by the chief or the chief's designee, which have failed to implement best management practices (BMPs) for composting animal mortality shall use the appropriate method, technique, or practice of composting as established in the "Field Office Technical Guide," or other such standard as approved by the chief or the the chief's designee.

1501:15-5-18 The owner or operator of any existing or planned animal feeding operation, or owner of animals raised by an owner or operator of an animal feeding operation wishing to conduct composting of animal mortality resulting from the operation shall participate in an educational course concerning composting conducted by the Ohio state university extension service and obtain a certificate of course completion.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable