

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 490

Representatives Hall, Thompson

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A BILL

To amend sections 901.22, 903.01, 903.03, 903.07, 1
903.082, 903.09, 903.10, 903.11, 903.12, 903.13, 2
903.16, 903.17, 903.25, 941.14, 953.22, 1501.01, 3
1501.011, 1509.01, 1509.02, 1509.04, 1509.05, 4
1509.06, 1509.08, 1509.11, 1509.222, 1509.223, 5
1509.23, 1509.27, 1509.33, 1509.99, 1511.01, 6
1511.02, 1511.021, 1511.022, 1511.05, 1511.07, 7
1511.99, 1515.01, 1515.02, 1515.08, 1533.081, 8
3704.05, 3734.02, 3734.029, 3745.70, 3750.13, 9
3750.14, 6109.10, 6111.03, 6111.04, 6111.44, and 10
6111.99; to amend, for the purpose of adopting new 11
section numbers as indicated in parentheses, 12
sections 1509.061 (1509.091) and 1511.022 13
(939.04); to enact sections 939.01, 939.02, 14
939.03, 939.05, 939.06, 939.07, 939.08, 939.09, 15
939.10, 939.11, 1509.051, 1511.023, and 1511.09; 16
and to repeal sections 903.04, 1511.071, and 17
3750.081 of the Revised Code to revise certain 18
laws governing agriculture, natural resources, and 19
environmental protection. 20

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 901.22, 903.01, 903.03, 903.07, 21

903.082, 903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 22
903.25, 941.14, 953.22, 1501.01, 1501.011, 1509.01, 1509.02, 23
1509.04, 1509.05, 1509.06, 1509.08, 1509.11, 1509.222, 1509.223, 24
1509.23, 1509.27, 1509.33, 1509.99, 1511.01, 1511.02, 1511.021, 25
1511.022, 1511.05, 1511.07, 1511.99, 1515.01, 1515.02, 1515.08, 26
1533.081, 3704.05, 3734.02, 3734.029, 3745.70, 3750.13, 3750.14, 27
6109.10, 6111.03, 6111.04, 6111.44, and 6111.99 be amended; 28
sections 1509.061 (1509.091) and 1511.022 (939.04) be amended for 29
the purpose of adopting new section numbers as indicated in 30
parentheses; and sections 939.01, 939.02, 939.03, 939.05, 939.06, 31
939.07, 939.08, 939.09, 939.10, 939.11, 1509.051, 1511.023, and 32
1511.09 of the Revised Code be enacted to read as follows: 33

Sec. 901.22. (A) The director of agriculture, in accordance 34
with Chapter 119. of the Revised Code, shall adopt rules that do 35
all of the following: 36

(1) Establish procedures and eligibility criteria for making 37
matching grants to municipal corporations, counties, townships, 38
soil and water conservation districts established under Chapter 39
1515. of the Revised Code, and charitable organizations described 40
in division (B) of section 5301.69 of the Revised Code for the 41
purchase of agricultural easements. With respect to agricultural 42
easements that are purchased or proposed to be purchased with such 43
matching grants that consist in whole or in part of moneys from 44
the clean Ohio agricultural easement fund created in section 45
901.21 of the Revised Code, the rules shall establish all of the 46
following: 47

(a) Procedures for all of the following: 48

(i) Soliciting and accepting applications for matching 49
grants; 50

(ii) Participation by local governments and by the public in 51

the process of making matching grants to charitable organizations; 52

(iii) Notifying local governments, charitable organizations, 53
and organizations that represent the interests of farmers of the 54
ranking system established in rules adopted under division 55
(A)(1)(b) of this section. 56

(b) A ranking system for applications for the matching grants 57
that is based on the soil type, proximity of the land or other 58
land that is conducive to agriculture as defined by rules adopted 59
under this section and that is the subject of an application to 60
other agricultural land or other land that is conducive to 61
agriculture as defined by rules adopted under this section and 62
that is already or is in the process of becoming permanently 63
protected from development, farm stewardship, development 64
pressure, and, if applicable, a local comprehensive land use plan 65
involved with a proposed agricultural easement. The rules shall 66
require that preference be given to proposed agricultural 67
easements that involve the greatest proportion of all of the 68
following: 69

(i) Prime soils, unique or locally important soils, 70
microclimates, or similar features; 71

(ii) Land that is adjacent to or that is in close proximity 72
to other agricultural land or other land that is conducive to 73
agriculture as defined by rules adopted under this section and 74
that is already or is in the process of becoming permanently 75
protected from development, by agricultural easement or otherwise, 76
so that a buffer would exist between the land involving the 77
proposed agricultural easement and areas that have been developed 78
or likely will be developed for purposes other than agriculture; 79

(iii) The use of best management practices, including 80
federally or state approved conservation plans, and a history of 81
substantial compliance with applicable federal and state laws; 82

(iv) Development pressure that is imminent, but not a result of current location in the direct path of urban development;	83 84
(v) Areas identified for agricultural protection in local comprehensive land use plans.	85 86
(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	87 88
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	89 90 91 92 93 94 95 96
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	97 98 99 100 101 102
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	103 104 105 106 107 108
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired;	109 110 111 112 113

(c) A provision requiring that, upon receipt of the portion 114
of the proceeds of a sale, exchange, or involuntary conversion 115
described in division (A)(2)(b) of this section, the municipal 116
corporation, county, township, soil and water conservation 117
district, or charitable organization remit to the director an 118
amount of money equal to the percentage of the cost of purchasing 119
the easement it received as a matching grant under this section. 120

Moneys received by the director pursuant to rules adopted 121
under division (A)(2)(c) of this section shall be credited to the 122
agricultural easement purchase fund created in section 901.21 of 123
the Revised Code. 124

(3) Establish a provision that provides a charitable 125
organization, municipal corporation, township, county, or soil and 126
water conservation district with the option of purchasing 127
agricultural easements either in installments or with a lump sum 128
payment. The rules shall include a requirement that a charitable 129
organization, municipal corporation, township, county, or soil and 130
water conservation district negotiate with the seller of the 131
agricultural easement concerning any installment payment terms, 132
including the dates and amounts of payments and the interest rate 133
on the outstanding balance. The rules also shall require the 134
director to approve any method of payment that is undertaken in 135
accordance with the rules adopted under division (A)(3) of this 136
section. 137

(4) Establish any other requirements that the director 138
considers to be necessary or appropriate to implement or 139
administer a program to make matching grants under this section 140
and monitor those grants. 141

(B) The director may develop guidelines regarding the 142
acquisition of agricultural easements by the department of 143
agriculture and the provisions of instruments conveying those 144
easements. The director may make the guidelines available to 145

public and private entities authorized to acquire and hold 146
agricultural easements. 147

(C) The director may provide technical assistance in 148
developing a program for the acquisition and monitoring of 149
agricultural easements to public and private entities authorized 150
to hold agricultural easements. The technical assistance may 151
include, without limitation, reviewing and providing advisory 152
recommendations regarding draft instruments conveying agricultural 153
easements. 154

(D)(1) The director may make matching grants from the 155
agricultural easement purchase fund and the clean Ohio 156
agricultural easement fund to municipal corporations, counties, 157
townships, soil and water conservation districts, and charitable 158
organizations to assist those political subdivisions and 159
charitable organizations in purchasing agricultural easements. 160
Application for a matching grant shall be made on forms prescribed 161
and provided by the director. The matching grants shall be made in 162
compliance with the criteria and procedures established in rules 163
adopted under this section. Instruments conveying agricultural 164
easements purchased with matching grant funds provided under this 165
section, at a minimum, shall include the mandatory provisions set 166
forth in those rules. 167

Matching grants made under this division using moneys from 168
the clean Ohio agricultural easement fund created in section 169
901.21 of the Revised Code may provide up to seventy-five per cent 170
of the value of an agricultural easement as determined by a 171
general real estate appraiser who is certified under Chapter 4763. 172
of the Revised Code or as determined through a points-based 173
appraisal system established under division (D)(2) of this 174
section. Not less than twenty-five per cent of the value of the 175
agricultural easement shall be provided by the recipient of the 176
matching grant or donated by the person who is transferring the 177

easement to the grant recipient. The amount of such a matching	178
grant used for the purchase of a single agricultural easement	179
shall not exceed one million dollars.	180
(2) The director shall establish a points-based appraisal	181
system for the purposes of division (D)(1) of this section. The	182
director may include any or all of the following factors in the	183
system:	184
(a) Whether the applicable county auditor has determined that	185
the land is land that is devoted exclusively to agriculture for	186
the purposes of sections 5713.30 to 5713.38 of the Revised Code;	187
(b) Changes in land values following the completion of the	188
applicable county auditor's reappraisal or triennial update;	189
(c) Soil types and productivity;	190
(d) Proximity of the land to land that is already subject to	191
an agricultural easement, conservation easement created under	192
sections 5301.67 to 5301.70 of the Revised Code, or similar	193
land-use limitation;	194
(e) Proximity of the land to water and sewer lines, road	195
interchanges, and nonagricultural development;	196
(f) Parcel size and roadway frontage of the land;	197
(g) Existence of an agreement entered into under division (D)	198
of section 1515.08 of the Revised Code or of an operation and	199
management plan developed under division (A) of section 1511.021	200
of the Revised Code, <u>as applicable</u> ;	201
(h) <u>Existence of a nutrient management plan developed under</u>	202
<u>division (A) of section 939.03 of the Revised Code, as applicable</u> ;	203
(i) Existence of a comprehensive plan that is adopted under	204
section 303.02 or 519.02 of the Revised Code or that is adopted by	205
the planning commission of a municipal corporation under section	206
713.06 of the Revised Code;	207

~~(i)~~(j) Any other factors that the director determines are necessary for inclusion in the system. 208
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(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical feature on the land so long as the use of the land remains predominantly agricultural. 210
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(F) For any agricultural easement purchased with a matching grant that consists in whole or in part of moneys from the clean Ohio agricultural easement fund, the director shall be named as a grantee on the instrument conveying the easement, as shall the municipal corporation, county, township, soil and water conservation district, or charitable organization that receives the grant. 215
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(G)(1) The director shall monitor and evaluate the effectiveness and efficiency of the agricultural easement program as a farmland preservation tool. On or before July 1, 1999, and the first day of July of each year thereafter, the director shall prepare and submit a report to the chairpersons of the standing committees of the senate and the house of representatives that consider legislation regarding agriculture. The report shall consider and address the following criteria to determine the program's effectiveness: 222
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(a) The number of agricultural easements purchased during the preceding year; 231
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(b) The location of those easements; 233

(c) The number of acres of land preserved for agricultural use; 234
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(d) The amount of money used by a municipal corporation, township, county, or soil and water conservation district from any fund to purchase the agricultural easements; 236
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(e) The number of state matching grants given to purchase the agricultural easements;	239 240
(f) The amount of state matching grant moneys used to purchase the agricultural easements.	241 242
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	243 244 245
(a) The total number of acres in the county;	246
(b) The total number of acres in current agricultural use;	247
(c) The total number of acres preserved for agricultural use in the preceding year;	248 249
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	250 251
Sec. 903.01. As used in this chapter:	252
(A) "Agricultural animal" means any animal generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, and swine; horses; alpacas; llamas; and any other animal included by the director of agriculture by rule. "Agricultural animal" does not include fish or other aquatic animals regardless of whether they are raised at fish hatcheries, fish farms, or other facilities that raise aquatic animals.	253 254 255 256 257 258 259
(B) "Animal feeding facility" means a lot, building, or structure where both of the following conditions are met:	260 261
(1) Agricultural animals have been, are, or will be stabled or confined and fed or maintained there for a total of forty-five days or more in any twelve-month period.	262 263 264
(2) Crops, vegetative forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building, or structure.	265 266 267

"Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied.

Two or more animal feeding facilities under common ownership shall be considered to be a single animal feeding facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure.

(C) "Animal feeding operation" has the same meaning as "animal feeding facility."

(D) "Cattle" includes, but is not limited to, heifers, steers, bulls, and cow and calf pairs.

(E) "Concentrated animal feeding facility" means an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section.

(F) "Concentrated animal feeding operation" means an animal feeding facility that complies with one of the following:

(1) Has a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section;

(2) Satisfies the criteria in division (M), (Q), or (FF) of this section;

(3) Is designated by the director of agriculture as a medium or small concentrated animal feeding operation pursuant to rules.

(G) "Discharge" means to add from a point source to waters of the state.

(H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33

U.S.C. 1251 et. seq., as amended, and regulations adopted under 298
it. 299

(I) "Finalized," with respect to the programs required under 300
division (A)(1) of section 903.02 and division (A)(1) of section 301
903.03 of the Revised Code, means that all rules that are 302
necessary for the administration of this chapter have been adopted 303
and all employees of the department of agriculture that are 304
necessary for the administration of this chapter have been 305
employed. 306

(J) "General permit" has the meaning that is established in 307
rules. 308

(K) "Individual permit" has the meaning that is established 309
in rules. 310

(L) "Installation permit" means a permit for the installation 311
or modification of a disposal system or any part of a disposal 312
system issued by the director of environmental protection under 313
division (J)(1) of section 6111.03 of the Revised Code. 314

(M) "Large concentrated animal feeding operation" means an 315
animal feeding facility that stables or confines at least the 316
number of animals specified in any of the following categories: 317

(1) Seven hundred mature dairy cattle whether milked or dry; 318

(2) One thousand veal calves; 319

(3) One thousand cattle other than mature dairy cattle or 320
veal calves; 321

(4) Two thousand five hundred swine that each weigh 322
fifty-five pounds or more; 323

(5) Ten thousand swine that each weigh less than fifty-five 324
pounds; 325

(6) Five hundred horses; 326

(7) Ten thousand sheep or lambs;	327
(8) Fifty-five thousand turkeys;	328
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	329 330
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	331 332 333
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	334 335 336
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	337 338 339
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	340 341
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.	342 343 344 345
(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.	346 347 348 349 350 351 352
(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure.	353 354 355 356

(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:	357 358
(1) The facility stables or confines the number of animals specified in any of the following categories:	359 360
(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;	361 362
(b) Three hundred to nine hundred ninety-nine veal calves;	363
(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;	364 365
(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;	366 367
(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	368 369
(f) One hundred fifty to four hundred ninety-nine horses;	370
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	371 372
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	373 374
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	375 376 377
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	378 379 380 381
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	382 383 384 385

(1) Ten thousand to twenty-nine thousand nine hundred	386
ninety-nine ducks if the animal feeding facility uses a manure	387
handling system that is not a liquid manure handling system;	388
(m) One thousand five hundred to four thousand nine hundred	389
ninety-nine ducks if the animal feeding facility uses a liquid	390
manure handling system.	391
(2) The facility does one of the following:	392
(a) Discharges pollutants into waters of the United States	393
through a ditch constructed by humans, a flushing system	394
constructed by humans, or another similar device constructed by	395
humans;	396
(b) Discharges pollutants directly into waters of the United	397
States that originate outside of and that pass over, across, or	398
through the facility or otherwise come into direct contact with	399
the animals at the facility.	400
"Medium concentrated animal feeding operation" includes an	401
animal feeding facility that is designated by the director as a	402
medium concentrated animal feeding operation pursuant to rules.	403
(R) "Mortality composting" means the controlled decomposition	404
of organic solid material consisting of dead animals that	405
stabilizes the organic fraction of the material.	406
(S) "NPDES permit" means a permit issued under the national	407
pollutant discharge elimination system established in section 402	408
of the Federal Water Pollution Control Act and includes the	409
renewal of such a permit. "NPDES permit" includes the federally	410
enforceable provisions of a permit to operate into which NPDES	411
permit provisions have been incorporated.	412
(T) "Permit" includes an initial, renewed, or modified permit	413
to install, permit to operate, NPDES permit, and installation	414
permit unless expressly stated otherwise.	415

(U) "Permit to install" means a permit issued under section 416
903.02 of the Revised Code. 417

(V) "Permit to operate" means a permit issued or renewed 418
under section 903.03 of the Revised Code and includes incorporated 419
NPDES permit provisions, if applicable. 420

(W) "Person" has the same meaning as in section 1.59 of the 421
Revised Code and also includes the state, any political 422
subdivision of the state, any interstate body created by compact, 423
the United States, or any department, agency, or instrumentality 424
of any of those entities. 425

(X) "Point source" has the same meaning as in the Federal 426
Water Pollution Control Act. 427

(Y) "Pollutant" means dredged spoil, solid waste, incinerator 428
residue, filter backwash, sewage, garbage, sewage sludge, 429
munitions, chemical wastes, biological materials, radioactive 430
materials except those regulated under the "Atomic Energy Act of 431
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or 432
discarded equipment, rock, sand, cellar dirt, and industrial, 433
municipal, and agricultural waste, including manure, discharged 434
into water. "Pollutant" does not include either of the following: 435

(1) Sewage from vessels; 436

(2) Water, gas, or other material that is injected into a 437
well to facilitate production of oil or gas, or water derived in 438
association with oil and gas production and disposed of in a well, 439
if the well that is used either to facilitate production or for 440
disposal purposes is approved by the state and if the state 441
determines that the injection or disposal will not result in the 442
degradation of ground or surface water resources. 443

(Z) "Process generated waste water" means water that is 444
directly or indirectly used in the operation of an animal feeding 445
facility for any of the following: 446

(1) Spillage or overflow from animal watering systems;	447
(2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility;	448 449
(3) Direct contact swimming, washing, or spray cooling of animals;	450 451
(4) Dust control.	452
(AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such as milk or eggs.	453 454 455 456 457 458
(BB) "Production area" means any of the following components of an animal feeding facility:	459 460
(1) Animal confinement areas, including, but not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, animal walkways, and stables;	461 462 463 464
(2) Manure storage areas, including, but not limited to, manure storage or treatment facilities;	465 466
(3) Raw material storage areas, including, but not limited to, feed silos, silage bunkers, commodity buildings, and bedding materials;	467 468 469
(4) Waste containment areas, including, but not limited to, any of the following:	470 471
(a) An egg washing or egg processing facility;	472
(b) An area used in the storage, handling, treatment, or disposal of mortalities;	473 474
(c) Settling basins, runoff ponds, liquid impoundments, and	475

areas within berms and diversions that are designed and maintained 476
to separate uncontaminated storm water runoff from contaminated 477
water and to contain and treat contaminated storm water runoff. 478

(CC) "Public meeting" means a nonadversarial public hearing 479
at which a person may present written or oral statements for the 480
director of agriculture's consideration and includes public 481
hearings held under section 6111.12 of the Revised Code. 482

~~(DD) "Review compliance certificate" means a certificate 483
issued under section 903.04 of the Revised Code. 484~~

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the 485
Revised Code. 486

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 487
an animal feeding facility that is not a large or medium 488
concentrated animal feeding operation and that is designated by 489
the director as a small concentrated animal feeding operation 490
pursuant to rules. 491

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 492
section 6111.01 of the Revised Code. 493

Sec. 903.03. (A)(1) Not later than one hundred eighty days 494
after March 15, 2001, the director of agriculture shall prepare a 495
program for the issuance of permits to operate under this section. 496

(2) Except for a concentrated animal feeding facility that is 497
operating under an installation permit ~~or a review compliance 498
certificate~~, on and after the date on which the director has 499
finalized the program required under division (A)(1) of this 500
section, no person shall own or operate a concentrated animal 501
feeding facility without a permit to operate issued by the 502
director under this section. 503

(B) The director or the director's authorized representative 504
may help an applicant for a permit to operate during the 505

permitting process by providing guidance and technical assistance. 506

(C) An applicant for a permit to operate shall submit a fee 507
in an amount established by rule together with, except as 508
otherwise provided in division (E) of this section, an application 509
to the director on a form that the director prescribes and 510
provides. The applicant shall include with the application all of 511
the following information: 512

(1) The name and address of the applicant, of all partners if 513
the applicant is a partnership, of all members if the applicant is 514
a limited liability company, or of all officers and directors if 515
the applicant is a corporation, and of any other person who has a 516
right to control or in fact controls management of the applicant 517
or the selection of officers, directors, or managers of the 518
applicant. As used in division (C)(1) of this section, "control" 519
has the same meaning as in division (C)(1) of section 903.02 of 520
the Revised Code. 521

(2) Information concerning the applicant's past compliance 522
with laws pertaining to environmental protection that is required 523
to be provided under section 903.05 of the Revised Code, if 524
applicable; 525

(3) A manure management plan for the concentrated animal 526
feeding facility that conforms to best management practices 527
regarding the handling, storage, transportation, and land 528
application of manure generated at the facility and that contains 529
any other information required by rule; 530

(4) An insect and rodent control plan for the concentrated 531
animal feeding facility that conforms to best management practices 532
and is prepared in accordance with section 903.06 of the Revised 533
Code; 534

(5) In the case of an application for a major concentrated 535
animal feeding facility, written proof that the person who would 536

be responsible for the supervision of the management and handling 537
of manure at the facility has been issued a livestock manager 538
certification in accordance with section 903.07 of the Revised 539
Code or will obtain a livestock manager certification prior to 540
applying any manure to land. 541

(D) The director shall issue permits to operate in accordance 542
with section 903.09 of the Revised Code. The director shall deny a 543
permit to operate if either of the following applies: 544

(1) The permit application contains misleading or false 545
information. 546

(2) The manure management plan or insect and rodent control 547
plan fails to conform to best management practices. 548

Additional grounds for the denial of a permit to operate 549
shall be those established in this chapter and in rules. 550

(E) The director shall issue general permits to operate for 551
categories of concentrated animal feeding facilities that will 552
apply in lieu of individual permits to operate, provided that each 553
category of facilities meets all of the criteria established in 554
rules for general permits to operate. A person who is required to 555
obtain a permit to operate shall submit to the director a notice 556
of the person's intent to be covered under an existing general 557
permit or, at the person's option, shall submit an application for 558
an individual permit to operate. Upon receipt of a notice of 559
intent to be covered under an existing general permit, the 560
director shall notify the applicant in writing that the person is 561
covered by the general permit if the person satisfies the criteria 562
established in rules for eligibility for such coverage. If the 563
person is ineligible for coverage under the general permit, the 564
director shall require the submission of an application for an 565
individual permit to operate. 566

(F) A permit to operate shall be valid for a period of five 567

years. 568

(G) A permit to operate may be renewed. An application for 569
renewal of a permit to operate shall be submitted to the director 570
at least one hundred eighty days prior to the expiration date of 571
the permit to operate and shall comply with the requirements 572
governing applications for permits to operate that are established 573
under this section and by rules, including requirements pertaining 574
to public notice and participation. 575

(H) The director may modify, suspend, or revoke a permit to 576
operate in accordance with rules. 577

(I) The owner or operator of a concentrated animal feeding 578
facility who proposes to make a major operational change at the 579
facility shall submit an application for approval of the change to 580
the director in accordance with rules. 581

Sec. 903.07. (A) On and after the date that is established in 582
rules by the director of agriculture, both of the following apply: 583
584

(1) The management and handling of manure at a major 585
concentrated animal feeding facility, including the land 586
application of manure or the removal of manure from a manure 587
storage or treatment facility, shall be conducted only by or under 588
the supervision of a person holding a livestock manager 589
certification issued under this section. A person managing or 590
handling manure who is acting under the instructions and control 591
of a person holding a livestock manager certification is 592
considered to be under the supervision of the certificate holder 593
if the certificate holder is responsible for the actions of the 594
person and is available when needed even though the certificate 595
holder is not physically present at the time of the manure 596
management or handling. 597

(2) No person shall transport and land apply annually or buy, 598
sell, or land apply annually the volume of manure established in 599
rules adopted by the director under division ~~(E)~~(D)(5) of section 600
903.10 of the Revised Code unless the person holds a livestock 601
manager certification issued under this section. 602

(B) The director shall issue a livestock manager 603
certification to a person who has submitted a complete application 604
for certification on a form prescribed and provided by the 605
director, together with the appropriate application fee, and who 606
has completed successfully the required training and has passed 607
the required examination. The director may suspend or revoke a 608
livestock manager certification and may reinstate a suspended or 609
revoked livestock manager certification in accordance with rules. 610

(C) Information required to be included in an application for 611
a livestock manager certification, the amount of the application 612
fee, requirements regarding training and the examination, 613
requirements governing the management and handling of manure, 614
including the land application of manure, and requirements 615
governing the keeping of records regarding the handling of manure, 616
including the land application of manure, shall be established in 617
rules. 618

Sec. 903.082. (A) The director of agriculture may determine 619
that an animal feeding facility that is not a concentrated animal 620
feeding facility nevertheless shall be required to apply for and 621
receive a permit to operate when all of the following apply: 622

(1) The director has ~~received from the chief of the division~~ 623
~~of soil and water resources in the department of natural resources~~ 624
~~a copy of an order issued~~ specified a corrective action to be 625
taken under section ~~1511.02~~ 939.09 of the Revised Code ~~that~~ 626
~~specifies that the animal feeding facility has caused agricultural~~ 627
~~pollution by failure to comply with standards established under~~ 628

~~that section and that the animal feeding facility therefore should~~ 629
~~be required to be permitted as a concentrated animal feeding~~ 630
~~facility.~~ 631

(2) The director or the director's authorized representative 632
has inspected the animal feeding facility. 633

(3) The director or the director's authorized representative 634
finds that the facility is not being operated in a manner that 635
protects the waters of the state. 636

(B) In a situation in which best management practices cannot 637
be implemented without modifying the existing animal feeding 638
facility, the owner or operator of the facility shall apply for a 639
permit to install for the facility. 640

(C) In the case of an animal feeding facility for which a 641
permit to operate is required under this section, a permit to 642
operate shall not be required after the end of the five-year term 643
of the permit if the problems that caused the facility to be 644
required to obtain the permit have been corrected to the 645
director's satisfaction. 646

Sec. 903.09. (A) Prior to issuing or modifying a permit to 647
install, permit to operate, or NPDES permit, the director of 648
agriculture shall issue a draft permit. The director or the 649
director's representative shall mail notice of the issuance of a 650
draft permit to the applicant and shall publish the notice once in 651
a newspaper of general circulation in the county in which the 652
concentrated animal feeding facility or discharger is located or 653
proposed to be located. The director shall mail notice of the 654
issuance of a draft permit and a copy of the draft permit to the 655
board of county commissioners of the county and the board of 656
township trustees of the township in which the concentrated animal 657
feeding facility or discharger is located or proposed to be 658
located. The director or the director's representative also shall 659

provide notice of the issuance of a draft NPDES permit to any 660
other persons that are entitled to notice under the Federal Water 661
Pollution Control Act. Notice of the issuance of a draft permit to 662
install, permit to operate, or NPDES permit shall include the 663
address where written comments concerning the draft permit may be 664
submitted and the period of time during which comments will be 665
accepted as established by rule. 666

If the director receives written comments in an amount that 667
demonstrates significant public interest, as defined by rule, in 668
the draft permit, the director shall schedule one public meeting 669
to provide information to the public and to hear comments 670
pertinent to the draft permit. The notice of the public meeting 671
shall be provided in the same manner as the notice of the issuance 672
of the draft permit. 673

(B) If a person is required to obtain both a permit to 674
install and a permit to operate, including any permit to operate 675
with NPDES provisions, and public meetings are required for both 676
permits, the public meetings for the permits shall be combined. 677

(C) The director shall apply the antidegradation policy 678
adopted under section 6111.12 of the Revised Code to permits 679
issued under this chapter to the same degree and under the same 680
circumstances as it applies to permits issued under Chapter 6111. 681
of the Revised Code. The director shall hold one public meeting to 682
consider antidegradation issues when such a meeting is required by 683
the antidegradation policy. When allowed by the antidegradation 684
policy, the director shall hold the public meeting on 685
antidegradation issues concurrently with any public meeting held 686
for the draft permit. 687

(D) The director or the director's representative shall 688
publish notice of the issuance of a final permit to install, 689
permit to operate, or NPDES permit once in a newspaper of general 690

circulation in the county in which the concentrated animal feeding 691
facility or discharger is located. 692

(E) Notice or a public meeting is not required for the 693
modification of a permit made with the consent of the permittee 694
for the correction of typographical errors. 695

(F) The denial, modification, suspension, or revocation of a 696
permit to install, permit to operate, or NPDES permit without the 697
consent of the applicant or permittee shall be preceded by a 698
proposed action stating the director's intention to issue an order 699
with respect to the permit and the reasons for it. 700

The director shall mail to the applicant or the permittee 701
notice of the director's proposed action to deny, modify, suspend, 702
or revoke a permit to install, permit to operate, or NPDES permit. 703
The director shall publish the notice once in a newspaper of 704
general circulation in the county in which the concentrated animal 705
feeding facility or concentrated animal feeding operation is 706
located or proposed to be located. The director shall mail a copy 707
of the notice of the proposed action to the board of county 708
commissioners of the county and to the board of township trustees 709
of the township in which the concentrated animal feeding facility 710
or concentrated animal feeding operation is located or proposed to 711
be located. The director also shall provide notice of the 712
director's proposed action to deny, modify, suspend, or revoke a 713
permit to install, permit to operate, or NPDES permit to any other 714
person that is entitled to notice under the Federal Water 715
Pollution Control Act. The notice of the director's proposed 716
action to deny, modify, suspend, or revoke a permit to install, 717
permit to operate, or NPDES permit shall include the address where 718
written comments concerning the director's proposed action may be 719
submitted and the period of time during which comments will be 720
accepted as established by rule. If the director receives written 721
comments in an amount that demonstrates significant public 722

interest, as defined by rule, the director shall schedule one 723
public meeting to provide information to the public and to hear 724
comments pertinent to the proposed action. The notice of the 725
public meeting shall be provided in the same manner as the notice 726
of the director's proposed action. 727

The director shall not issue an order that makes the proposed 728
action final until the applicant or permittee has had an 729
opportunity for an adjudication hearing in accordance with Chapter 730
119. of the Revised Code, except that section 119.12 of the 731
Revised Code does not apply. An order of the director that 732
finalizes the proposed action or an order issuing a permit without 733
a prior proposed action may be appealed to the environmental 734
review appeals commission under sections 3745.04 to 3745.06 of the 735
Revised Code. 736

(G)(1) The director shall issue an order issuing or denying 737
an application for a permit to operate that contains NPDES 738
provisions or for a NPDES permit, as well as any application for a 739
permit to install that is submitted simultaneously, not later than 740
one hundred eighty days after receiving the application. 741

(2) In the case of an application for a permit to install or 742
permit to operate that is not connected with an application for a 743
NPDES permit, the director shall issue or propose to deny the 744
permit not later than ninety days after receiving the application. 745
If the director has proposed to deny the permit to install or 746
permit to operate under division (G)(2) of this section, the 747
director shall issue an order denying the permit or, if the 748
director decides against the proposed denial, issuing the permit 749
not later than one hundred eighty days after receiving the 750
application. If the director denies the permit, the director shall 751
notify the applicant in writing of the reason for the denial. 752

(H) All rulemaking and the issuance of civil penalties under 753
this chapter shall comply with Chapter 119. of the Revised Code. 754

(I) Upon the transfer of ownership of an animal feeding facility for which a permit to install, an installation permit, a ~~review compliance certificate~~, or a permit to operate that contains no NPDES provisions has been issued, the permit ~~or certificate~~ shall be transferred to the new owner of the animal feeding facility except as provided in division (C) of section 903.05 of the Revised Code. In the case of the transfer of ownership of a point source for which a NPDES permit or a permit to operate that contains NPDES provisions has been issued, the permit shall be transferred in accordance with rules.

(J) Applications for installation permits for animal feeding facilities pending before the director of environmental protection on the date on which the director of agriculture has finalized the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code shall be transferred to the director of agriculture. In the case of an applicant who is required to obtain a permit to install and a permit to operate under sections 903.02 and 903.03, respectively, of the Revised Code, the director of agriculture shall process the pending application for an installation permit as an application for a permit to install and a permit to operate.

(K) Applications for NPDES permits for either of the following that are pending before the director of environmental protection on the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code shall be transferred to the director of agriculture:

(1) The discharge of pollutants from a concentrated animal feeding operation;

(2) The discharge of storm water resulting from an animal feeding facility.

In the case of an applicant who is required to obtain a NPDES permit under section 903.08 of the Revised Code, the director of agriculture shall process the pending application as an application for a NPDES permit under that section.

Sec. 903.10. The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(A) Establish all of the following concerning permits to install and permits to operate:

(1) A description of what constitutes a modification of a concentrated animal feeding facility;

(2) A description of what constitutes a major operational change at a concentrated animal feeding facility;

(3) The amount of the fee that must be submitted with each permit application and each application for a permit modification;

(4) Information that must be included in the designs and plans required to be submitted with an application for a permit to install and criteria for approving, disapproving, or requiring modification of the designs and plans;

(5) Information that must be included in a manure management plan required to be submitted with an application for a permit to operate;

(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;

(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;

(8) Any additional information that must be included with a

permit application;	815
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	816 817 818
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	819 820 821
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	822 823 824 825
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	826 827 828
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	829 830 831
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	832 833 834 835 836 837
(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:	838 839 840
(1) The form of a certificate;	841
(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;	842 843
(3) Deadlines and procedures for submitting information under	844

~~division (E)(2) of that section.~~ 845

~~(C)~~ Establish best management practices that minimize water 846
pollution, odors, insects, and rodents, that govern the land 847
application of manure that originated at a concentrated animal 848
feeding facility, and that govern all of the following activities 849
that occur at a concentrated animal feeding facility: 850

(1) Manure management, including the storage, handling, 851
transportation, and land application of manure. Rules adopted 852
under division ~~(C)~~(B)(1) of this section shall include practices 853
that prevent surface and ground water contamination caused by the 854
storage of manure or the land application of manure and prevent 855
the contamination of water in drainage tiles that may be caused by 856
that application. 857

(2) Disposal of dead livestock; 858

(3) Production of biodiesel, biomass energy, electric or heat 859
energy, and biologically derived methane gas as those terms are 860
defined in section 5713.30 of the Revised Code; 861

(4) Any other activity that the director considers 862
appropriate. 863

Best management practices established in rules adopted under 864
division ~~(C)~~(B) of this section shall not conflict with best 865
management practices established in rules that have been adopted 866
under any other section of the Revised Code. The rules adopted 867
under division ~~(C)~~(B) of this section shall establish guidelines 868
that require owners or operators of concentrated animal feeding 869
facilities to consult with and work with local officials, 870
including boards of county commissioners and boards of township 871
trustees, in addressing issues related to local government 872
infrastructure needs and the financing of that infrastructure. 873

~~(D)~~(C) Establish all of the following concerning insect and 874
rodent control plans required under section 903.06 of the Revised 875

Code:	876
(1) The information to be included in an insect and rodent control plan;	877 878
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	879 880
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	881 882
(4) Procedures and standards for monitoring insect and rodent control plans;	883 884
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	885 886 887 888
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division (D) <u>(C)</u> (6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	889 890 891 892 893 894 895 896 897 898
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	899 900
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	901 902
(E) <u>(D)</u> Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	903 904 905

(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;

(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application of manure, removing manure held in a manure storage or treatment facility, and following best management practices established in rules for disposal of dead animals and manure management, including practices that control odor and protect the environment. The director may specify other types of recognized training programs that, if completed, are considered to satisfy the training and examination requirement.

(3) Criteria and procedures for the issuance, denial, suspension, revocation, or reinstatement of a livestock manager certification;

(4) The length of time during which livestock manager certifications will be valid and procedures for their renewal;

(5) The volume of manure that must be transported and land applied annually or the volume of manure that must be bought, sold, or land applied annually by a person in order for the person to be required to obtain a livestock manager certification under division (A)(2) of section 903.07 of the Revised Code;

(6) Requirements governing the management and handling of manure, including the land application of manure;

(7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure;

(8) Any other provisions necessary to administer and enforce

section 903.07 of the Revised Code.	937
(F) (E) Establish all of the following concerning NPDES permits:	938
	939
(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	940
	941
	942
(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	943
	944
(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	945
	946
	947
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	948
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(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	956
	957
	958
(6) The amount of the fee that must be submitted with an application for a permit;	959
	960
(7) Procedures for processing permit applications, including public notice and participation requirements;	961
	962
(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	963
	964
	965
	966

(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;	967 968 969
(10) Procedures for the transfer of permits to new owners or operators;	970 971
(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;	972 973 974
(12) A definition of "general NPDES permit" that establishes categories of point sources to be covered under such a permit and a definition of "individual NPDES permit" together with the criteria for issuing a general NPDES permit and the criteria for determining a person's eligibility to discharge under a general NPDES permit.	975 976 977 978 979 980
The rules adopted under division (F) <u>(E)</u> of this section shall be consistent with the requirements of the Federal Water Pollution Control Act.	981 982 983
(G) <u>(F)</u> Establish public notice and participation requirements, in addition to the procedures established in rules adopted under division (F) <u>(E)</u> (7) of this section, for the issuance, denial, modification, transfer, suspension, and revocation of permits to install, permits to operate, and NPDES permits consistent with section 903.09 of the Revised Code, including a definition of what constitutes significant public interest for the purposes of divisions (A) and (F) of section 903.09 of the Revised Code and procedures for public meetings. The rules shall require that information that is presented at such a public meeting be limited to the criteria that are applicable to the permit application that is the subject of the public meeting.	984 985 986 987 988 989 990 991 992 993 994 995
(H) <u>(G)</u> Establish the amount of civil penalties assessed by the director of agriculture under division (B) of section 903.16	996 997

of the Revised Code for violation of the terms and conditions of a 998
permit to install, or permit to operate, ~~or review compliance~~ 999
~~certificate~~, provided that the rules adopted under this division 1000
shall not establish a civil penalty of more than ten thousand 1001
dollars per day for each violation; 1002

~~(I)~~(H) Establish procedures for the protection of trade 1003
secrets from public disclosure. The procedures shall authorize the 1004
release of trade secrets to officers, employees, or authorized 1005
representatives of the state, another state, or the United States 1006
when necessary for an enforcement action brought under this 1007
chapter or when otherwise required by the Federal Water Pollution 1008
Control Act. The rules shall require at least ten days' written 1009
notice to the person to whom a trade secret applies prior to the 1010
release of the trade secret. Rules adopted under this division do 1011
not apply to any information that is contained in applications, 1012
including attachments, for NPDES permits and that is required to 1013
be submitted under section 903.08 of the Revised Code or rules 1014
adopted under division ~~(F)~~(E) of this section. 1015

~~(J)~~(I) Establish any other provisions necessary to administer 1016
and enforce this chapter. 1017

Sec. 903.11. (A) The director of agriculture may enter into 1018
contracts or agreements to carry out the purposes of this chapter 1019
with any public or private person, including OSU extension, the 1020
natural resources conservation service in the United States 1021
department of agriculture, the environmental protection agency, 1022
the division of soil and water resources in the department of 1023
natural resources, and soil and water conservation districts 1024
established under Chapter 1515. of the Revised Code. However, the 1025
director shall not enter into a contract or agreement with a 1026
private person for the review of applications for permits to 1027
install, permits to operate, or NPDES permits, ~~or review~~ 1028

~~compliance certificates~~ that are issued under this chapter or for 1029
the inspection of a facility regulated under this chapter or with 1030
any person for the issuance of any of those permits ~~or~~ 1031
~~certificates~~ or for the enforcement of this chapter and rules 1032
adopted under it. 1033

(B) The director may administer grants and loans using moneys 1034
from the federal government and other sources, public or private, 1035
for carrying out any of the director's functions. Nothing in this 1036
chapter shall be construed to limit the eligibility of owners or 1037
operators of animal feeding facilities or other agricultural 1038
enterprises to receive moneys from the water pollution control 1039
loan fund established under section 6111.036 of the Revised Code 1040
and the nonpoint source pollution management fund established 1041
under section 6111.037 of the Revised Code. 1042

The director of agriculture shall provide the director of 1043
environmental protection with written recommendations for 1044
providing financial assistance from those funds to agricultural 1045
enterprises. The director of environmental protection shall 1046
consider the recommendations in developing priorities for 1047
providing financial assistance from the funds. 1048

Sec. 903.12. (A) The director of agriculture or the 1049
director's authorized representative at reasonable times may enter 1050
on any public or private property, real or personal, to make 1051
investigations and inspections, including the sampling of 1052
discharges and the inspection of discharge monitoring equipment, 1053
or to otherwise execute duties that are necessary for the 1054
administration and enforcement of this chapter. The director or 1055
the director's authorized representative at reasonable times may 1056
examine and copy any records pertaining to discharges that are 1057
subject to this chapter or any records that are required to be 1058
maintained by the terms and conditions of a permit ~~or review~~ 1059

~~compliance certificate~~ issued under this chapter. If refused 1060
entry, the director or the director's authorized representative 1061
may apply for and the court of common pleas having jurisdiction 1062
may issue an appropriate warrant. 1063

(B) No person to whom a permit ~~or review compliance~~ 1064
~~certificate~~ has been issued under this chapter shall refuse entry 1065
to the director or the director's authorized representative or 1066
purposely hinder or thwart the director or the director's 1067
authorized representative in the exercise of any authority granted 1068
under division (A) of this section. 1069

Sec. 903.13. In a private civil action for an alleged 1070
nuisance related to agricultural activities conducted at a 1071
concentrated animal feeding facility, it is an affirmative defense 1072
if the person owning, operating, or otherwise responsible for the 1073
concentrated animal feeding facility is in compliance with best 1074
management practices established in the installation permit, or 1075
permit to operate, ~~or review compliance certificate~~ issued for the 1076
concentrated animal feeding facility and the agricultural 1077
activities do not violate federal, state, and local laws governing 1078
nuisances. 1079

Sec. 903.16. (A) The director of agriculture may propose to 1080
require corrective actions and assess a civil penalty against an 1081
owner or operator of a concentrated animal feeding facility if the 1082
director or the director's authorized representative determines 1083
that the owner or operator is not in compliance with section 1084
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 1085
the Revised Code, the terms and conditions of a permit to install, 1086
or permit to operate, ~~or review compliance certificate~~ issued for 1087
the concentrated animal feeding facility, including the 1088
requirements established under division (C) of section 903.06 of 1089

the Revised Code, or rules adopted under division (A), (B), (C), 1090
(D), ~~(E)~~, or ~~(F)~~(I) of section 903.10 of the Revised Code. 1091

However, the director may impose a civil penalty only if all of 1092
the following occur: 1093

(1) The owner or operator is notified in writing of the 1094
deficiencies resulting in noncompliance, the actions that the 1095
owner or operator must take to correct the deficiencies, and the 1096
time period within which the owner or operator must correct the 1097
deficiencies and attain compliance. 1098

(2) After the time period specified in the notice has 1099
elapsed, the director or the director's duly authorized 1100
representative has inspected the concentrated animal feeding 1101
facility, determined that the owner or operator is still not in 1102
compliance, and issued a notice of an adjudication hearing. 1103

(3) The director affords the owner or operator an opportunity 1104
for an adjudication hearing under Chapter 119. of the Revised Code 1105
to challenge the director's determination that the owner or 1106
operator is not in compliance or the imposition of the civil 1107
penalty, or both. However, the owner or operator may waive the 1108
right to an adjudication hearing. 1109

(B) If the opportunity for an adjudication hearing is waived 1110
or if, after an adjudication hearing, the director determines that 1111
a violation has occurred or is occurring, the director may issue 1112
an order requiring compliance and assess the civil penalty. The 1113
order and the assessment of the civil penalty may be appealed in 1114
accordance with section 119.12 of the Revised Code. 1115

Civil penalties shall be assessed under this division as 1116
follows: 1117

(1) A person who has violated section 903.02~~7~~ or 903.03~~7~~ or 1118
~~903.04~~ of the Revised Code, the terms and conditions of a permit 1119

to install, or permit to operate, ~~or review compliance~~ 1120
~~certificate~~, or rules adopted under division (A), (B), (C), (D), 1121
~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a 1122
civil penalty in an amount established in rules unless the 1123
violation is of the requirements established under division (C) of 1124
section 903.06 or division (A) of section 903.07 of the Revised 1125
Code. 1126

(2) A person who has violated the requirements established 1127
under division (C) of section 903.06 of the Revised Code shall pay 1128
a civil penalty in an amount established in rules for each 1129
violation. Each seven-day period during which a violation 1130
continues constitutes a separate violation. 1131

(3) A person who has violated the requirements established 1132
under division (A) of section 903.07 of the Revised Code shall pay 1133
a civil penalty of not more than ten thousand dollars for each 1134
violation. Each thirty-day period during which a violation 1135
continues constitutes a separate violation. 1136

(C) The attorney general, upon the written request of the 1137
director, shall bring an action for an injunction in any court of 1138
competent jurisdiction against any person violating or threatening 1139
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 1140
section 903.07 of the Revised Code; the terms and conditions of a 1141
permit to install, or permit to operate, ~~or review compliance~~ 1142
~~certificate~~, including the requirements established under division 1143
(C) of section 903.06 of the Revised Code; rules adopted under 1144
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 1145
the Revised Code; or an order issued under division (B) of this 1146
section or division (B) of section 903.07 of the Revised Code. 1147

(D)(1) In lieu of seeking civil penalties under division (A) 1148
of this section, the director may request the attorney general, in 1149
writing, to bring an action for a civil penalty in a court of 1150
competent jurisdiction against any person that has violated or is 1151

violating division (A) of section 903.07 of the Revised Code or 1152
the terms and conditions of a permit to install, or permit to 1153
operate, ~~or review compliance certificate~~, including the 1154
requirements established under division (C) of section 903.06 of 1155
the Revised Code. 1156

(2) The director may request the attorney general, in 1157
writing, to bring an action for a civil penalty in a court of 1158
competent jurisdiction against any person that has violated or is 1159
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 1160
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 1161
~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 1162
under division (B) of this section or division (B) of section 1163
903.07 of the Revised Code. 1164

(3) A person who has committed a violation for which the 1165
attorney general may bring an action for a civil penalty under 1166
division (D)(1) or (2) of this section shall pay a civil penalty 1167
of not more than ten thousand dollars per violation. Each day that 1168
a violation continues constitutes a separate violation. 1169

(E) In addition to any other penalties imposed under this 1170
section, the director may impose an administrative penalty against 1171
an owner or operator of a concentrated animal feeding facility if 1172
the director or the director's authorized representative 1173
determines that the owner or operator is not in compliance with 1174
best management practices that are established in rules adopted 1175
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 1176
Code or in the permit to install, or permit to operate, ~~or review~~ 1177
~~compliance certificate~~ issued for the facility. The administrative 1178
penalty shall not exceed five thousand dollars. 1179

The director shall afford the owner or operator an 1180
opportunity for an adjudication hearing under Chapter 119. of the 1181
Revised Code to challenge the director's determination under this 1182
division, the director's imposition of an administrative penalty 1183

under this division, or both. The director's determination and the 1184
imposition of the administrative penalty may be appealed in 1185
accordance with section 119.12 of the Revised Code. 1186

Sec. 903.17. (A) The director of agriculture may propose to 1187
require corrective actions and assess a civil penalty against an 1188
owner or operator of an animal feeding operation if the director 1189
or the director's authorized representative determines that the 1190
owner or operator is not in compliance with section 903.08 of the 1191
Revised Code, the terms and conditions of a NPDES permit, the 1192
NPDES provisions of a permit to operate, or rules adopted under 1193
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 1194
the director may impose a civil penalty only if all of the 1195
following occur: 1196

(1) The owner or operator is notified in writing of the 1197
deficiencies resulting in noncompliance, the actions that the 1198
owner or operator must take to correct the deficiencies, and the 1199
time period within which the owner or operator must correct the 1200
deficiencies and attain compliance. 1201

(2) After the time period specified in the notice has 1202
elapsed, the director or the director's duly authorized 1203
representative has inspected the animal feeding operation, 1204
determined that the owner or operator is still not in compliance, 1205
and issued a notice of violation to require corrective actions. 1206

(3) The director affords the owner or operator an opportunity 1207
for an adjudication hearing under Chapter 119. of the Revised Code 1208
to challenge the director's determination that the owner or 1209
operator is not in compliance or the imposition of the civil 1210
penalty, or both. However, the owner or operator may waive the 1211
right to an adjudication hearing. 1212

(B) If the opportunity for an adjudication hearing is waived 1213
or if, after an adjudication hearing, the director determines that 1214

a violation has occurred or is occurring, the director may issue 1215
an order and assess a civil penalty of not more than ten thousand 1216
dollars per violation against the violator. For purposes of 1217
determining the civil penalty, each day that a violation continues 1218
constitutes a separate and distinct violation. The order and the 1219
assessment of the civil penalty may be appealed in accordance with 1220
section 119.12 of the Revised Code. 1221

(C) To the extent consistent with the Federal Water Pollution 1222
Control Act, the director shall consider technical feasibility and 1223
economic costs in issuing orders under this section. 1224

(D)(1) The attorney general, upon the written request of the 1225
director, shall bring an action for an injunction in any court of 1226
competent jurisdiction against any person violating or threatening 1227
to violate section 903.08 of the Revised Code, the terms and 1228
conditions of a NPDES permit, the NPDES provisions of a permit to 1229
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 1230
the Revised Code, or an order issued under division (B) of this 1231
section. 1232

(2) In lieu of seeking civil penalties under division (A) of 1233
this section, the director may request, in writing, the attorney 1234
general to bring an action for a civil penalty of not more than 1235
ten thousand dollars per violation in a court of competent 1236
jurisdiction against any person that has violated or is violating 1237
section 903.08 of the Revised Code, the terms and conditions of a 1238
NPDES permit, the NPDES provisions of a permit to operate, rules 1239
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 1240
Code, or an order issued under division (B) of this section. For 1241
purposes of determining the civil penalty to be assessed under 1242
division (B) of this section, each day that a violation continues 1243
constitutes a separate and distinct violation. 1244

(E) In addition to any other penalties imposed under this 1245
section, the director may impose an administrative penalty against 1246

an owner or operator of an animal feeding operation if the 1247
director or the director's authorized representative determines 1248
that the owner or operator has discharged pollutants into waters 1249
of the state in violation of section 903.08 of the Revised Code or 1250
the terms and conditions of a NPDES permit or the NPDES provisions 1251
of the permit to operate issued for the operation. The 1252
administrative penalty shall not exceed five thousand dollars. 1253

The director shall afford the owner or operator an 1254
opportunity for an adjudication hearing under Chapter 119. of the 1255
Revised Code to challenge the director's determination under this 1256
division, the director's imposition of an administrative penalty 1257
under this division, or both. The director's determination and the 1258
imposition of the administrative penalty may be appealed in 1259
accordance with section 119.12 of the Revised Code. 1260

Sec. 903.25. An owner or operator of an animal feeding 1261
facility who holds a permit to install, a permit to operate, a 1262
~~review compliance certificate,~~ or a NPDES permit or who is 1263
operating under ~~an operation and~~ a nutrient management plan, as 1264
defined in section ~~1511.01~~ 939.01 of the Revised Code, approved by 1265
the ~~chief of the division of soil and water resources in the~~ 1266
~~department of natural resources~~ director of agriculture or the 1267
director's designee under section ~~1511.02~~ 939.02 of the Revised 1268
Code or by the supervisors of the appropriate soil and water 1269
conservation district under section 1515.08 of the Revised Code 1270
shall not be required by any political subdivision of the state or 1271
any officer, employee, agency, board, commission, department, or 1272
other instrumentality of a political subdivision to obtain a 1273
license, permit, or other approval pertaining to manure, insects 1274
or rodents, odor, or siting requirements for installation of an 1275
animal feeding facility. 1276

Sec. 939.01. As used in this chapter: 1277

(A) "Conservation" means the wise use and management of 1278
natural resources. 1279

(B) "Pollution abatement practice" means any residual farm 1280
products or manure pollution abatement facility, structure, or 1281
procedure and the operation and management associated with it as 1282
contained in nutrient management plans. 1283

(C) "Agricultural pollution" means failure to use management 1284
or conservation practices in farming operations to abate the 1285
degradation of the waters of the state by residual farm products 1286
or manure, including attached substances. 1287

(D) "Waters of the state" means all streams, lakes, ponds, 1288
wetlands, watercourses, waterways, wells, springs, irrigation 1289
systems, drainage systems, and all other bodies or accumulations 1290
of water, surface and underground, natural or artificial, 1291
regardless of the depth of the strata in which underground water 1292
is located, that are situated wholly or partly within, or border 1293
on, this state or are within its jurisdiction, except those 1294
private waters that do not combine or effect a junction with 1295
natural surface or underground waters. 1296

(E) "Nutrient management plan" means a written record, 1297
developed or approved by the director of agriculture, the 1298
director's designee, or the board of supervisors of a soil and 1299
water conservation district, for the owner or operator of 1300
agricultural land or an animal feeding operation that contains 1301
both of the following: 1302

(1) Implementation schedules and operational procedures for a 1303
level of management and pollution abatement practices that will 1304
abate the degradation of the waters of the state by residual farm 1305
products and manure, including attached pollutants; 1306

(2) Best management practices that are to be used by the 1307
owner or operator. 1308

(F) "Residual farm products" means bedding, wash waters, waste feed, and silage drainage. "Residual farm products" also includes the compost products resulting from the composting of dead animals in operations subject to section 939.04 of the Revised Code when either of the following applies:

(1) The composting is conducted by the person who raises the animals and the compost product is used in agricultural operations owned or operated by that person regardless of whether the person owns the animals.

(2) The composting is conducted by the person who owns the animals, but does not raise them and the compost product is used in agricultural operations either by a person who raises the animals or by a person who raises grain that is used to feed them and that is supplied by the owner of the animals.

(G) "Composting" means the controlled decomposition of organic solid material consisting of dead animals that stabilizes the organic fraction of the material.

(H) "Manure" means animal excreta.

(I) "Animal feeding operation" means the production area, as defined in section 903.01 of the Revised Code, of an agricultural operation where agricultural animals are kept and raised in confined areas. "Animal feeding operation" does not include a facility that possesses a permit issued under Chapter 903. or division (J) of section 6111.03 of the Revised Code.

(J) "Soil and water conservation district" has the same meaning as in section 1515.01 of the Revised Code.

(K) "Ohio soil and water conservation commission" means the Ohio soil and water conservation commission established in section 1515.02 of the Revised Code.

(L) "Best management practices" means practices or a

combination of practices that are determined to be the most 1339
effective and practicable means of preventing or reducing 1340
agricultural pollution sources to a level compatible with the 1341
attainment of applicable water quality standards. "Best management 1342
practices" includes structural and nonstructural practices, 1343
conservation practices, and operation and maintenance procedures. 1344

Sec. 939.02. The director of agriculture shall do all of the 1345
following: 1346

(A) Administer this chapter and those provisions of Chapter 1347
1515. of the Revised Code pertaining to state responsibilities and 1348
provide staff assistance to the Ohio soil and water conservation 1349
commission in exercising its statutory responsibilities pertaining 1350
to agricultural pollution; 1351

(B) Coordinate the development and implementation of 1352
cooperative programs and working agreements between soil and water 1353
conservation districts and the department of agriculture or other 1354
agencies of local, state, and federal government; 1355

(C) Adopt rules in accordance with Chapter 119. of the 1356
Revised Code that do or comply with all of the following: 1357

(1) Establish technically feasible and economically 1358
reasonable standards to achieve a level of management and 1359
conservation practices in farming operations that will abate the 1360
degradation of the waters of the state by residual farm products 1361
or manure, including attached substances, and establish criteria 1362
for determination of the acceptability of such management and 1363
conservation practices; 1364

(2) Establish procedures for the administration of rules 1365
regarding agricultural pollution abatement and for enforcement of 1366
those rules; 1367

(3) Specify the agricultural pollution abatement practices 1368

eligible for state cost sharing and determine the conditions for 1369
eligibility, the construction standards and specifications, the 1370
useful life, the maintenance requirements, and the limits of cost 1371
sharing for those practices. Eligible practices shall be limited 1372
to practices that address agricultural operations and that require 1373
expenditures that are likely to exceed the economic returns to the 1374
owner or operator and that abate degradation of the waters of the 1375
state by residual farm products or manure, including attached 1376
pollutants. 1377

(4) Establish procedures for administering grants to owners 1378
or operators of agricultural land or animal feeding operations for 1379
the implementation of nutrient management plans; 1380

(5) Do both of the following with regard to composting 1381
conducted in conjunction with agricultural operations: 1382

(a) Establish methods, techniques, or practices for 1383
composting dead animals, or particular types of dead animals, that 1384
are to be used at such operations, as the director considers to be 1385
necessary or appropriate; 1386

(b) Establish requirements and procedures governing the 1387
review and approval or disapproval of composting plans by the 1388
supervisors of soil and water conservation districts under 1389
division (T) of section 1515.08 of the Revised Code. 1390

(6) Establish best management practices for inclusion in 1391
nutrient management plans; 1392

(7) Establish the amount of civil penalties assessed by the 1393
director under division (B) of section 939.09 of the Revised Code 1394
for violation of rules adopted under division (C) of this section; 1395

(8) Be adopted after the director does all of the following: 1396

(a) Mails notice to each statewide organization that the 1397
director determines represents persons or local governmental 1398

agencies that would be affected by a proposed rule at least 1399
thirty-five days before any public hearing on the proposed rule; 1400

(b) Mails a copy of each proposed rule to any person who 1401
requests a copy within five days after receipt of the request; 1402

(c) Consults with appropriate state and local governmental 1403
agencies or their representatives, including statewide 1404
organizations of local governmental officials, industrial 1405
representatives, and other interested persons; 1406

(d) If the rule is adopted under division (C)(1) of this 1407
section, develops an economic impact statement concerning the 1408
effect of the proposed rule. 1409

(9) Not conflict with air or water quality standards adopted 1410
pursuant to section 3704.03 or 6111.041 of the Revised Code. 1411
Compliance with rules adopted under this section does not affect 1412
liability for noncompliance with air or water quality standards 1413
adopted pursuant to section 3704.03 or 6111.041 of the Revised 1414
Code. 1415

(D) Cost share with landowners on practices established in 1416
rules adopted under division (C)(3) of this section as moneys are 1417
appropriated and available for that purpose. A practice for which 1418
cost share is provided shall be maintained for its useful life. 1419
Failure to maintain a cost share practice for its useful life 1420
subjects the landowner to full repayment to the department. 1421

(E) Employ field assistants and other employees that are 1422
necessary for the performance of the work prescribed by Chapter 1423
1515. of the Revised Code pertaining to agricultural pollution, 1424
for performance of the work of the department under this chapter, 1425
and as agreed to in working agreements or contractual arrangements 1426
with soil and water conservation districts, prescribe their 1427
duties, and fix their compensation in accordance with schedules 1428
that are provided by law for the compensation of state employees. 1429

All such employees of the department, unless specifically exempted 1430
by law, shall be employed subject to the classified civil service 1431
laws in force at the time of employment. 1432

(F) When necessary for the purposes of this chapter or the 1433
provisions of Chapter 1515. of the Revised Code pertaining to 1434
agricultural pollution, develop or approve nutrient management 1435
plans. The director may designate an employee of the department to 1436
develop or approve nutrient management plans in lieu of the 1437
director. 1438

This section does not restrict the manure of domestic or farm 1439
animals defecated on land outside an animal feeding operation or 1440
runoff from that land into the waters of the state. 1441

Sec. 939.03. (A) A person who owns or operates agricultural 1442
land or an animal feeding operation may develop and operate under 1443
a nutrient management plan approved by the director of agriculture 1444
or the director's designee under section 939.02 of the Revised 1445
Code or by the supervisors of the applicable soil and water 1446
conservation district under section 1515.08 of the Revised Code. 1447

(B) A person who wishes to make a complaint regarding 1448
nuisances involving agricultural pollution may do so orally or by 1449
submitting a written, signed, and dated complaint to the director 1450
or to the director's designee. After receiving an oral complaint, 1451
the director or the director's designee may cause an investigation 1452
to be conducted to determine whether agricultural pollution has 1453
occurred or is imminent. After receiving a written, signed, and 1454
dated complaint, the director or the director's designee shall 1455
cause such an investigation to be conducted. 1456

(C) In a private civil action for nuisances involving 1457
agricultural pollution, it is an affirmative defense if the person 1458
owning, operating, or otherwise responsible for agricultural land 1459
or an animal feeding operation is operating under and in 1460

substantial compliance with an approved nutrient management plan 1461
developed under division (A) of this section, with a nutrient 1462
management plan developed by the director or the director's 1463
designee under section 939.02 of the Revised Code or by the 1464
supervisors of the applicable soil and water conservation district 1465
under section 1515.08 of the Revised Code, or with a nutrient 1466
management plan required under division (A)(2) of section 939.09 1467
of the Revised Code. Nothing in this section is in derogation of 1468
the authority granted to the director in division (C) of section 1469
939.02 and in section 939.09 of the Revised Code. 1470

Sec. ~~1511.022~~ 939.04. (A) Any person who owns or operates an 1471
agricultural operation, or owns the animals raised by the owner or 1472
operator of an agricultural operation, and who wishes to conduct 1473
composting of dead animals resulting from the agricultural 1474
operation shall do both of the following: 1475

(1) Participate in an educational course concerning 1476
composting conducted by OSU extension and obtain a certificate of 1477
completion for the course; 1478

(2) Use the appropriate method, technique, or practice of 1479
composting established in rules adopted under division 1480
~~(E)(8)(C)(5)~~ of section ~~1511.02~~ 939.02 of the Revised Code. 1481

(B) Any person who fails to comply with division (A) of this 1482
section shall prepare and operate under a composting plan ~~in~~ 1483
~~accordance with an order issued~~ required by the ~~chief of the~~ 1484
~~division of soil and water resources~~ director of agriculture under 1485
division ~~(G)~~(A)(2) of section ~~1511.02~~ 939.09 of the Revised Code. 1486
If the person's proposed composting plan is disapproved by the 1487
board of supervisors of the appropriate soil and water 1488
conservation district under division ~~(Q)~~(T)(3) of section 1515.08 1489
of the Revised Code, the person may appeal the plan disapproval to 1490
the ~~chief~~ director, who shall afford the person a hearing. 1491

Following the hearing, the chief director shall uphold the plan 1492
disapproval or reverse it. If the chief director reverses the 1493
disapproval, the plan shall be deemed approved. 1494

Sec. 939.05. (A) Except as provided in division (B) of this 1495
section, the director of agriculture, an employee of the 1496
department of agriculture, the supervisors of a soil and water 1497
conservation district, an employee of a district, and a contractor 1498
of the department or a district shall not disclose either of the 1499
following: 1500

(1) Information, including data from geographic information 1501
systems and global positioning systems, provided by a person who 1502
owns or operates agricultural land or an animal feeding operation 1503
and operates under a nutrient management plan; 1504

(2) Information gathered as a result of an inspection of 1505
agricultural land or an animal feeding operation to determine 1506
whether the person who owns or operates the land or operation is 1507
in compliance with a nutrient management plan. 1508

(B) The director or the supervisors of a district may release 1509
or disclose information specified in division (A)(1) or (2) of 1510
this section to a person or a federal, state, or local agency 1511
working in cooperation with the director or the supervisors in the 1512
development of a nutrient management plan or an inspection to 1513
determine compliance with such a plan if the director or 1514
supervisors determine that the person or federal, state, or local 1515
agency will not subsequently disclose the information to another 1516
person. 1517

Sec. 939.06. The director of agriculture may enter into 1518
contracts or agreements with an agency of the United States 1519
government, or any other public or private agency or organization, 1520
for the performance of the duties of the department of agriculture 1521

under this chapter or for accomplishing cooperative projects 1522
within the scope of those duties. 1523

Sec. 939.07. The director of agriculture may accept 1524
donations, grants, and contributions in money, service, or 1525
equipment to enhance or expedite the work of the department of 1526
agriculture under this chapter. 1527

Sec. 939.08. The director of agriculture, subject to approval 1528
of the terms of the agreement by the Ohio soil and water 1529
conservation commission, shall enter into cooperative agreements 1530
with the board of supervisors of a soil and water conservation 1531
district desiring to enter into those agreements pursuant to 1532
section 1515.08 of the Revised Code. The agreements shall be 1533
entered into to obtain compliance with rules of the director 1534
pertaining to agricultural pollution abatement. 1535

The director or a person designated by the director may enter 1536
at reasonable times on private or public property to inspect and 1537
investigate conditions relating to agricultural pollution of the 1538
waters of the state. Upon refusal of entry, the director or the 1539
director's designee may apply for and a judge of the court of 1540
common pleas of the county where the land is located may issue an 1541
appropriate inspection warrant as necessary to achieve the 1542
purposes of this chapter. 1543

Sec. 939.09. (A)(1) The director of agriculture may propose 1544
to require corrective actions and assess a civil penalty against 1545
an owner or operator of agricultural land or an animal feeding 1546
operation if the director or the director's designee determines 1547
that the owner or operator is doing one of the following: 1548

(a) Not complying with a standard established in rules 1549
adopted under division (C)(1) of section 939.02 of the Revised 1550
Code; 1551

(b) Not operating in accordance with an approved nutrient management plan that is developed under division (A) of section 939.03 of the Revised Code, with a nutrient management plan developed by the director or the director's designee under section 939.02 of the Revised Code or by the supervisors of the applicable soil and water conservation district under section 1515.08 of the Revised Code, or with a nutrient management plan required by the director under division (A)(2) of this section; 1552
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(c) Not complying with a standard established in rules adopted under division (C)(5)(a) of section 939.02 of the Revised Code; 1560
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(d) Not operating in accordance with a composting plan that is approved in accordance with rules adopted under division (C)(5)(b) of section 939.02 of the Revised Code or required by the director under division (A)(2) of this section. 1563
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(2) The director may include in the corrective actions a requirement that an owner or operator do one of the following: 1567
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(a) Operate under a nutrient management plan approved by the director or the director's designee under section 939.02 of the Revised Code; 1569
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(b) If the owner or operator has failed to operate in accordance with an existing nutrient management plan, operate in accordance with that plan; 1572
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(c) Prepare a composting plan in accordance with rules adopted under division (C)(5)(b) of section 939.02 of the Revised Code and operate in accordance with that plan; 1575
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(d) If the owner or operator has failed to operate in accordance with an existing composting plan, operate in accordance with that plan. 1578
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(3) The director may impose a civil penalty only if all of 1581

the following occur: 1582

(a) The owner or operator is notified in writing of the 1583
deficiencies resulting in noncompliance, the actions that the 1584
owner or operator must take to correct the deficiencies, and the 1585
time period within which the owner or operator must correct the 1586
deficiencies and attain compliance. 1587

(b) After the time period specified in the notice has 1588
elapsed, the director or the director's designee has inspected the 1589
agricultural land or animal feeding operation, determined that the 1590
owner or operator is still not in compliance, and issued a notice 1591
of an adjudication hearing. 1592

(c) The director affords the owner or operator an opportunity 1593
for an adjudication hearing under Chapter 119. of the Revised Code 1594
to challenge the director's determination that the owner or 1595
operator is not in compliance or the imposition of the civil 1596
penalty, or both. However, the owner or operator may waive the 1597
right to an adjudication hearing. 1598

(4) If the opportunity for an adjudication hearing is waived 1599
or if, after an adjudication hearing, the director determines that 1600
noncompliance has occurred or is occurring, the director may issue 1601
an order requiring compliance and assess the civil penalty. The 1602
order and the assessment of the civil penalty may be appealed in 1603
accordance with section 119.12 of the Revised Code. 1604

(5) A person who has violated rules adopted under division 1605
(C) of section 939.02 of the Revised Code shall pay a civil 1606
penalty in an amount established in rules adopted under that 1607
section. 1608

(B) The attorney general, upon the written request of the 1609
director, shall bring an action for an injunction in any court of 1610
competent jurisdiction against any person violating or threatening 1611
to violate rules adopted under division (C) of section 939.02 of 1612

the Revised Code or an order issued under division (A)(4) of this section. 1613
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(C)(1) In lieu of seeking civil penalties under division (A) of this section, the director may request the attorney general, in writing, to bring an action for a civil penalty in a court of competent jurisdiction against any person that has violated or is violating a rule adopted under division (C) of section 939.02 of the Revised Code. 1615
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(2) A person who has committed a violation for which the attorney general may bring an action for a civil penalty under division (C)(1) of this section shall pay a civil penalty of not more than ten thousand dollars per violation. Each day that a violation continues constitutes a separate violation. 1621
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(D) In addition to any other penalties imposed under this section, the director may impose an administrative penalty against an owner or operator of agricultural land or an animal feeding operation if the director or the director's designee determines that the owner or operator is not in compliance with best management practices that are established in rules adopted under division (C) of section 939.02 of the Revised Code. The administrative penalty shall not exceed five thousand dollars. 1626
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The director shall afford the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination under this division, the director's imposition of an administrative penalty under this division, or both. The director's determination and the imposition of the administrative penalty may be appealed in accordance with section 119.12 of the Revised Code. 1634
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(E) Notwithstanding any other provision in this section, if the director determines that an emergency exists requiring immediate action to protect the public health or safety or the 1641
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environment, the director may issue an order, without notice or 1644
adjudication hearing, stating the existence of the emergency and 1645
requiring that action be taken that is necessary to meet the 1646
emergency. The order shall take effect immediately. A person to 1647
whom the order is directed shall comply immediately, but on 1648
application to the director shall be afforded an adjudication 1649
hearing in accordance with Chapter 119. of the Revised Code as 1650
soon as possible and not later than thirty days after application. 1651
On the basis of the hearing, the director shall continue the order 1652
in effect, revoke it, or modify it. The director's order is 1653
appealable in accordance with section 119.12 of the Revised Code. 1654
No emergency order shall remain in effect for more than one 1655
hundred twenty days after its issuance. 1656

(F) A person that is responsible for causing or allowing the 1657
unauthorized spill, release, or discharge of manure or residual 1658
farm products that requires emergency action to protect public 1659
health or safety or the environment is liable to the director for 1660
the costs incurred in investigating, mitigating, minimizing, 1661
removing, or abating the spill, release, or discharge. Upon 1662
request of the director, the attorney general shall bring a civil 1663
action against the responsible person or persons to recover those 1664
costs. 1665

(G) Money recovered under division (F) of this section and 1666
money collected from civil penalties under this section shall be 1667
paid into the state treasury to the credit of the agricultural 1668
pollution abatement fund created in section 939.11 of the Revised 1669
Code. 1670

(H) As used in this section, "noncompliance" means doing one 1671
of the actions specified in division (A)(1) of this section. 1672

Sec. 939.10. A person claiming to be deprived of a right or 1673
protection afforded the person by law by an action of the director 1674

of agriculture under this chapter, except the adoption of a rule, 1675
may appeal to the court of common pleas of Franklin county or the 1676
court of common pleas of the county in which the alleged violation 1677
exists. 1678

If the court finds that the action of the director appealed 1679
from was lawful and reasonable, it shall affirm the action. If the 1680
court finds that the action was unreasonable or unlawful, it shall 1681
vacate the action and order the action to be taken that it finds 1682
the director should have taken. The judgment of the court is final 1683
unless reversed, vacated, or modified on appeal. 1684

Sec. 939.11. There is hereby created in the state treasury 1685
the agricultural pollution abatement fund, which shall be 1686
administered by the director of agriculture. The fund may be used 1687
to pay costs incurred by the department of agriculture under 1688
division (F) of section 939.09 of the Revised Code in 1689
investigating, mitigating, minimizing, removing, or abating any 1690
pollution of the waters of the state caused by agricultural 1691
pollution or an unauthorized release, spill, or discharge of 1692
manure or residual farm products into or on the environment that 1693
requires emergency action to protect the public health. 1694

Sec. 941.14. (A) The owner shall burn the body of an animal 1695
that has died of, or been destroyed because of, a dangerously 1696
infectious or contagious disease, bury it not less than four feet 1697
under the surface of the ground, dissolve it by alkaline 1698
hydrolysis, remove it in a watertight tank to a rendering 1699
establishment, or otherwise dispose of it in accordance with 1700
section 939.04 or 953.26 or ~~1511.022~~ of the Revised Code within 1701
twenty-four hours after knowledge thereof or after notice in 1702
writing from the department of agriculture. 1703

(B) The owner of premises that contain a dead animal shall 1704

burn the body of the animal, bury it not less than four feet 1705
beneath the surface of the ground, dissolve it by alkaline 1706
hydrolysis, remove it in a watertight tank to a rendering 1707
establishment, or otherwise dispose of it in accordance with 1708
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within a 1709
reasonable time after knowledge thereof or after notice in writing 1710
from the department or from the township trustees of the township 1711
in which the owner's premises are located. 1712

(C) Notwithstanding division (A) or (B) of this section, the 1713
director of agriculture, in written notice sent to the owner of a 1714
dead animal, may require the owner to employ a specific method of 1715
disposition of the body, including burning, burying, rendering, 1716
composting, or alkaline hydrolysis, when that method does not 1717
conflict with any law or rule governing the disposal of infectious 1718
wastes and, in the director's judgment, is necessary for purposes 1719
of animal disease control. No person shall fail to employ the 1720
method of disposition required under this division. 1721

(D) The director, in written notice sent to the owner of a 1722
dead animal, may prohibit the owner from transporting the body of 1723
the dead animal on any street or highway if that prohibition does 1724
not conflict with any law or rule governing the transportation of 1725
infectious wastes and, in the director's judgment, is necessary 1726
for purposes of animal disease control. No person shall fail to 1727
comply with a prohibition issued under this division. 1728

(E) As used in this section, "infectious wastes" has the same 1729
meaning as in section 3734.01 of the Revised Code, and "street" or 1730
"highway" has the same meaning as in section 4511.01 of the 1731
Revised Code. 1732

Sec. 953.22. (A) No person shall engage in the business of 1733
disposing of, picking up, rendering, or collecting raw rendering 1734
material or transporting the material to a composting facility 1735

without a license to do so from the department of agriculture.	1736
(B) This chapter does not apply to any of the following:	1737
(1) A farmer who slaughters the farmer's own animals, raised by the farmer on the farmer's own farm, processes the farmer's own meat therefrom, and disposes of the farmer's raw rendering material only by delivery to a person licensed under section 953.23 of the Revised Code;	1738 1739 1740 1741 1742
(2) A person whose only connection with raw rendering material is curing hides and skins;	1743 1744
(3) A person whose only connection with raw rendering material is operating a pet cemetery;	1745 1746
(4) A person who is conducting composting, as defined in section 1511.01 <u>939.01</u> of the Revised Code, in accordance with section 1511.022 <u>939.04</u> of the Revised Code;	1747 1748 1749
(5) A person whose only connection with raw rendering material is trapping wild animals in accordance with a nuisance wild animal permit issued by the chief of the division of wildlife in the department of natural resources under rules adopted pursuant to section 1531.08 of the Revised Code;	1750 1751 1752 1753 1754
(6) A county dog warden or animal control officer who transports raw rendering material only for disposal purposes.	1755 1756
Sec. 1501.01. (A) Except where otherwise expressly provided, the director of natural resources shall formulate and institute all the policies and programs of the department of natural resources. The chief of any division of the department shall not enter into any contract, agreement, or understanding unless it is approved by the director. No appointee or employee of the director, other than the assistant director, may bind the director in a contract except when given general or special authority to do so by the director.	1757 1758 1759 1760 1761 1762 1763 1764 1765

The director may enter into contracts or agreements with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the department.

(B) The director shall correlate and coordinate the work and activities of the divisions in the department to eliminate unnecessary duplications of effort and overlapping of functions. The chiefs of the various divisions of the department shall meet with the director at least once each month at a time and place designated by the director.

The director may create advisory boards to any of those divisions in conformity with section 121.13 of the Revised Code.

(C) The director may accept and expend gifts, devises, and bequests of money, lands, and other properties on behalf of the department or any division thereof under the terms set forth in section 9.20 of the Revised Code. Any political subdivision of this state may make contributions to the department for the use of the department or any division therein according to the terms of the contribution.

(D) The director may publish and sell or otherwise distribute data, reports, and information.

(E) The director may identify and develop the geographic information system needs for the department, which may include, but not be limited to, all of the following:

(1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology;

(2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency

of department delivered services;	1797
(3) Creating, maintaining, and documenting spatial digital data bases;	1798 1799
(4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;	1800 1801 1802
(5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;	1803 1804 1805 1806 1807 1808
(6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;	1809 1810 1811 1812
(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	1813 1814 1815
(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;	1816 1817 1818
(9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;	1819 1820 1821
(10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;	1822 1823 1824 1825 1826

(11) Entering into agreements with local government agencies 1827
for the purposes of land use inventories, Ohio capability analysis 1828
data layers, and other duties related to resource management. 1829

(F) The director shall adopt rules in accordance with Chapter 1830
119. of the Revised Code to permit the department to accept by 1831
means of a credit card the payment of fees, charges, and rentals 1832
at those facilities described in section 1501.07 of the Revised 1833
Code that are operated by the department, for any data, reports, 1834
or information sold by the department, and for any other goods or 1835
services provided by the department. 1836

(G) Whenever authorized by the governor to do so, the 1837
director may appropriate property for the uses and purposes 1838
authorized to be performed by the department and on behalf of any 1839
division within the department. This authority shall be exercised 1840
in the manner provided in sections 163.01 to 163.22 of the Revised 1841
Code for the appropriation of property by the director of 1842
administrative services. This authority to appropriate property is 1843
in addition to the authority provided by law for the appropriation 1844
of property by divisions of the department. The director of 1845
natural resources also may acquire by purchase, lease, or 1846
otherwise such real and personal property rights or privileges in 1847
the name of the state as are necessary for the purposes of the 1848
department or any division therein. The director, ~~with the~~ 1849
~~approval of the governor and the attorney general, in accordance~~ 1850
with section 5301.13 of the Revised Code, if applicable, may sell, 1851
lease, or exchange portions of lands or property, real or 1852
personal, of any division of the department or grant easements or 1853
licenses for the use thereof, or enter into agreements for the 1854
sale of water from lands and waters under the administration or 1855
care of the department or any of its divisions, when the sale, 1856
lease, exchange, easement, agreement, or license for use is in an 1857
amount that is less than one million dollars and is advantageous 1858

to the state, ~~provided that such approval is not required for~~ 1859
~~leases and contracts made under section 1501.07, 1501.09, or~~ 1860
~~1520.03 or Chapter 1523. of the Revised Code. With the approval of~~ 1861
~~the governor, the director, in accordance with section 5301.13 of~~ 1862
~~the Revised Code, if applicable, may sell, lease, or exchange~~ 1863
~~portions of, grant easements or licenses for the use of, or enter~~ 1864
~~into agreements for the sale of such lands, property, or waters in~~ 1865
~~an amount of one million dollars or more when the sale, lease,~~ 1866
~~exchange, easement, agreement, or license is advantageous to the~~ 1867
~~state.~~ Water may be sold from a reservoir only to the extent that 1868
the reservoir was designed to yield a supply of water for a 1869
purpose other than recreation or wildlife, and the water sold is 1870
in excess of that needed to maintain the reservoir for purposes of 1871
recreation or wildlife. 1872

Money received from such sales, leases, easements, exchanges, 1873
agreements, or licenses for use, except revenues required to be 1874
set aside or paid into depositories or trust funds for the payment 1875
of bonds issued under sections 1501.12 to 1501.15 of the Revised 1876
Code, and to maintain the required reserves therefor as provided 1877
in the orders authorizing the issuance of such bonds or the trust 1878
agreements securing such bonds, revenues required to be paid and 1879
credited pursuant to the bond proceeding applicable to obligations 1880
issued pursuant to section 154.22, and revenues generated under 1881
section 1520.05 of the Revised Code, shall be deposited in the 1882
state treasury to the credit of the fund of the division of the 1883
department having prior jurisdiction over the lands or property. 1884
If no such fund exists, the money shall be credited to the general 1885
revenue fund. All such money received from lands or properties 1886
administered by the division of wildlife shall be credited to the 1887
wildlife fund. 1888

(H) The director shall provide for the custody, safekeeping, 1889
and deposit of all moneys, checks, and drafts received by the 1890

department or its employees prior to paying them to the treasurer 1891
of state under section 113.08 of the Revised Code. 1892

(I) The director shall cooperate with the nature conservancy, 1893
other nonprofit organizations, and the United States fish and 1894
wildlife service in order to secure protection of islands in the 1895
Ohio river and the wildlife and wildlife habitat of those islands. 1896

(J) Any instrument by which real property is acquired 1897
pursuant to this section shall identify the agency of the state 1898
that has the use and benefit of the real property as specified in 1899
section 5301.012 of the Revised Code. 1900

Sec. 1501.011. (A) Except as provided in divisions (B), (C), 1901
and (D) of this section, the Ohio facilities construction 1902
commission shall supervise the design and construction of, and 1903
make contracts for the construction, reconstruction, improvement, 1904
enlargement, alteration, repair, or decoration of, any projects or 1905
improvements for the department of natural resources that may be 1906
authorized by legislative appropriations or any other funds 1907
available therefor, the estimated cost of which amounts to two 1908
hundred thousand dollars or more or the amount determined pursuant 1909
to section 153.53 of the Revised Code or more. 1910

(B) The department of natural resources shall administer the 1911
construction of improvements under an agreement with the 1912
supervisors of a soil and water conservation district pursuant to 1913
division (I) of section 1515.08 of the Revised Code. 1914

(C)(1) The department of natural resources shall supervise 1915
the design and construction of, and make contracts for the 1916
construction, reconstruction, improvement, enlargement, 1917
alteration, repair, or decoration of, any of the following 1918
activities, projects, or improvements: 1919

(a) Dam repairs administered by the division of engineering 1920

under Chapter 1507. of the Revised Code;	1921
(b) Projects or improvements administered by the division of watercraft and funded through the waterways safety fund established in section 1547.75 of the Revised Code;	1922 1923 1924
(c) Projects or improvements administered by the division of wildlife under Chapter 1531. or 1533. of the Revised Code;	1925 1926
(d) Activities conducted by the department pursuant to section 5511.05 of the Revised Code in order to maintain the department's roadway inventory.	1927 1928 1929
(2) If a contract to be let under division (C)(1) of this section involves an exigency that concerns the public health, safety, or welfare or addresses an emergency situation in which timeliness is crucial in preventing the cost of the contract from increasing significantly, pursuant to the declaration of a public exigency, the department may award the contract without competitive bidding or selection as otherwise required by Chapter 153. of the Revised Code.	1930 1931 1932 1933 1934 1935 1936 1937
<u>A notice published by the department of natural resources regarding an activity, project, or improvement shall be published as contemplated in section 7.16 of the Revised Code.</u>	1938 1939 1940
(D) The executive director of the Ohio facilities construction commission may authorize the department of natural resources to administer any other project or improvement, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is not more than one million five hundred thousand dollars.	1941 1942 1943 1944 1945 1946
Sec. 1509.01. As used in this chapter:	1947
(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such,	1948 1949 1950

but including natural or artificial brines and oil field waters.	1951
(B) "Oil" means crude petroleum oil and all other	1952
hydrocarbons, regardless of gravity, that are produced in liquid	1953
form by ordinary production methods, but does not include	1954
hydrocarbons that were originally in a gaseous phase in the	1955
reservoir.	1956
(C) "Gas" means all natural gas and all other fluid	1957
hydrocarbons that are not oil, including condensate.	1958
(D) "Condensate" means liquid hydrocarbons separated at or	1959
near the well pad or along the gas production or gathering system	1960
prior to gas processing.	1961
(E) "Pool" means an underground reservoir containing a common	1962
accumulation of oil or gas, or both, but does not include a gas	1963
storage reservoir. Each zone of a geological structure that is	1964
completely separated from any other zone in the same structure may	1965
contain a separate pool.	1966
(F) "Field" means the general area underlaid by one or more	1967
pools.	1968
(G) "Drilling unit" means the minimum acreage on which one	1969
well may be drilled, but does not apply to a well for injecting	1970
gas into or removing gas from a gas storage reservoir.	1971
(H) "Waste" includes all of the following:	1972
(1) Physical waste, as that term generally is understood in	1973
the oil and gas industry;	1974
(2) Inefficient, excessive, or improper use, or the	1975
unnecessary dissipation, of reservoir energy;	1976
(3) Inefficient storing of oil or gas;	1977
(4) Locating, drilling, equipping, operating, or producing an	1978
oil or gas well in a manner that reduces or tends to reduce the	1979
quantity of oil or gas ultimately recoverable under prudent and	1980

proper operations from the pool into which it is drilled or that 1981
causes or tends to cause unnecessary or excessive surface loss or 1982
destruction of oil or gas; 1983

(5) Other underground or surface waste in the production or 1984
storage of oil, gas, or condensate, however caused. 1985

(I) "Correlative rights" means the reasonable opportunity to 1986
every person entitled thereto to recover and receive the oil and 1987
gas in and under the person's tract or tracts, or the equivalent 1988
thereof, without having to drill unnecessary wells or incur other 1989
unnecessary expense. 1990

(J) "Tract" means a single, ~~individually taxed~~ individual 1991
~~parcel of land appearing on the tax list~~ or a portion of a single, 1992
individual parcel of land. 1993

(K) "Owner," unless referring to a mine, means the person who 1994
has the right to drill on a tract or drilling unit, to drill into 1995
and produce from a pool, and to appropriate the oil or gas 1996
produced therefrom either for the person or for others, except 1997
that a person ceases to be an owner with respect to a well when 1998
the well has been plugged in accordance with applicable rules 1999
adopted and orders issued under this chapter. "Owner" does not 2000
include a person who obtains a lease of the mineral rights for oil 2001
and gas on a parcel of land if the person does not attempt to 2002
produce or produce oil or gas from a well or obtain a permit under 2003
this chapter for a well or if the entire interest of a well is 2004
transferred to the person in accordance with division (B) of 2005
section 1509.31 of the Revised Code. 2006

(L) "Royalty interest" means the fee holder's share in the 2007
production from a well. 2008

(M) "Discovery well" means the first well capable of 2009
producing oil or gas in commercial quantities from a pool. 2010

(N) "Prepared clay" means a clay that is plastic and is 2011

thoroughly saturated with fresh water to a weight and consistency 2012
great enough to settle through saltwater in the well in which it 2013
is to be used, except as otherwise approved by the chief of the 2014
division of oil and gas resources management. 2015

(O) "Rock sediment" means the combined cutting and residue 2016
from drilling sedimentary rocks and formation. 2017

(P) "Excavations and workings," "mine," and "pillar" have the 2018
same meanings as in section 1561.01 of the Revised Code. 2019

(Q) "Coal bearing township" means a township designated as 2020
such by the chief of the division of mineral resources management 2021
under section 1561.06 of the Revised Code. 2022

(R) "Gas storage reservoir" means a continuous area of a 2023
subterranean porous sand or rock stratum or strata into which gas 2024
is or may be injected for the purpose of storing it therein and 2025
removing it therefrom and includes a gas storage reservoir as 2026
defined in section 1571.01 of the Revised Code. 2027

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 2028
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 2029
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 2030
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 2031
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 2032
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 2033
regulations adopted under those acts. 2034

(T) "Person" includes any political subdivision, department, 2035
agency, or instrumentality of this state; the United States and 2036
any department, agency, or instrumentality thereof; and any legal 2037
entity defined as a person under section 1.59 of the Revised Code. 2038

(U) "Brine" means all saline geological formation water 2039
resulting from, obtained from, or produced in connection with 2040
exploration, drilling, well stimulation, production of oil or gas, 2041
or plugging of a well. 2042

(V) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and other bodies of water, surface or underground, natural or artificial, that are situated wholly or partially within this state or within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(W) "Exempt Mississippian well" means a well that meets all of the following criteria:

(1) Was drilled and completed before January 1, 1980;

(2) Is located in an unglaciated part of the state;

(3) Was completed in a reservoir no deeper than the Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;

(4) Is used primarily to provide oil or gas for domestic use.

(X) "Exempt domestic well" means a well that meets all of the following criteria:

(1) Is owned by the owner of the surface estate of the tract on which the well is located;

(2) Is used primarily to provide gas for the owner's domestic use;

(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;

(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.

(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities. 2073
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(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations. 2079
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(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following: 2082
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(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery; 2091
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(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities; 2094
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(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, 2098
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and well completion activities;	2104
(4) Equipment and facilities at a wellpad or other location	2105
that are used for the transportation, handling, recycling,	2106
temporary storage, management, processing, or treatment of any	2107
equipment, material, and by-products or other substances from an	2108
operation at a wellpad that may be used or reused at the same or	2109
another operation at a wellpad or that will be disposed of in	2110
accordance with applicable laws and rules adopted under them.	2111
(BB) "Annular overpressurization" means the accumulation of	2112
fluids within an annulus with sufficient pressure to allow	2113
migration of annular fluids into underground sources of drinking	2114
water.	2115
(CC) "Idle and orphaned well" means a well for which a bond	2116
has been forfeited or an abandoned well for which no money is	2117
available to plug the well in accordance with this chapter and	2118
rules adopted under it.	2119
(DD) "Temporarily inactive well" means a well that has been	2120
granted temporary inactive status under section 1509.062 of the	2121
Revised Code.	2122
(EE) "Material and substantial violation" means any of the	2123
following:	2124
(1) Failure to obtain a permit to drill, reopen, convert,	2125
plugback, or plug a well under this chapter;	2126
(2) Failure to obtain, maintain, update, or submit proof of	2127
insurance coverage that is required under this chapter;	2128
(3) Failure to obtain, maintain, update, or submit proof of a	2129
surety bond that is required under this chapter;	2130
(4) Failure to plug an abandoned well or idle and orphaned	2131
well unless the well has been granted temporary inactive status	2132
under section 1509.062 of the Revised Code or the chief of the	2133

division of oil and gas resources management has approved another	2134
option concerning the abandoned well or idle and orphaned well;	2135
(5) Failure to restore a disturbed land surface as required	2136
by section 1509.072 of the Revised Code;	2137
(6) Failure to reimburse the oil and gas well fund pursuant	2138
to a final order issued under section 1509.071 of the Revised	2139
Code;	2140
(7) Failure to comply with a final nonappealable order of the	2141
chief issued under section 1509.04 of the Revised Code;	2142
(8) Failure to submit a report, test result, fee, or document	2143
that is required in this chapter or rules adopted under it;	2144
<u>(9) Failure to correct the violations identified in a</u>	2145
<u>compliance notice within sixty days after the issuance of the</u>	2146
<u>compliance notice unless another period of time is specified in</u>	2147
<u>the compliance notice;</u>	2148
<u>(10) Receiving compliance notices for the same or similar</u>	2149
<u>violations of this chapter or rules adopted under it that present</u>	2150
<u>an imminent danger to the health or safety of a person or result</u>	2151
<u>in or are likely to result in substantial damage to the natural</u>	2152
<u>resources of this state;</u>	2153
<u>(11) Submission of falsified information under this chapter.</u>	2154
(FF) "Severer" has the same meaning as in section 5749.01 of	2155
the Revised Code.	2156
(GG) "Horizontal well" means a well that is drilled for the	2157
production of oil or gas in which the wellbore reaches a	2158
horizontal or near horizontal position in the Point Pleasant,	2159
Utica, or Marcellus formation and the well is stimulated.	2160
(HH) "Well pad" means the area that is cleared or prepared	2161
for the drilling of one or more horizontal wells.	2162

Sec. 1509.02. There is hereby created in the department of 2163
natural resources the division of oil and gas resources 2164
management, which shall be administered by the chief of the 2165
division of oil and gas resources management. The division has 2166
sole and exclusive authority to regulate the permitting, location, 2167
and spacing of oil and gas wells and production operations within 2168
the state, excepting only those activities regulated under federal 2169
laws for which oversight has been delegated to the environmental 2170
protection agency and activities regulated under sections 6111.02 2171
to 6111.028 of the Revised Code. The regulation of oil and gas 2172
activities is a matter of general statewide interest that requires 2173
uniform statewide regulation, and this chapter and rules adopted 2174
under it constitute a comprehensive plan with respect to all 2175
aspects of the locating, drilling, well stimulation, completing, 2176
and operating of oil and gas wells within this state, including 2177
site construction and restoration, permitting related to those 2178
activities, and the disposal of wastes from those wells. In order 2179
to assist the division in the furtherance of its sole and 2180
exclusive authority as established in this section, the chief may 2181
enter into cooperative agreements with other state agencies for 2182
advice and consultation, including visitations at the surface 2183
location of a well on behalf of the division. Such cooperative 2184
agreements do not confer on other state agencies any authority to 2185
administer or enforce this chapter and rules adopted under it. In 2186
addition, such cooperative agreements shall not be construed to 2187
dilute or diminish the division's sole and exclusive authority as 2188
established in this section. Nothing in this section affects the 2189
authority granted to the director of transportation and local 2190
authorities in section 723.01 or 4513.34 of the Revised Code, 2191
provided that the authority granted under those sections shall not 2192
be exercised in a manner that discriminates against, unfairly 2193
impedes, or obstructs oil and gas activities and operations 2194

regulated under this chapter. 2195

The chief shall not hold any other public office, nor shall 2196
the chief be engaged in any occupation or business that might 2197
interfere with or be inconsistent with the duties as chief. 2198

All moneys collected by the chief pursuant to sections 2199
1509.06, ~~1509.061~~ 1509.091, 1509.062, 1509.071, 1509.13, 1509.22, 2200
1509.222, 1509.28, 1509.34, and 1509.50 of the Revised Code, 2201
ninety per cent of moneys received by the treasurer of state from 2202
the tax levied in divisions (A)(5) and (6) of section 5749.02 of 2203
the Revised Code, all civil penalties paid under section 1509.33 2204
of the Revised Code, and, notwithstanding any section of the 2205
Revised Code relating to the distribution or crediting of fines 2206
for violations of the Revised Code, all fines imposed under 2207
divisions (A) and (B) of section 1509.99 of the Revised Code and 2208
fines imposed under divisions (C) and (D) of section 1509.99 of 2209
the Revised Code for all violations prosecuted by the attorney 2210
general and for violations prosecuted by prosecuting attorneys 2211
that do not involve the transportation of brine by vehicle shall 2212
be deposited into the state treasury to the credit of the oil and 2213
gas well fund, which is hereby created. Fines imposed under 2214
divisions (C) and (D) of section 1509.99 of the Revised Code for 2215
violations prosecuted by prosecuting attorneys that involve the 2216
transportation of brine by vehicle and penalties associated with a 2217
compliance agreement entered into pursuant to this chapter shall 2218
be paid to the county treasury of the county where the violation 2219
occurred. 2220

The fund shall be used solely and exclusively for the 2221
purposes enumerated in division (B) of section 1509.071 of the 2222
Revised Code, for the expenses of the division associated with the 2223
administration of this chapter and Chapter 1571. of the Revised 2224
Code and rules adopted under them, and for expenses that are 2225
critical and necessary for the protection of human health and 2226

safety and the environment related to oil and gas production in 2227
this state. The expenses of the division in excess of the moneys 2228
available in the fund shall be paid from general revenue fund 2229
appropriations to the department. 2230

Sec. 1509.04. (A) The chief of the division of oil and gas 2231
resources management, or the chief's authorized representatives, 2232
shall enforce this chapter and the rules, terms and conditions of 2233
permits and registration certificates, and orders adopted or 2234
issued pursuant thereto, except that any peace officer, as defined 2235
in section 2935.01 of the Revised Code, may arrest for violations 2236
of this chapter involving transportation of brine by vehicle. The 2237
enforcement authority of the chief includes the authority to issue 2238
compliance notices and to enter into compliance agreements. 2239

(B)(1) The chief or the chief's authorized representative may 2240
issue an administrative order to an owner or other person for a 2241
violation of this chapter or rules adopted under it, terms and 2242
conditions of a permit issued under it, a registration certificate 2243
that is required under this chapter, or orders issued under this 2244
chapter. 2245

(2)(a) If an owner or other person who is required to submit 2246
a report, test result, fee, or document by this chapter or rules 2247
adopted under it submits a request for an extension of time to 2248
submit the report, test result, fee, or document to the chief 2249
prior to the date on which the report, test result, fee, or 2250
document is due, the chief may grant an extension of not more than 2251
sixty additional days from the original date on which the report, 2252
test result, fee, or document is due. 2253

(b) If an owner or other person who is required to submit a 2254
report, test result, fee, or document by this chapter or rules 2255
adopted under it fails to submit the report, test result, fee, or 2256
document before or on the date on which it is due and the chief 2257

has not granted an extension of time under division (B)(2)(a) of 2258
this section, the chief shall make a reasonable attempt ~~attempts~~ 2259
to notify the owner or other person of the failure to submit the 2260
report, test result, fee, or document. If an owner or other person 2261
who receives such a notification fails to submit the report, test 2262
result, fee, or document on or before thirty days after the date 2263
on which the chief so notified the owner or other person, the 2264
chief may issue an order under division ~~(B)(2)(e)(3)~~ of this 2265
section. 2266

~~(e)(3)~~ The chief may issue an order finding that an owner or 2267
other person has committed a material and substantial violation. 2268
In the order, the chief may suspend activities that are authorized 2269
under a permit or registration certificate that is issued under 2270
this chapter or revoke a permit or registration certificate. 2271

(C) The chief, by order, immediately may suspend drilling, 2272
operating, injection, brine transportation, or plugging activities 2273
~~that are related to a material and substantial violation~~ and 2274
suspend ~~and~~ or revoke an unused permit after finding either of the 2275
following: 2276

(1) An owner or other person has failed to comply with an 2277
order issued under division ~~(B)(2)(e)(3)~~ of this section that is 2278
final and nonappealable. 2279

(2) An owner or other person is causing, engaging in, or 2280
maintaining a condition or activity that the chief determines 2281
presents an imminent danger to the health or safety of ~~the public~~ 2282
a person or that results in or is likely to result in ~~immediate~~ 2283
substantial damage to the natural resources of this state. 2284

(D)(1) The chief may issue an order under division (C) of 2285
this section without prior notification if reasonable attempts to 2286
notify the owner or other person have failed or if the owner or 2287
other person is currently in material breach of a prior order, but 2288

in such an event notification shall be given as soon thereafter as 2289
practical. 2290

(2) Not later than five business days after the issuance of 2291
an order under division (C) of this section, the chief or the 2292
chief's designee shall provide the owner or other person an 2293
opportunity to be heard and to present evidence that one of the 2294
following applies: 2295

(a) The condition or activity does not present an imminent 2296
danger to the ~~public~~ health or safety of a person or is not likely 2297
to result in ~~immediate~~ substantial damage to natural resources. 2298

(b) ~~Required records, reports, or logs have been submitted~~ 2299
The condition or activity that is the basis of a material and 2300
substantial violation has been corrected. 2301

(3)(a) If the chief, after considering evidence presented by 2302
the owner or other person under division (D)(2)(a) of this 2303
section, determines that the activities do not present such a 2304
threat or that the ~~required records, reports, or logs have been~~ 2305
~~submitted under division (D)(2)(b) of this section~~ condition or 2306
activity that is the basis of a material and substantial violation 2307
has been corrected, the chief shall ~~revoke~~ rescind the order. ~~The~~ 2308

(b) If the chief, after considering evidence presented by the 2309
owner or other person under division (D)(2)(a) of this section, 2310
determines that the activities present such a threat or that the 2311
condition or activity that is the basis of a material and 2312
substantial violation has not been corrected, the chief may issue 2313
an order that does either of the following: 2314

(i) Suspends the drilling, operating, plugging, injection, or 2315
brine transportation activities of the owner or other person for a 2316
specified period of time; 2317

(ii) Revokes the permit or registration certificate, as 2318
applicable, associated with the drilling, operating, plugging, 2319

injection, or brine transportation activities of the owner or 2320
other person that is the basis of the suspension order issued 2321
under division (C) of this section. 2322

(c) The owner ~~may appeal~~ or other person to whom an order was 2323
issued under division (D)(3)(b) of this section may appeal the 2324
order to the oil and gas commission under section 1509.36 of the 2325
Revised Code or to the court of common pleas of the county in 2326
which the activity that is the subject of the order is located. 2327

(E) The chief may issue a bond forfeiture order pursuant to 2328
section 1509.071 of the Revised Code for failure to comply with a 2329
final nonappealable order issued or compliance agreement entered 2330
into under this section. 2331

(F) The chief may notify drilling contractors, transporters, 2332
service companies, or other similar entities of the compliance 2333
status of an owner. 2334

If the owner fails to comply with a prior enforcement action 2335
of the chief, the chief may issue a suspension order without prior 2336
notification, but in such an event the chief shall give notice as 2337
soon thereafter as practical. Not later than five ~~calendar~~ 2338
business days after the issuance of an order, the chief shall 2339
provide the owner an opportunity to be heard and to present 2340
evidence that required records, reports, or logs have been 2341
submitted. If the chief, after considering the evidence presented 2342
by the owner, determines that the requirements have been 2343
satisfied, the chief shall ~~revoke~~ rescind the suspension order. 2344
The owner may appeal a suspension order to the oil and gas 2345
commission under section 1509.36 of the Revised Code or to the 2346
court of common pleas of the county in which the activity that is 2347
the subject of the suspension order is located. 2348

(G) The prosecuting attorney of the county or the attorney 2349
general, upon the request of the chief, may apply to the court of 2350

common pleas in the county in which any of the provisions of this 2351
chapter or any rules, terms or conditions of a permit or 2352
registration certificate, or orders adopted or issued pursuant to 2353
this chapter are being violated for a temporary restraining order, 2354
preliminary injunction, or permanent injunction restraining any 2355
person from ~~such~~ the violation. 2356

Sec. 1509.05. (A) No person shall drill a new well, drill an 2357
existing well any deeper, reopen a well, convert a well to any use 2358
other than its original purpose, or plug back a well to a source 2359
of supply different from the existing pool, without having a 2360
permit to do so issued by the chief of the division of oil and gas 2361
resources management, and until the original permit or a 2362
photostatic copy thereof is posted or displayed in a conspicuous 2363
and easily accessible place at the well site, with the name, 2364
current address, and telephone number of the permit holder and the 2365
telephone numbers for fire and emergency medical services 2366
maintained on the posted permit or copy. The permit or a copy 2367
shall be continuously displayed in that manner at all times during 2368
the work authorized by the permit. 2369

(B) The chief may issue an order refusing to issue a permit 2370
required by this section or section 1509.21 or 1509.22 of the 2371
Revised Code to an applicant who at the time of application for a 2372
permit has been issued an order for a material and substantial 2373
violation and has failed to comply with the order. The chief shall 2374
refuse to issue a permit to an applicant who at the time of 2375
application for a permit has been found liable by a nonappealable 2376
order of a court of competent jurisdiction for damage to streets, 2377
roads, highways, bridges, culverts, or drainways under section 2378
4513.34 or 5577.12 of the Revised Code until the applicant 2379
provides the chief with evidence of compliance with the order. No 2380
applicant shall attempt to circumvent this division by applying 2381
for a permit under a different name or business organization name, 2382

by transferring responsibility to another person or entity, by 2383
abandoning a well or lease, or by any other similar act. 2384

Sec. 1509.051. (A) A person who has not been issued a permit 2385
or a registration certificate or who has not received an order 2386
authorizing activities under this chapter, but who intends to 2387
apply or has applied for such a permit, registration certificate, 2388
or order shall register with the division of oil and gas resources 2389
management on a form and in the manner prescribed by the chief of 2390
the division of oil and gas resources management. The registration 2391
shall include all of the following: 2392

(1) The name, address, and telephone number of the 2393
applicant's principal place of business; 2394

(2) The address and telephone number of the applicant's 2395
principal place of business in this state if it is different from 2396
the information provided under division (A)(1) of this section; 2397

(3) A listing of all key employees of the applicant; 2398

(4) A listing of all of the following during the five years 2399
immediately preceding the submission of the registration: 2400

(a) All consent orders entered into by the applicant or a key 2401
employee of the applicant in connection with any violation of the 2402
Federal Water Pollution Control Act by the applicant or a key 2403
employee of the applicant or in connection with any violation of 2404
this state's or any other state's laws implementing the Federal 2405
Water Pollution Control Act pursuant to delegation by the United 2406
States environmental protection agency by the applicant or a key 2407
employee of the applicant; 2408

(b) All administrative or civil enforcement orders issued to 2409
the applicant or a key employee of the applicant in connection 2410
with any violation of the Federal Water Pollution Control Act by 2411
the applicant or a key employee of the applicant or in connection 2412

with any violation of this state's or any other state's laws 2413
implementing the Federal Water Pollution Control Act pursuant to 2414
delegation by the United States environmental protection agency by 2415
the applicant or a key employee of the applicant; 2416

(c) All civil actions in which the applicant or a key 2417
employee of the applicant was determined by the trier of fact to 2418
be liable in damages or was the subject of injunctive relief or 2419
another type of civil relief in connection with any violation of 2420
the Federal Water Pollution Control Act by the applicant or a key 2421
employee of the applicant or in connection with any violation of 2422
this state's or any other state's laws implementing the Federal 2423
Water Pollution Control Act pursuant to delegation by the United 2424
States environmental protection agency by the applicant or a key 2425
employee of the applicant; 2426

(d) All criminal actions in which the applicant or a key 2427
employee of the applicant pleaded guilty to or was convicted of 2428
any violation of the Federal Water Pollution Control Act or any 2429
violation of this state's or any other state's laws implementing 2430
the Federal Water Pollution Control Act pursuant to delegation by 2431
the United States environmental protection agency. 2432

(B) The chief may issue an order denying an application 2433
submitted under this chapter if the chief finds from the 2434
information submitted under division (A) of this section that the 2435
applicant or any key employee of the applicant has a history of 2436
noncompliance with the Federal Water Pollution Control Act or with 2437
this state's or any other state's laws implementing the Federal 2438
Water Pollution Control Act pursuant to delegation by the United 2439
States environmental protection agency that indicates that the 2440
applicant lacks sufficient reliability, expertise, and competence 2441
to operate a proposed new well or brine transportation business or 2442
other facility or operation that is authorized by the permit or 2443
order, as applicable, in substantial compliance with this chapter 2444

and rules adopted under it. 2445

(C) The chief may issue an order denying an application 2446
submitted under this chapter if the chief finds that the 2447
information submitted under division (A) of this section is false 2448
or materially incomplete. 2449

(D) As used in this section: 2450

(1) "Applicant" means a person who intends to apply or has 2451
applied for a permit, registration certificate, or order 2452
authorizing activities under this chapter. 2453

(2) "Federal Water Pollution Control Act" has the same 2454
meaning as in section 6111.01 of the Revised Code. 2455

(3) "Key employee" means an individual who is employed by an 2456
applicant in a supervisory capacity or who is empowered to make 2457
discretionary decisions with respect to the operations of the 2458
applicant or another person who has supervisory capacity or who is 2459
empowered to make discretionary decisions with respect to the 2460
operations of the applicant. If the applicant has entered into a 2461
contract with another person to operate a well that is the subject 2462
of the application, "key employee" includes an employee of the 2463
contractor who acts in a supervisory capacity or is empowered to 2464
make discretionary decisions with respect to the operation of the 2465
well. "Key employee" does not include an employee who is 2466
exclusively engaged in any of the following: the physical or 2467
mechanical construction or operation of a well, physical or 2468
mechanical duties related to the transportation of brine, or in 2469
the physical or mechanical duties related to other activities 2470
authorized under this chapter. 2471

Sec. 1509.06. (A) An application for a permit to drill a new 2472
well, drill an existing well deeper, reopen a well, convert a well 2473
to any use other than its original purpose, or plug back a well to 2474

a different source of supply, including associated production 2475
operations, shall be filed with the chief of the division of oil 2476
and gas resources management upon such form as the chief 2477
prescribes and shall contain each of the following that is 2478
applicable: 2479

(1) The name and address of the owner and, if a corporation, 2480
the name and address of the statutory agent; 2481

(2) The signature of the owner or the owner's authorized 2482
agent. When an authorized agent signs an application, it shall be 2483
accompanied by a certified copy of the appointment as such agent. 2484

(3) The names and addresses of all persons holding the 2485
royalty interest in the tract upon which the well is located or is 2486
to be drilled or within a proposed drilling unit; 2487

(4) The location of the tract or drilling unit on which the 2488
well is located or is to be drilled identified by section or lot 2489
number, city, village, township, and county; 2490

(5) Designation of the well by name and number; 2491

(6)(a) The geological formation to be tested or used and the 2492
proposed total depth of the well; 2493

(b) If the well is for the injection of a liquid, identity of 2494
the geological formation to be used as the injection zone and the 2495
composition of the liquid to be injected. 2496

(7) The type of drilling equipment to be used; 2497

(8)(a) An identification, to the best of the owner's 2498
knowledge, of each proposed source of ground water and surface 2499
water that will be used in the production operations of the well. 2500
The identification of each proposed source of water shall indicate 2501
if the water will be withdrawn from the Lake Erie watershed or the 2502
Ohio river watershed. In addition, the owner shall provide, to the 2503
best of the owner's knowledge, the proposed estimated rate and 2504

volume of the water withdrawal for the production operations. If 2505
recycled water will be used in the production operations, the 2506
owner shall provide the estimated volume of recycled water to be 2507
used. The owner shall submit to the chief an update of any of the 2508
information that is required by division (A)(8)(a) of this section 2509
if any of that information changes before the chief issues a 2510
permit for the application. 2511

(b) Except as provided in division (A)(8)(c) of this section, 2512
for an application for a permit to drill a new well within an 2513
urbanized area, the results of sampling of water wells within 2514
three hundred feet of the proposed well prior to commencement of 2515
drilling. In addition, the owner shall include a list that 2516
identifies the location of each water well where the owner of the 2517
property on which the water well is located denied the owner 2518
access to sample the water well. The sampling shall be conducted 2519
in accordance with the guidelines established in "Best Management 2520
Practices For Pre-drilling Water Sampling" in effect at the time 2521
that the application is submitted. The division shall furnish 2522
those guidelines upon request and shall make them available on the 2523
division's web site. If the chief determines that conditions at 2524
the proposed well site warrant a revision, the chief may revise 2525
the distance established in this division for purposes of 2526
pre-drilling water sampling. 2527

(c) For an application for a permit to drill a new horizontal 2528
well, the results of sampling of water wells within one thousand 2529
five hundred feet of the proposed horizontal wellhead prior to 2530
commencement of drilling. In addition, the owner shall include a 2531
list that identifies the location of each water well where the 2532
owner of the property on which the water well is located denied 2533
the owner access to sample the water well. The sampling shall be 2534
conducted in accordance with the guidelines established in "Best 2535
Management Practices For Pre-drilling Water Sampling" in effect at 2536

the time that the application is submitted. The division shall 2537
furnish those guidelines upon request and shall make them 2538
available on the division's web site. If the chief determines that 2539
conditions at the proposed well site warrant a revision, the chief 2540
may revise the distance established in this division for purposes 2541
of pre-drilling water sampling. 2542

(9) For an application for a permit to drill a new well 2543
within an urbanized area, a sworn statement that the applicant has 2544
provided notice by regular mail of the application to the owner of 2545
each parcel of real property that is located within five hundred 2546
feet of the surface location of the well and to the executive 2547
authority of the municipal corporation or the board of township 2548
trustees of the township, as applicable, in which the well is to 2549
be located. In addition, the notice shall contain a statement that 2550
informs an owner of real property who is required to receive the 2551
notice under division (A)(9) of this section that within five days 2552
of receipt of the notice, the owner is required to provide notice 2553
under section 1509.60 of the Revised Code to each residence in an 2554
occupied dwelling that is located on the owner's parcel of real 2555
property. The notice shall contain a statement that an application 2556
has been filed with the division of oil and gas resources 2557
management, identify the name of the applicant and the proposed 2558
well location, include the name and address of the division, and 2559
contain a statement that comments regarding the application may be 2560
sent to the division. The notice may be provided by hand delivery 2561
or regular mail. The identity of the owners of parcels of real 2562
property shall be determined using the tax records of the 2563
municipal corporation or county in which a parcel of real property 2564
is located as of the date of the notice. 2565

(10) A plan for restoration of the land surface disturbed by 2566
drilling operations. The plan shall provide for compliance with 2567
the restoration requirements of division (A) of section 1509.072 2568

of the Revised Code and any rules adopted by the chief pertaining 2569
to that restoration. 2570

(11)(a) A description by name or number of the county, 2571
township, and municipal corporation roads, streets, and highways 2572
that the applicant anticipates will be used for access to and 2573
egress from the well site; 2574

(b) For an application for a permit for a horizontal well, a 2575
copy of an agreement concerning maintenance and safe use of the 2576
roads, streets, and highways described in division (A)(11)(a) of 2577
this section entered into on reasonable terms with the public 2578
official that has the legal authority to enter into such 2579
maintenance and use agreements for each county, township, and 2580
municipal corporation, as applicable, in which any such road, 2581
street, or highway is located or an affidavit on a form prescribed 2582
by the chief attesting that the owner attempted in good faith to 2583
enter into an agreement under division (A)(11)(b) of this section 2584
with the applicable public official of each such county, township, 2585
or municipal corporation, but that no agreement was executed. 2586

(12) Such other relevant information as the chief prescribes 2587
by rule. 2588

Each application shall be accompanied by a map, on a scale 2589
not smaller than four hundred feet to the inch, prepared by an 2590
Ohio registered surveyor, showing the location of the well and 2591
containing such other data as may be prescribed by the chief. If 2592
the well is or is to be located within the excavations and 2593
workings of a mine, the map also shall include the location of the 2594
mine, the name of the mine, and the name of the person operating 2595
the mine. 2596

(B) The chief shall cause a copy of the weekly circular 2597
prepared by the division to be provided to the county engineer of 2598
each county that contains active or proposed drilling activity. 2599

The weekly circular shall contain, in the manner prescribed by the chief, the names of all applicants for permits, the location of each well or proposed well, the information required by division (A)(11) of this section, and any additional information the chief prescribes. In addition, the chief promptly shall transfer an electronic copy or facsimile, or if those methods are not available to a municipal corporation or township, a copy via regular mail, of a drilling permit application to the clerk of the legislative authority of the municipal corporation or to the clerk of the township in which the well or proposed well is or is to be located if the legislative authority of the municipal corporation or the board of township trustees has asked to receive copies of such applications and the appropriate clerk has provided the chief an accurate, current electronic mailing address or facsimile number, as applicable.

(C)(1) Except as provided in division (C)(2) of this section, the chief shall not issue a permit for at least ten days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief waives that period or a request for expedited review is filed under this section. However, the chief shall issue a permit within twenty-one days of the filing of the application unless the chief denies the application by order.

(2) If the location of a well or proposed well will be or is within an urbanized area, the chief shall not issue a permit for at least eighteen days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief waives that period or the chief at the chief's discretion grants a request for an expedited review. However, the chief shall issue a permit for a well or proposed well within an urbanized area within thirty days of the filing of the application unless the chief denies the application by order.

(D) An applicant may file a request with the chief for

expedited review of a permit application if the well is not or is 2632
not to be located in a gas storage reservoir or reservoir 2633
protective area, as "reservoir protective area" is defined in 2634
section 1571.01 of the Revised Code. If the well is or is to be 2635
located in a coal bearing township, the application shall be 2636
accompanied by the affidavit of the landowner prescribed in 2637
section 1509.08 of the Revised Code. 2638

In addition to a complete application for a permit that meets 2639
the requirements of this section and the permit fee prescribed by 2640
this section, a request for expedited review shall be accompanied 2641
by a separate nonrefundable filing fee of two hundred fifty 2642
dollars. Upon the filing of a request for expedited review, the 2643
chief shall cause the county engineer of the county in which the 2644
well is or is to be located to be notified of the filing of the 2645
permit application and the request for expedited review by 2646
telephone or other means that in the judgment of the chief will 2647
provide timely notice of the application and request. The chief 2648
shall issue a permit within seven days of the filing of the 2649
request unless the chief denies the application by order. 2650
Notwithstanding the provisions of this section governing expedited 2651
review of permit applications, the chief may refuse to accept 2652
requests for expedited review if, in the chief's judgment, the 2653
acceptance of the requests would prevent the issuance, within 2654
twenty-one days of their filing, of permits for which applications 2655
are pending. 2656

(E) A well shall be drilled and operated in accordance with 2657
the plans, sworn statements, and other information submitted in 2658
the approved application. 2659

(F) The chief shall issue an order denying a permit if the 2660
chief finds that there is a substantial risk that the operation 2661
will result in violations of this chapter or rules adopted under 2662
it that will present an imminent danger to public health or safety 2663

or damage to the environment, provided that where the chief finds 2664
that terms or conditions to the permit can reasonably be expected 2665
to prevent such violations, the chief shall issue the permit 2666
subject to those terms or conditions, including, if applicable, 2667
terms and conditions regarding subjects identified in rules 2668
adopted under section 1509.03 of the Revised Code. The issuance of 2669
a permit shall not be considered an order of the chief. 2670

The chief shall post notice of each permit that has been 2671
approved under this section on the division's web site not later 2672
than two business days after the application for a permit has been 2673
approved. 2674

(G) Each application for a permit required by section 1509.05 2675
of the Revised Code, except an application ~~to plug back an~~ 2676
~~existing well that is required by that section and an application~~ 2677
for a well drilled or reopened for purposes of section 1509.22 of 2678
the Revised Code, also shall be accompanied by a nonrefundable fee 2679
as follows: 2680

(1) Five hundred dollars for a permit to conduct activities 2681
in a township with a population of fewer than ten thousand; 2682

(2) Seven hundred fifty dollars for a permit to conduct 2683
activities in a township with a population of ten thousand or 2684
more, but fewer than fifteen thousand; 2685

(3) One thousand dollars for a permit to conduct activities 2686
in either of the following: 2687

(a) A township with a population of fifteen thousand or more; 2688

(b) A municipal corporation regardless of population. 2689

(4) If the application is for a permit that requires 2690
mandatory pooling, an additional five thousand dollars. 2691

For purposes of calculating fee amounts, populations shall be 2692
determined using the most recent federal decennial census. 2693

Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.

(H)(1) Prior to the commencement of well pad construction and prior to the issuance of a permit to drill a proposed horizontal well or a proposed well that is to be located in an urbanized area, the division shall conduct a site review to identify and evaluate any site-specific terms and conditions that may be attached to the permit. At the site review, a representative of the division shall consider fencing, screening, and landscaping requirements, if any, for similar structures in the community in which the well is proposed to be located. The terms and conditions that are attached to the permit shall include the establishment of fencing, screening, and landscaping requirements for the surface facilities of the proposed well, including a tank battery of the well.

(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate any site-specific terms and conditions that may be attached to the permit if the proposed well will be located in a one-hundred-year floodplain or within the five-year time of travel associated with a public drinking water supply.

(I) A permit shall be issued by the chief in accordance with this chapter. A permit issued under this section for a well that is or is to be located in an urbanized area shall be valid for twelve months, and all other permits issued under this section shall be valid for twenty-four months.

(J) An applicant or a permittee, as applicable, shall submit to the chief an update of the information that is required under division (A)(8)(a) of this section if any of that information changes prior to commencement of production operations.

(K) A permittee or a permittee's authorized representative 2725
shall notify an inspector from the division at least twenty-four 2726
hours, or another time period agreed to by the chief's authorized 2727
representative, prior to the commencement of well pad construction 2728
and of drilling, reopening, converting, well stimulation, or 2729
plugback operations. 2730

Sec. 1509.08. Upon receipt of an application for a permit 2731
required by section 1509.05 of the Revised Code, or upon receipt 2732
of an application for a permit to plug and abandon under section 2733
1509.13 of the Revised Code, the chief of the division of oil and 2734
gas resources management shall determine whether the well is or is 2735
to be located in a coal bearing township. 2736

~~Whether or not the well is or is to be located in a coal 2737
bearing township, the chief, by order, may refuse to issue a 2738
permit required by section 1509.05 of the Revised Code to any 2739
applicant who at the time of applying for the permit is in 2740
material or substantial violation of this chapter or rules adopted 2741
or orders issued under it. The chief shall refuse to issue a 2742
permit to any applicant who at the time of applying for the permit 2743
has been found liable by a final nonappealable order of a court of 2744
competent jurisdiction for damage to streets, roads, highways, 2745
bridges, culverts, or drainways pursuant to section 4513.34 or 2746
5577.12 of the Revised Code until the applicant provides the chief 2747
with evidence of compliance with the order. No applicant shall 2748
attempt to circumvent this provision by applying for a permit 2749
under a different name or business organization name, by 2750
transferring responsibility to another person or entity, by 2751
abandoning the well or lease, or by any other similar act. 2752~~

If the well is not or is not to be located in a coal bearing 2753
township, or if it is to be located in a coal bearing township, 2754
but the landowner submits an affidavit attesting to ownership of 2755

the property in fee simple, including the coal, and has no 2756
objection to the well, the chief shall issue the permit. 2757

If the application to drill, reopen, or convert concerns a 2758
well that is or is to be located in a coal bearing township, the 2759
chief shall transmit to the chief of the division of mineral 2760
resources management two copies of the application and three 2761
copies of the map required in section 1509.06 of the Revised Code, 2762
except that, when the affidavit with the waiver of objection 2763
described above is submitted, the chief of the division of oil and 2764
gas resources management shall not transmit the copies. 2765

The chief of the division of mineral resources management 2766
immediately shall notify the owner or lessee of any affected mine 2767
that the application has been filed and send to the owner or 2768
lessee two copies of the map accompanying the application setting 2769
forth the location of the well. 2770

If the owner or lessee objects to the location of the well or 2771
objects to any location within fifty feet of the original location 2772
as a possible site for relocation of the well, the owner or lessee 2773
shall notify the chief of the division of mineral resources 2774
management of the objection, giving the reasons for the objection 2775
and, if applicable, indicating on a copy of the map the particular 2776
location or locations within fifty feet of the original location 2777
to which the owner or lessee objects as a site for possible 2778
relocation of the well, within six days after the receipt of the 2779
notice. If the chief receives no objections from the owner or 2780
lessee of the mine within ten days after the receipt of the notice 2781
by the owner or lessee, or if in the opinion of the chief the 2782
objections offered by the owner or lessee are not sufficiently 2783
well founded, the chief immediately shall notify the owner or 2784
lessee of those findings. The owner or lessee may appeal the 2785
decision of the chief to the reclamation commission under section 2786
1513.13 of the Revised Code. The appeal shall be filed within 2787

fifteen days, notwithstanding provisions in ~~divisions~~ division 2788
(A)(1) of section 1513.13 of the Revised Code to the contrary, 2789
from the date on which the owner or lessee receives the notice. If 2790
the appeal is not filed within that time, the chief immediately 2791
shall approve the application, retain a copy of the application 2792
and map, and return a copy of the application to the chief of the 2793
division of oil and gas resources management with the approval 2794
noted on it. The chief of the division of oil and gas resources 2795
management then shall issue the permit if the provisions of this 2796
chapter pertaining to the issuance of such a permit have been 2797
complied with. 2798

If the chief of the division of mineral resources management 2799
receives an objection from the owner or lessee of the mine as to 2800
the location of the well within ten days after receipt of the 2801
notice by the owner or lessee, and if in the opinion of the chief 2802
the objection is well founded, the chief shall disapprove the 2803
application and immediately return it to the chief of the division 2804
of oil and gas resources management together with the reasons for 2805
disapproval and a suggestion for a new location for the well, 2806
provided that the suggested new location shall not be a location 2807
within fifty feet of the original location to which the owner or 2808
lessee has objected as a site for possible relocation of the well 2809
if the chief of the division of mineral resources management has 2810
determined that the objection is well founded. The chief of the 2811
division of oil and gas resources management immediately shall 2812
notify the applicant for the permit of the disapproval and any 2813
suggestion made by the chief of the division of mineral resources 2814
management as to a new location for the well. The applicant may 2815
withdraw the application or amend the application to drill the 2816
well at the location suggested by the chief, or the applicant may 2817
appeal the disapproval of the application by the chief to the 2818
reclamation commission. 2819

If the chief of the division of mineral resources management 2820
receives no objection from the owner or lessee of a mine as to the 2821
location of the well, but does receive an objection from the owner 2822
or lessee as to one or more locations within fifty feet of the 2823
original location as possible sites for relocation of the well 2824
within ten days after receipt of the notice by the owner or 2825
lessee, and if in the opinion of the chief the objection is well 2826
founded, the chief nevertheless shall approve the application and 2827
shall return it immediately to the chief of the division of oil 2828
and gas resources management together with the reasons for 2829
disapproving any of the locations to which the owner or lessee 2830
objects as possible sites for the relocation of the well. The 2831
chief of the division of oil and gas resources management then 2832
shall issue a permit if the provisions of this chapter pertaining 2833
to the issuance of such a permit have been complied with, 2834
incorporating as a term or condition of the permit that the 2835
applicant is prohibited from commencing drilling at any location 2836
within fifty feet of the original location that has been 2837
disapproved by the chief of the division of mineral resources 2838
management. The applicant may appeal to the reclamation commission 2839
the terms and conditions of the permit prohibiting the 2840
commencement of drilling at any such location disapproved by the 2841
chief of the division of mineral resources management. 2842

Any such appeal shall be filed within fifteen days, 2843
notwithstanding provisions in division (A)(1) of section 1513.13 2844
of the Revised Code to the contrary, from the date the applicant 2845
receives notice of the disapproval of the application, any other 2846
location within fifty feet of the original location, or terms or 2847
conditions of the permit, or the owner or lessee receives notice 2848
of the chief's decision. No approval or disapproval of an 2849
application shall be delayed by the chief of the division of 2850
mineral resources management for more than fifteen days from the 2851
date of sending the notice of the application to the mine owner or 2852

lessee as required by this section. 2853

All appeals provided for in this section shall be treated as 2854
expedited appeals. The reclamation commission shall hear any such 2855
appeal in accordance with section 1513.13 of the Revised Code and 2856
issue a decision within thirty days of the filing of the notice of 2857
appeal. 2858

The chief of the division of oil and gas resources management 2859
shall not issue a permit to drill a new well or reopen a well that 2860
is or is to be located within three hundred feet of any opening of 2861
any mine used as a means of ingress, egress, or ventilation for 2862
persons employed in the mine, nor within one hundred feet of any 2863
building or inflammable structure connected with the mine and 2864
actually used as a part of the operating equipment of the mine, 2865
unless the chief of the division of mineral resources management 2866
determines that life or property will not be endangered by 2867
drilling and operating the well in that location. 2868

The chief of the division of mineral resources management may 2869
suspend the drilling or reopening of a well in a coal bearing 2870
township after determining that the drilling or reopening 2871
activities present an imminent and substantial threat to public 2872
health or safety or to miners' health or safety and having been 2873
unable to contact the chief of the division of oil and gas 2874
resources management to request an order of suspension under 2875
section 1509.06 of the Revised Code. Before issuing a suspension 2876
order for that purpose, the chief of the division of mineral 2877
resources management shall notify the owner in a manner that in 2878
the chief's judgment would provide reasonable notification that 2879
the chief intends to issue a suspension order. The chief may issue 2880
such an order without prior notification if reasonable attempts to 2881
notify the owner have failed, but in that event notification shall 2882
be given as soon thereafter as practical. Within five calendar 2883
days after the issuance of the order, the chief shall provide the 2884

owner an opportunity to be heard and to present evidence that the 2885
activities do not present an imminent and substantial threat to 2886
public health or safety or to miners' health or safety. If, after 2887
considering the evidence presented by the owner, the chief 2888
determines that the activities do not present such a threat, the 2889
chief shall revoke the suspension order. An owner may appeal a 2890
suspension order issued by the chief of the division of mineral 2891
resources management under this section to the reclamation 2892
commission in accordance with section 1513.13 of the Revised Code 2893
or may appeal the order directly to the court of common pleas of 2894
the county in which the well is located. 2895

Sec. ~~1509.061~~ 1509.091. An owner of a well who has been 2896
issued a permit under section 1509.06 of the Revised Code may 2897
submit to the chief of the division of oil and gas resources 2898
management, on a form prescribed by the chief, a request to revise 2899
an existing tract upon which exists a producing or idle well. The 2900
chief shall adopt, and may amend and rescind, rules under section 2901
1509.03 of the Revised Code that are necessary for the 2902
administration of this section. The rules at least shall stipulate 2903
the information to be included on the request form and shall 2904
establish a fee to be paid by the person submitting the request, 2905
which fee shall not exceed two hundred fifty dollars. 2906

The chief shall approve a request submitted under this 2907
section unless it would result in a violation of this chapter or 2908
rules adopted under it, including provisions establishing spacing 2909
or minimum acreage requirements. 2910

Sec. 1509.11. (A)(1) The owner of any well, except a 2911
horizontal well, that is producing or capable of producing oil or 2912
gas shall file with the chief of the division of oil and gas 2913
resources management, on or before the thirty-first day of March, 2914
a statement of production of oil, gas, and brine for the last 2915

preceding calendar year in such form as the chief may prescribe. 2916
An owner that has more than one hundred such wells in this state 2917
shall submit electronically the statement of production in a 2918
format that is approved by the chief. ~~The chief shall include on~~ 2919
~~the form, at the minimum, a request for the submittal of the~~ 2920
~~information that a person who is regulated under this chapter is~~ 2921
~~required to submit under the "Emergency Planning and Community~~ 2922
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and~~ 2923
~~regulations adopted under it, and that the division of oil and gas~~ 2924
~~resources management does not obtain through other reporting~~ 2925
~~mechanisms.~~ 2926

(2) The owner of any horizontal well that is producing or 2927
capable of producing oil or gas shall file with the chief, on the 2928
forty-fifth day following the close of each calendar quarter, a 2929
statement of production of oil, gas, and brine for the preceding 2930
calendar quarter in a form that the chief prescribes. An owner 2931
that has more than one hundred horizontal wells in this state 2932
shall submit electronically the statement of production in a 2933
format that is approved by the chief. ~~The chief shall include on~~ 2934
~~the form, at a minimum, a request for the submittal of the~~ 2935
~~information that a person who is regulated under this chapter is~~ 2936
~~required to submit under the "Emergency Planning and Community~~ 2937
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and~~ 2938
~~regulations adopted under it, and that the division does not~~ 2939
~~obtain through other reporting mechanisms.~~ 2940

(B) The chief shall not disclose information received from 2941
the department of taxation under division (C)(12) of section 2942
5703.21 of the Revised Code until the related statement of 2943
production required by division (A) of this section is filed with 2944
the chief. 2945

Sec. 1509.222. (A)(1) Except as provided in section 1509.226 2946

of the Revised Code, no person shall transport brine ~~by vehicle~~ in 2947
this state unless the business entity that employs the person 2948
first registers with and obtains a registration certificate and 2949
identification number from the chief of the division of oil and 2950
gas resources management. 2951

(2) No more than one registration certificate shall be 2952
required of any business entity. Registration certificates issued 2953
under this section are not transferable. An applicant shall file 2954
an application with the chief, containing such information in such 2955
form as the chief prescribes. The application shall include at 2956
least all of the following: 2957

(a) A list that identifies each pipeline, vehicle, vessel, 2958
railcar, and container that will be used in the transportation of 2959
brine; 2960

(b) A plan for disposal that provides for compliance with the 2961
requirements of this chapter and rules of the chief pertaining to 2962
the transportation of brine ~~by vehicle~~ and the disposal of brine 2963
so transported and that lists all disposal sites that the 2964
applicant intends to use; 2965

(c) The bond required by section 1509.225 of the Revised 2966
Code; 2967

(d) A certificate issued by an insurance company authorized 2968
to do business in this state certifying that the applicant has in 2969
force a liability insurance policy in an amount not less than 2970
three hundred thousand dollars bodily injury coverage and three 2971
hundred thousand dollars property damage coverage to pay damages 2972
for injury to persons or property caused by the collecting, 2973
handling, transportation, or disposal of brine. 2974

The insurance policy required by division (A)(2)(d) of this 2975
section shall be maintained in effect during the term of the 2976
registration certificate. The policy or policies providing the 2977

coverage shall require the insurance company to give notice to the 2978
chief if the policy or policies lapse for any reason. Upon such 2979
termination of the policy, the chief may suspend the registration 2980
certificate until proper insurance coverage is obtained. 2981

(3) Each application for a registration certificate shall be 2982
accompanied by a nonrefundable fee of five hundred dollars. 2983

(4) If a business entity that has been issued a registration 2984
certificate under this section changes its name due to a business 2985
reorganization or merger, the business entity shall revise the 2986
bond or certificates of deposit required by section 1509.225 of 2987
the Revised Code and obtain a new certificate from an insurance 2988
company in accordance with division (A)(2)~~(e)~~(d) of this section 2989
to reflect the change in the name of the business entity. 2990

(B) The chief shall issue an order denying an application for 2991
a registration certificate if the chief finds that either of the 2992
following applies: 2993

(1) The applicant, at the time of applying for the 2994
registration certificate, has been found liable by a final 2995
nonappealable order of a court of competent jurisdiction for 2996
damage to streets, roads, highways, bridges, culverts, or 2997
drainways pursuant to section 4513.34 or 5577.12 of the Revised 2998
Code until the applicant provides the chief with evidence of 2999
compliance with the order. 3000

(2) The applicant's plan for disposal does not provide for 3001
compliance with the requirements of this chapter and rules of the 3002
chief pertaining to the transportation of brine ~~by vehicle~~ and the 3003
disposal of brine so transported. 3004

(C) No applicant shall attempt to circumvent division (B) of 3005
this section by applying for a registration certificate under a 3006
different name or business organization name, by transferring 3007
responsibility to another person or entity, or by any similar act. 3008

(D) A registered transporter shall not allow any other person 3009
to use the transporter's registration certificate to transport 3010
brine. 3011

(E) A registered transporter shall apply to revise a disposal 3012
plan under procedures that the chief shall prescribe by rule. 3013
However, at a minimum, an application for a revision shall list 3014
all ~~sources and~~ disposal sites of brine currently transported. The 3015
chief shall deny any application for a revision of a plan under 3016
this division if the chief finds that the proposed revised plan 3017
does not provide for compliance with the requirements of this 3018
chapter and rules of the chief pertaining to the transportation of 3019
brine ~~by vehicle~~ and the disposal of brine so transported. 3020
~~Approvals and denials of revisions shall be by order of the chief.~~ 3021

~~(E)~~(F) The chief may adopt rules, issue orders, and attach 3022
terms and conditions to registration certificates as may be 3023
necessary to administer, implement, and enforce sections 1509.222 3024
to 1509.226 of the Revised Code for protection of public health or 3025
safety or conservation of natural resources. 3026

Sec. 1509.223. (A)(1) No permit holder or owner of a well 3027
shall enter into an agreement with or permit any person to 3028
transport brine produced from the well who is not registered 3029
pursuant to section 1509.222 of the Revised Code or exempt from 3030
registration under section 1509.226 of the Revised Code. 3031

(2) No permit holder or owner of a well for which a permit 3032
has been issued under division (D) of section 1509.22 of the 3033
Revised Code shall enter into an agreement with or permit any 3034
person who is not registered pursuant to section 1509.222 of the 3035
Revised Code to dispose of brine at the well. 3036

(B) Each registered transporter shall file with the chief of 3037
the division of oil and gas resources management, on or before the 3038
fifteenth day of April, a statement concerning brine transported, 3039

including quantities transported and source and delivery points, 3040
during the last preceding calendar year, and such other 3041
information in such form as the chief may prescribe. 3042

(C) Each registered transporter shall keep on each vehicle, 3043
vessel, railcar, and container used to transport brine a daily log 3044
and have it available upon the request of the chief ~~or~~, an 3045
authorized representative of the chief, or a peace officer. In 3046
addition, each registered transporter shall keep a daily log for 3047
each pipeline used to transport brine and have it available upon 3048
the request of the chief, an authorized representative of the 3049
chief, or a peace officer. The log shall, at a minimum, include 3050
all of the following information: 3051

(1) The name of the owner or owners of the well or wells 3052
producing the brine to be transported; 3053

(2) The date and time the brine is loaded or transported 3054
through a pipeline, as applicable; 3055

(3) The name of the driver, if applicable; 3056

(4) The amount of brine loaded at each collection point or 3057
the amount of brine transported through a pipeline, as applicable; 3058

(5) The disposal location; 3059

(6) The date and time the brine is disposed of and the amount 3060
of brine disposed of at each location. 3061

The chief, by rule, may establish procedures for the 3062
electronic submission to the chief of the information that is 3063
required to be included in ~~the~~ a daily log. No registered 3064
transporter shall falsify or fail to keep or submit ~~the~~ a log 3065
required by this division. 3066

(D) Each registered transporter shall legibly identify with 3067
reflective paints all vehicles, vessels, railcars, and containers 3068
employed in transporting or disposing of brine. Letters shall be 3069

no less than four inches in height and shall indicate the 3070
identification number issued by the chief, the word "brine," and 3071
the name and telephone number of the transporter. 3072

Each registered transporter shall legibly identify each 3073
pipeline employed in transporting or disposing of brine on the 3074
surface of the ground in a manner similar to the identification of 3075
underground gas lines. The identification shall include the 3076
identification number issued by the chief, the word "brine," and 3077
the name and telephone number of the transporter. 3078

(E) The chief shall maintain and keep a current list of 3079
persons registered to transport brine under section 1509.222 of 3080
the Revised Code. The list shall be open to public inspection. It 3081
is an affirmative defense to a charge under division (A) of this 3082
section that at the time the permit holder or owner of a well 3083
entered into an agreement with or permitted a person to transport 3084
or dispose of brine, the person was shown on the list as currently 3085
registered to transport brine. 3086

Sec. 1509.23. ~~(A)~~ Rules of the chief of the division of oil 3087
and gas resources management may specify practices to be followed 3088
in the drilling and treatment of wells, production of oil and gas, 3089
and plugging of wells for protection of public health or safety or 3090
to prevent damage to natural resources, including specification of 3091
the following: 3092

~~(1)~~(A) Appropriate devices; 3093

~~(2)~~(B) Minimum distances that wells and other excavations, 3094
structures, and equipment shall be located from water wells, 3095
streets, roads, highways, rivers, lakes, streams, ponds, other 3096
bodies of water, railroad tracks, public or private recreational 3097
areas, zoning districts, and buildings or other structures. Rules 3098
adopted under this division ~~(A)(2) of this section~~ shall not 3099
conflict with section 1509.021 of the Revised Code. 3100

~~(3)(C)~~ Other methods of operation; 3101

~~(4)(D)~~ Procedures, methods, and equipment and other 3102
requirements for equipment to prevent and contain discharges of 3103
oil and brine from oil production facilities and oil drilling and 3104
workover facilities consistent with and equivalent in scope, 3105
content, and coverage to section 311(j)(1)(c) of the "Federal 3106
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 3107
U.S.C.A. 1251, as amended, and regulations adopted under it. In 3108
addition, the rules may specify procedures, methods, and equipment 3109
and other requirements for equipment to prevent and contain 3110
surface and subsurface discharges of fluids, condensates, and 3111
gases. 3112

~~(5)(E)~~ Notifications; 3113

~~(6)(F)~~ Requirements governing the location and construction 3114
of fresh water impoundments that are part of a production 3115
operation. 3116

~~(B)~~ The chief, in consultation with the emergency response 3117
commission created in section 3750.02 of the Revised Code, shall 3118
adopt rules in accordance with Chapter 119. of the Revised Code 3119
that specify the information that shall be included in an 3120
electronic database that the chief shall create and host. The 3121
information shall be that which the chief considers to be 3122
appropriate for the purpose of responding to emergency situations 3123
that pose a threat to public health or safety or the environment. 3124
At the minimum, the information shall include that which a person 3125
who is regulated under this chapter is required to submit under 3126
the "Emergency Planning and Community Right To Know Act of 1986," 3127
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 3128
it. 3129

~~In addition, the rules shall specify whether and to what 3130
extent the database and the information that it contains will be 3131~~

~~made accessible to the public. The rules shall ensure that the~~ 3132
~~database will be made available via the internet or a system of~~ 3133
~~computer disks to the emergency response commission and to every~~ 3134
~~local emergency planning committee and fire department in this~~ 3135
~~state.~~ 3136

Sec. 1509.27. If a tract ~~of land~~ is of insufficient size or 3137
shape to meet the requirements for drilling a well thereon as 3138
provided in section 1509.24 or 1509.25 of the Revised Code, 3139
whichever is applicable, and the owner ~~of the tract who also is~~ 3140
~~the owner of the mineral interest~~ has been unable to form a 3141
drilling unit under agreement as provided in section 1509.26 of 3142
the Revised Code, on a just and equitable basis, such an owner may 3143
make application to the division of oil and gas resources 3144
management for a mandatory pooling order. 3145

The application shall include information as shall be 3146
reasonably required by the chief of the division of oil and gas 3147
resources management and shall be accompanied by an application 3148
for a permit as required by section 1509.05 of the Revised Code. 3149
The chief shall notify all mineral rights owners of land tracts 3150
within the area proposed to be pooled by an order and included 3151
within the drilling unit of the filing of the application and of 3152
their right to a hearing. After the hearing or after the 3153
expiration of thirty days from the date notice of application was 3154
mailed to such owners, the chief, if satisfied that the 3155
application is proper in form and that mandatory pooling is 3156
necessary to protect correlative rights and to provide effective 3157
development, use, and conservation of oil and gas, shall issue a 3158
drilling permit and a mandatory pooling order complying with the 3159
requirements for drilling a well as provided in section 1509.24 or 3160
1509.25 of the Revised Code, whichever is applicable. The 3161
mandatory pooling order shall: 3162

(A) Designate the boundaries of the drilling unit within which the well shall be drilled;	3163 3164
(B) Designate the proposed production site;	3165
(C) Describe each separately owned tract or part thereof pooled by the order;	3166 3167
(D) Allocate on a surface acreage basis a pro rata portion of the production to the owner of each tract pooled by the order. The pro rata portion shall be in the same proportion that the percentage of the owner's <u>tract's</u> acreage is to the state minimum acreage requirements established in rules adopted under this chapter for a drilling unit unless the applicant demonstrates to the chief using geological evidence that the geologic structure containing the oil or gas is larger than the minimum acreage requirement in which case the pro rata portion shall be in the same proportion that the percentage of the owner's <u>tract's</u> acreage is to the geologic structure.	3168 3169 3170 3171 3172 3173 3174 3175 3176 3177 3178
(E) Specify the basis upon which each <u>mineral rights</u> owner of a tract pooled by the order shall share all reasonable costs and expenses of drilling and producing if the <u>mineral rights</u> owner elects to participate in the drilling and operation of the well;	3179 3180 3181 3182
(F) Designate the person to whom the permit shall be issued.	3183
A person shall not submit more than five applications for mandatory pooling orders per year under this section unless otherwise approved by the chief.	3184 3185 3186
No surface operations or disturbances to the surface of the land shall occur on a tract pooled by an order without the written consent of or a written agreement with the <u>surface rights</u> owner of the tract that approves the operations or disturbances.	3187 3188 3189 3190
If an <u>a mineral rights</u> owner of a tract pooled by the order does not elect to participate in the risk and cost of the drilling	3191 3192

and operation of a well, the mineral rights owner shall be 3193
designated as a nonparticipating owner in the drilling and 3194
operation of the well on a limited or carried basis and is subject 3195
to terms and conditions determined by the chief to be just and 3196
reasonable. In addition, if ~~an~~ a mineral rights owner is 3197
designated as a nonparticipating owner, the mineral rights owner 3198
is not liable for actions or conditions associated with the 3199
drilling or operation of the well. If the applicant bears the 3200
costs of drilling, equipping, and operating a well for the benefit 3201
of a nonparticipating owner, as provided for in the pooling order, 3202
then the applicant shall be entitled to the share of production 3203
from the drilling unit accruing to the interest of that 3204
nonparticipating owner, exclusive of the nonparticipating owner's 3205
proportionate share of the royalty interest until there has been 3206
received the share of costs charged to that nonparticipating owner 3207
plus such additional percentage of the share of costs as the chief 3208
shall determine. The total amount receivable hereunder shall in no 3209
event exceed two hundred per cent of the share of costs charged to 3210
that nonparticipating owner. After receipt of that share of costs 3211
by such an applicant, a nonparticipating owner shall receive a 3212
proportionate share of the working interest in the well in 3213
addition to a proportionate share of the royalty interest, if any. 3214

If there is a dispute as to costs of drilling, equipping, or 3215
operating a well, the chief shall determine those costs. 3216

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 3217
1509.31 of the Revised Code, or any rules adopted or orders or 3218
terms or conditions of a permit or registration certificate issued 3219
pursuant to these sections for which no specific penalty is 3220
provided in this section, shall pay a civil penalty of not more 3221
than ~~four~~ ten thousand dollars for each offense. 3222

(B) Whoever violates section 1509.221 of the Revised Code or 3223

any rules adopted or orders or terms or conditions of a permit 3224
issued thereunder shall pay a civil penalty of not more than ~~two~~ 3225
ten thousand ~~five hundred~~ dollars for each violation. 3226

(C) Whoever violates division (D) of section 1509.22 or 3227
division (A)(1) of section 1509.222 of the Revised Code shall pay 3228
a civil penalty of not less than two thousand five hundred dollars 3229
nor more than twenty thousand dollars for each violation. 3230

(D) Whoever violates division (A) of section 1509.22 of the 3231
Revised Code shall pay a civil penalty of not less than two 3232
thousand five hundred dollars nor more than ten thousand dollars 3233
for each violation. 3234

(E) Whoever violates division (A) of section 1509.223 of the 3235
Revised Code shall pay a civil penalty of not more than ten 3236
thousand dollars for each violation. 3237

(F) Whoever violates section 1509.072 of the Revised Code or 3238
any rules adopted or orders issued to administer, implement, or 3239
enforce that section shall pay a civil penalty of not more than 3240
five thousand dollars for each violation. 3241

(G) In addition to any other penalties provided in this 3242
chapter, whoever violates section 1509.05, section 1509.21, 3243
division (B) of section 1509.22, or division (A)(1) of section 3244
1509.222 of the Revised Code or a term or condition of a permit or 3245
an order issued by the chief of the division of oil and gas 3246
resources management under this chapter or knowingly violates 3247
division (A) of section 1509.223 of the Revised Code is liable for 3248
any damage or injury caused by the violation and for the cost of 3249
rectifying the violation and conditions caused by the violation. 3250
If two or more persons knowingly violate one or more of those 3251
divisions in connection with the same event, activity, or 3252
transaction, they are jointly and severally liable under this 3253
division. 3254

(H) The attorney general, upon the request of the chief of the division of oil and gas resources management, shall commence an action under this section against any person who violates sections 1509.01 to 1509.31 of the Revised Code, or any rules adopted or orders or terms or conditions of a permit or registration certificate issued pursuant to these sections. Any action under this section is a civil action, governed by the Rules of Civil Procedure and other rules of practice and procedure applicable to civil actions. The remedy provided in this division is cumulative and concurrent with any other remedy provided in this chapter, and the existence or exercise of one remedy does not prevent the exercise of any other, except that no person shall be subject to both a civil penalty under division (A), (B), (C), or (D) of this section and a ~~criminal penalty under~~ fine established in section 1509.99 of the Revised Code for the same offense.

(I) For purposes of this section, each day of violation constitutes a separate offense.

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 1509.31 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued pursuant to these sections for which no specific penalty is provided in this section shall be fined not less than ~~one~~ five hundred nor more than ~~one~~ five thousand dollars and imprisoned for not more than six months for a first offense; for each subsequent offense the person shall be fined not less than ~~two hundred~~ one thousand nor more than ~~two~~ ten thousand dollars and imprisoned for not more than one year.

(B) Whoever violates section 1509.221 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued thereunder shall be fined not more than five thousand dollars for each day of each violation.

(C) Whoever knowingly violates section 1509.072, division

(A), (B), or (D) of section 1509.22, division (A)(1) or (C) of 3286
section 1509.222, or division (A) or (D) of section 1509.223 of 3287
the Revised Code or any rules adopted or orders issued under 3288
division (C) of section 1509.22 or rules adopted or orders or 3289
terms or conditions of a registration certificate issued under 3290
division ~~(E)~~(F) of section 1509.222 of the Revised Code is guilty 3291
of a felony and shall be fined not less than ten thousand dollars 3292
nor more than fifty thousand dollars or imprisoned for ~~six months~~ 3293
three years, or both for a first offense; for each subsequent 3294
offense the person shall be fined not less than twenty thousand 3295
dollars nor more than one hundred thousand dollars or imprisoned 3296
for ~~two~~ six years, or both. Whoever negligently violates those 3297
divisions, sections, rules, orders, or terms or conditions of a 3298
registration certificate is guilty of a felony and shall be fined 3299
not ~~more~~ less than five thousand dollars nor more than twenty-five 3300
thousand dollars or imprisoned for not more than one year, or 3301
both; for each subsequent offense the person shall be fined not 3302
less than ten thousand dollars nor more than fifty thousand 3303
dollars or imprisoned for two years, or both. 3304

(D) Whoever negligently violates division (C) of section 3305
1509.223 of the Revised Code shall be fined not more than ~~five~~ 3306
~~hundred~~ one thousand dollars for a first offense and not more than 3307
~~one~~ ten thousand dollars for a subsequent offense. 3308

(E) If a person is convicted of or pleads guilty to a 3309
violation of any section of this chapter, in addition to the 3310
financial sanctions authorized by this chapter or section 2929.18 3311
or 2929.28 or any other section of the Revised Code, the court 3312
imposing the sentence on the person may order the person to 3313
reimburse the state agency or a political subdivision for any 3314
response costs that it incurred in responding to the violation, 3315
including the cost of rectifying the violation and conditions 3316
caused by the violation. 3317

(F) The prosecuting attorney of the county in which the offense was committed or the attorney general may prosecute an action under this section.

~~(F)~~(G) For purposes of this section, each day of violation constitutes a separate offense.

Sec. 1511.01. ~~For the purposes of~~ As used in this chapter:

(A) "Conservation" means the wise use and management of natural resources.

(B) "Critical natural resource area" means an area identified by the director of natural resources in which occurs a natural resource that requires special management because of its importance to the well-being of the surrounding communities, the region, or the state.

(C) "~~Pollution~~ Erosion and sediment abatement practice" means any erosion control ~~or animal waste pollution abatement facility,~~ and sediment reduction structure, practice, or procedure and the design, operation, and management associated with it as contained in operation and management plans developed or approved by the chief of the division of soil and water resources or by boards of supervisors of soil and water conservation districts ~~established under Chapter 1515. of the Revised Code.~~

(D) "~~Agricultural~~ Sediment pollution" means failure to use management or conservation practices in farming or silvicultural operations to abate wind or water erosion of the soil ~~or to abate that may result in~~ the degradation of the waters of the state by ~~animal waste or~~ soil sediment, including attached substances attached thereto.

(E) "Waters of the state" means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations

of water, surface and underground, natural or artificial, 3348
regardless of the depth of the strata in which underground water 3349
is located, that are situated wholly or partly within, or border 3350
upon, this state or are within its jurisdiction, except those 3351
private waters that do not combine or effect a junction with 3352
natural surface or underground waters. 3353

(F) "Operation and management plan" means a written record, 3354
developed or approved by the ~~district~~ board of supervisors of a 3355
soil and water conservation district or the chief, for the owner 3356
or operator of agricultural land ~~or a concentrated animal feeding~~ 3357
~~operation~~ that contains implementation schedules and operational 3358
procedures for a level of management and ~~pollution~~ erosion and 3359
sediment abatement practices that will abate the degradation of 3360
the waters of the state by ~~animal waste and by~~ soil sediment, 3361
including attached pollutants. 3362

(G) ~~"Animal waste" means animal excreta, discarded products,~~ 3363
~~bedding, wash waters, waste feed, and silage drainage. "Animal~~ 3364
~~waste" also includes the compost products resulting from the~~ 3365
~~composting of dead animals in operations subject to section~~ 3366
~~1511.022 of the Revised Code when either of the following applies:~~ 3367

~~(1) The composting is conducted by the person who raises the~~ 3368
~~animals and the compost product is used in agricultural operations~~ 3369
~~owned or operated by that person, regardless of whether the person~~ 3370
~~owns the animals;~~ 3371

~~(2) The composting is conducted by the person who owns the~~ 3372
~~animals, but does not raise them and the compost product is used~~ 3373
~~in agricultural operations either by a person who raises the~~ 3374
~~animals or by a person who raises grain that is used to feed them~~ 3375
~~and that is supplied by the owner of the animals.~~ 3376

~~(H) "Composting" means the controlled decomposition of~~ 3377
~~organic solid material consisting of dead animals that stabilizes~~ 3378

~~the organic fraction of the material~~ "Soil erosion management plan" means a written record, developed or approved by the board of supervisors of a soil and water conservation district or the chief, that may contain implementation schedules and operational procedures for a level of land and water management that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by sediment from agricultural operations. 3379
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(H) "Soil and water conservation district" has the same meaning as in section 1515.01 of the Revised Code. 3387
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(I) "Timber harvest plan" means a written record, developed or approved by the board of supervisors of a soil and water conservation district or the chief, that may contain implementation schedules and operational procedures for a level of land and water management that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by sediment from timber operations. 3389
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Sec. 1511.02. The chief of the division of soil and water resources, subject to the approval of the director of natural resources, shall do all of the following: 3396
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(A) Provide administrative leadership to ~~local~~ soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and authorities as prescribed in this chapter and Chapter 1515. of the Revised Code; 3399
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(B) Administer this chapter and Chapter 1515. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities; 3405
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(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;

(D) Coordinate the development and implementation of cooperative programs and working agreements between local soil and water conservation districts and divisions or sections of the department of natural resources, or other agencies of local, state, and federal government;

(E) Subject to the approval of the Ohio soil and water conservation commission, adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code. Rules adopted pursuant to this section:

(1) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming or silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by ~~animal waste or by~~ soil sediment, including attached substances ~~attached thereto~~, and establish criteria for determination of the acceptability of such management and conservation practices;

(2) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential, or other nonfarm purposes, and establish criteria for determination of the acceptability of such management and conservation practices. The standards shall be designed to implement applicable areawide waste treatment management plans prepared under section 208 of the "Federal Water Pollution Control Act," 86 Stat. 816

(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 3441
shall not apply in any municipal corporation or county that adopts 3442
ordinances or rules pertaining to sediment control, nor to lands 3443
being used in a strip mine operation as defined in section 1513.01 3444
of the Revised Code, nor to lands being used in a surface mining 3445
operation as defined in section 1514.01 of the Revised Code. 3446

(3) May recommend criteria and procedures for the approval of 3447
urban sediment pollution abatement plans and issuance of permits 3448
prior to any grading, excavating, filling, or other whole or 3449
partial disturbance of five or more contiguous acres of land owned 3450
by one person or operated as one development unit and require 3451
implementation of such a plan. Areas of less than five contiguous 3452
acres are not exempt from compliance with other provisions of this 3453
chapter and rules adopted under them. 3454

(4) Shall establish procedures for administration of rules 3455
for agricultural sediment pollution abatement and urban sediment 3456
pollution abatement ~~and for enforcement of rules for agricultural~~ 3457
~~pollution abatement;~~ 3458

(5) Shall specify the pollution erosion and sediment 3459
abatement practices eligible for state cost sharing and determine 3460
the conditions for eligibility, the construction standards and 3461
specifications, the useful life, the maintenance requirements, and 3462
the limits of cost sharing for those practices. Eligible practices 3463
shall be limited to practices that address agricultural or 3464
silvicultural operations and that require expenditures that are 3465
likely to exceed the economic returns to the owner or operator and 3466
that abate soil erosion or degradation of the waters of the state 3467
by ~~animal waste or~~ soil sediment, including attached pollutants 3468
~~attached thereto.~~ 3469

(6) Shall establish procedures for administering grants to 3470
owners or operators of agricultural land ~~or concentrated animal~~ 3471
~~feeding operations~~ for the implementation of operation and 3472

management plans; 3473

(7) Shall establish procedures for administering grants to 3474
soil and water conservation districts for urban sediment pollution 3475
abatement programs, specify the types of projects eligible for 3476
grants, establish limits on the availability of grants, and 3477
establish requirements governing the execution of projects to 3478
encourage the reduction of erosion and sedimentation associated 3479
with soil-disturbing activities; 3480

~~(8) Shall do all of the following with regard to composting 3481
conducted in conjunction with agricultural operations: 3482~~

~~(a) Provide for the distribution of educational material 3483
concerning composting to the offices of OSU extension for the 3484
purposes of section 1511.022 of the Revised Code; 3485~~

~~(b) Establish methods, techniques, or practices for 3486
composting dead animals, or particular types of dead animals, that 3487
are to be used at such operations, as the chief considers to be 3488
necessary or appropriate; 3489~~

~~(c) Establish requirements and procedures governing the 3490
review and approval or disapproval of composting plans by the 3491
supervisors of soil and water conservation districts under 3492
division (Q) of section 1515.08 of the Revised Code. 3493~~

(9) Shall be adopted, amended, or rescinded after the chief 3494
does all of the following: 3495

(a) Mails notice to each statewide organization that the 3496
chief determines represents persons or local governmental agencies 3497
who would be affected by the proposed rule, amendment thereto, or 3498
rescission thereof at least thirty-five days before any public 3499
hearing thereon; 3500

(b) Mails a copy of each proposed rule, amendment thereto, or 3501
rescission thereof to any person who requests a copy, within five 3502

days after receipt of the request; 3503

(c) Consults with appropriate state and local governmental 3504
agencies or their representatives, including statewide 3505
organizations of local governmental officials, industrial 3506
representatives, and other interested persons+ 3507

~~(d) If the rule relates to agricultural pollution abatement,~~ 3508
~~develops an economic impact statement concerning the effect of the~~ 3509
~~proposed rule or amendment.~~ 3510

~~(10)~~(9) Shall not conflict with air or water quality 3511
standards adopted pursuant to section 3704.03 or 6111.041 of the 3512
Revised Code. Compliance with rules adopted pursuant to this 3513
section does not affect liability for noncompliance with air or 3514
water quality standards adopted pursuant to section 3704.03 or 3515
6111.041 of the Revised Code. The application of a level of 3516
management and conservation practices recommended under this 3517
section to control windblown soil from farming operations creates 3518
a presumption of compliance with section 3704.03 of the Revised 3519
Code as that section applies to windblown soil. 3520

~~(11)~~(10) Insofar as the rules relate to urban sediment 3521
pollution, shall not be applicable in a municipal corporation or 3522
county that adopts ordinances or rules for urban sediment control, 3523
except that a municipal corporation or county that adopts such 3524
ordinances or rules may receive moneys for urban sediment control 3525
that are disbursed by the board of supervisors of the applicable 3526
soil and water conservation district under division ~~(N)~~(O) of 3527
section 1515.08 of the Revised Code. The rules shall not exempt 3528
any person from compliance with municipal ordinances enacted 3529
pursuant to Section 3 of Article XVIII, Ohio Constitution. 3530

(F) Cost share with landowners on practices established 3531
pursuant to division (E)(5) of this section as moneys are 3532
appropriated and available for that purpose. Any practice for 3533

which cost share is provided shall be maintained for its useful 3534
life. Failure to maintain a cost share practice for its useful 3535
life shall subject the landowner to full repayment to the 3536
division. 3537

(G) Issue orders requiring compliance with any rule adopted 3538
under division (E)(1) of this section ~~or with section 1511.022 of~~ 3539
~~the Revised Code.~~ Before the chief issues an order, the chief 3540
shall afford each person allegedly liable an adjudication hearing 3541
under Chapter 119. of the Revised Code. The chief may require in 3542
an order that a person who has caused ~~agricultural~~ sediment 3543
pollution by failure to comply with the standards established 3544
under division (E)(1) of this section operate under an operation 3545
and management plan approved by the chief under this section. ~~The~~ 3546
~~chief shall require in an order that a person who has failed to~~ 3547
~~comply with division (A) of section 1511.022 of the Revised Code~~ 3548
~~prepare a composting plan in accordance with rules adopted under~~ 3549
~~division (E)(10)(c) of this section and operate in accordance with~~ 3550
~~that plan or that a person who has failed to operate in accordance~~ 3551
~~with such a plan begin to operate in accordance with it.~~ Each 3552
order shall be issued in writing and contain a finding by the 3553
chief of the facts upon which the order is based and the standard 3554
that is not being met. 3555

(H) Employ field assistants and such other employees as are 3556
necessary for the performance of the work prescribed by Chapter 3557
1515. of the Revised Code, for performance of work of the 3558
division, and as agreed to under working agreements or contractual 3559
arrangements with ~~local~~ soil and water conservation districts, 3560
prescribe their duties, and fix their compensation in accordance 3561
with such schedules as are provided by law for the compensation of 3562
state employees. 3563

All employees of the division, unless specifically exempted 3564
by law, shall be employed subject to the classified civil service 3565

laws in force at the time of employment. 3566

(I) In connection with new or relocated projects involving 3567
highways, underground cables, pipelines, railroads, and other 3568
improvements affecting soil and water resources, including surface 3569
and subsurface drainage: 3570

(1) Provide engineering service as is mutually agreeable to 3571
the Ohio soil and water conservation commission and the director 3572
to aid in the design and installation of soil and water 3573
conservation practices as a necessary component of such projects; 3574

(2) Maintain close liaison between the owners of lands on 3575
which the projects are executed, ~~local~~ soil and water conservation 3576
districts, and authorities responsible for such projects; 3577

(3) Review plans for such projects to ensure their compliance 3578
with standards developed under division (E) of this section in 3579
cooperation with the department of transportation or with any 3580
other interested agency that is engaged in soil or water 3581
conservation projects in the state in order to minimize adverse 3582
impacts on soil and water resources adjacent to or otherwise 3583
affected by these projects; 3584

(4) Recommend measures to retard erosion and protect soil and 3585
water resources through the installation of water impoundment or 3586
other soil and water conservation practices; 3587

(5) Cooperate with other agencies and subdivisions of the 3588
state to protect the agricultural status of rural lands adjacent 3589
to such projects and control adverse impacts on soil and water 3590
resources. 3591

(J) Collect, analyze, inventory, and interpret all available 3592
information pertaining to the origin, distribution, extent, use, 3593
and conservation of the soil resources of the state; 3594

(K) Prepare and maintain up-to-date reports, maps, and other 3595

materials pertaining to the soil resources of the state and their 3596
use and make that information available to governmental agencies, 3597
public officials, conservation entities, and the public; 3598

(L) Provide soil and water conservation districts with 3599
technical assistance, including on-site soil investigations and 3600
soil interpretation reports on the suitability or limitations of 3601
soil to support a particular use or to plan soil conservation 3602
measures. The assistance shall be upon such terms as are mutually 3603
agreeable to the districts and the department of natural 3604
resources. 3605

(M) Assist local government officials in utilizing land use 3606
planning and zoning, current agricultural use value assessment, 3607
development reviews, and land management activities; 3608

(N) When necessary for the purposes of this chapter or 3609
Chapter 1515. of the Revised Code, develop or approve operation 3610
and management plans. 3611

~~This section does not restrict the excrement of domestic or 3612
farm animals defecated on land outside a concentrated animal 3613
feeding operation or runoff therefrom into the waters of the 3614
state. 3615~~

Sec. 1511.021. (A) (1) Any person who owns or operates 3616
agricultural land ~~or a concentrated animal feeding operation~~ may 3617
develop and operate under an operation and management plan 3618
approved by the chief of the division of soil and water resources 3619
under section 1511.02 of the Revised Code or by the supervisors of 3620
the ~~local~~ applicable soil and water conservation district under 3621
section 1515.08 of the Revised Code. 3622

(2) An operation and management plan developed under division 3623
(A)(1) of this section, developed by the chief under section 3624
1511.02 of the Revised Code or by the supervisors of a soil and 3625

water conservation district under section 1515.08 of the Revised Code, or required by an order issued by the chief under division (G) of section 1511.02 of the Revised Code may include a soil erosion management plan, a timber harvest plan, or both. 3626
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(B) Any person who wishes to make a complaint regarding nuisances involving ~~agricultural~~ sediment pollution may do so orally or by submitting a written, signed, and dated complaint to the chief or to the chief's designee. After receiving an oral complaint, the chief or the chief's designee may cause an investigation to be conducted to determine whether ~~agricultural~~ sediment pollution has occurred or is imminent. After receiving a written, signed, and dated complaint, the chief or the chief's designee shall cause such an investigation to be conducted. 3630
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(C) In a private civil action for nuisances involving ~~agricultural~~ sediment pollution, it is an affirmative defense if the person owning, operating, or otherwise responsible for agricultural land ~~or a concentrated animal feeding operation~~ is operating under and in substantial compliance with an approved operation and management plan developed under division (A) of this section, with an operation and management plan developed by the chief under section 1511.02 of the Revised Code or by the supervisors of the ~~local~~ applicable soil and water conservation district under section 1515.08 of the Revised Code, or with an operation and management plan required by an order issued by the chief under division (G) of section 1511.02 of the Revised Code. Nothing in this section is in derogation of the authority granted to the chief in division (E) of section 1511.02 and in section 1511.07 of the Revised Code. 3639
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Sec. 1511.023. (A) Except as provided in division (B) of this section, the director of natural resources, an employee of the department of natural resources, the supervisors of a soil and 3654
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water conservation district, an employee of a district, and a 3657
contractor of the department or a district shall not disclose 3658
either of the following: 3659

(1) Information, including data from geographic information 3660
systems and global positioning systems, provided by a person who 3661
owns or operates agricultural land and operates under an operation 3662
and management plan; 3663

(2) Information gathered as a result of an inspection of 3664
agricultural land to determine whether the person who owns or 3665
operates the land is in compliance with an operation and 3666
management plan. 3667

(B) The director or the supervisors of a district may release 3668
or disclose information specified in division (A)(1) or (2) of 3669
this section to a person or a federal, state, or local agency 3670
working in cooperation with the chief of the division of soil and 3671
water resources or the supervisors in the development of an 3672
operation and management plan or an inspection to determine 3673
compliance with such a plan if the director or supervisors 3674
determine that the person or federal, state, or local agency will 3675
not subsequently disclose the information to another person. 3676

Sec. 1511.05. The chief of the division of soil and water 3677
resources, subject to approval of the terms of the agreement by 3678
the Ohio soil and water conservation commission, shall enter into 3679
cooperative agreements with the board of supervisors of any soil 3680
and water conservation district desiring to enter into such 3681
agreements pursuant to section 1515.08 of the Revised Code. Such 3682
agreements shall be entered into to obtain compliance with rules 3683
and orders of the chief pertaining to ~~agricultural~~ sediment 3684
pollution abatement and urban sediment pollution abatement. 3685

The chief or any person designated by the chief may upon 3686
obtaining agreement with the owner, tenant, or manager of any 3687

land, public or private, enter thereon to make inspections to 3688
determine whether or not there is compliance with the rules 3689
adopted under division (E)(1) of section 1511.02 of the Revised 3690
Code. Upon reason to believe there is a violation, the chief or 3691
the chief's designee may apply for and a judge of the court of 3692
common pleas for the county where the land is located may issue an 3693
appropriate inspection warrant as necessary to achieve the 3694
purposes of this chapter. 3695

Sec. 1511.07. (A)(1) No person shall fail to comply with an 3696
order of the chief of the division of soil and water resources 3697
issued pursuant to division (G) of section 1511.02 of the Revised 3698
Code. 3699

(2) In addition to the remedies provided and irrespective of 3700
whether an adequate remedy at law exists, the chief may apply to 3701
the court of common pleas in the county where a violation of a 3702
standard established under division (E)(1) ~~or (8)(b)~~ of section 3703
1511.02 of the Revised Code causes pollution of the waters of the 3704
state for an order to compel the violator to cease the violation 3705
and to ~~remove the agricultural pollutant or to comply with the~~ 3706
~~rules adopted under division (E)(8)(b) of that section, as~~ 3707
~~appropriate~~ comply with the standards established under that 3708
division. 3709

(3) In addition to the remedies provided and irrespective of 3710
whether an adequate remedy at law exists, whenever the chief 3711
officially determines that an emergency exists because of ~~an~~ 3712
~~unauthorized release, spill, or discharge of animal waste, or a~~ 3713
~~violation of a rule adopted under division (E)(8)(b) of section~~ 3714
~~1511.02 of the Revised Code,~~ sediment pollution that causes 3715
pollution of the waters of the state, the chief may, without 3716
notice or hearing, issue an order reciting the existence of the 3717
emergency and requiring that necessary action be taken to meet the 3718

emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply with the order immediately, but on application to the chief shall be afforded a hearing as soon as possible, but not later than twenty days after making the application. On the basis of the hearing, the chief shall continue the order in effect, revoke it, or modify it. No emergency order shall remain in effect for more than sixty days after its issuance. If a person to whom an order is issued does not comply with the order within a reasonable period, as determined by the chief, the chief or the chief's designee may enter upon private or public lands and take action to mitigate, minimize, remove, or abate the ~~release, spill, discharge, or~~ conditions caused by the violation of the rule sediment pollution.

(B) The attorney general, upon the written request of the chief, shall bring appropriate legal action in Franklin county against any person who fails to comply with an order of the chief issued pursuant to division (G) of section 1511.02 of the Revised Code.

Sec. 1511.09. The soil and water resources administration fund is hereby created in the state treasury. The fund shall consist of money credited to it from all fines, penalties, costs, and damages, except court costs, that are collected either by the chief of the division of soil and water resources or the attorney general in consequence of any violation of this chapter or rules adopted or orders issued under it. The chief shall use money in the fund to administer and enforce this chapter and rules adopted under it.

Sec. 1511.99. Whoever violates division (A) of section 1511.07 of the Revised Code is guilty of a misdemeanor of the first degree. Each day of violation is a separate offense. In addition to the penalty provided in this division, the sentencing

court may assess damages in an amount equal to the costs of 3750
reclaiming, restoring, or otherwise repairing any damage to public 3751
or private property caused by any violation of division (A) of 3752
section 1511.07 of the Revised Code. All fines and moneys assessed 3753
as damages under this section shall be paid into the ~~agricultural~~ 3754
~~pollution abatement~~ soil and water resources administration fund 3755
created in section ~~1511.071~~ 1511.09 of the Revised Code. 3756

Sec. 1515.01. As used in this chapter: 3757

(A) "Soil and water conservation district" means a district 3758
organized in accordance with this chapter. 3759

(B) "Supervisor" means one of the members of the governing 3760
body of a district. 3761

(C) "Landowner," "owner," or "owner of land" means an owner 3762
of record as shown by the records in the office of the county 3763
recorder. With respect to an improvement or a proposed 3764
improvement, "landowner," "owner," or "owner of land" also 3765
includes any public corporation and the director of any 3766
department, office, or institution of the state that is affected 3767
by the improvement or that would be affected by the proposed 3768
improvement, but that does not own any right, title, estate, or 3769
interest in or to any real property. 3770

(D) "Land occupier" or "occupier of land" means any person, 3771
firm, or corporation that controls the use of land whether as 3772
landowner, lessee, renter, or tenant. 3773

(E) "Due notice" means notice published at least twice, 3774
stating time and place, with an interval of at least thirteen days 3775
between the two publication dates, in a newspaper of general 3776
circulation within a soil and water conservation district. 3777

(F) ~~"Agricultural pollution" means failure to use management~~ 3778
~~or conservation practices in farming or silvicultural operations~~ 3779

~~to abate wind or water erosion of the soil or to abate the~~ 3780
~~degradation of the waters of the state by animal waste or soil~~ 3781
~~sediment including substances attached thereto.~~ 3782

~~(G)~~ "Urban sediment pollution" means failure to use 3783
management or conservation practices to abate wind or water 3784
erosion of the soil or to abate the degradation of the waters of 3785
the state by soil sediment in conjunction with land grading, 3786
excavating, filling, or other soil disturbing activities on land 3787
used or being developed for nonfarm commercial, industrial, 3788
residential, or other nonfarm purposes, except lands being used in 3789
a strip mine operation as defined in section 1513.01 of the 3790
Revised Code and except lands being used in a surface mining 3791
operation as defined in section 1514.01 of the Revised Code. 3792

~~(H)~~(G) "Uniform assessment" means an assessment that is both 3793
of the following: 3794

(1) Based upon a complete appraisal of each parcel of land, 3795
together with all improvements thereon, within a project area and 3796
of the benefits or damages brought about as a result of the 3797
project that is determined by criteria applied equally to all 3798
parcels within the project area; 3799

(2) Levied upon the parcels at a uniform rate on the basis of 3800
the appraisal. 3801

~~(I)~~(H) "Varied assessment" means any assessment that does not 3802
meet the criteria established in division ~~(H)~~(G) of this section. 3803

~~(J)~~(I) "Project area" means an area determined and certified 3804
by the supervisors of a soil and water conservation district under 3805
section 1515.19 of the Revised Code. 3806

~~(K)~~(J) "Benefit" or "benefits" means advantages to land and 3807
owners, to public corporations, and to the state resulting from 3808
drainage, conservation, control, and management of water and from 3809
environmental, wildlife, and recreational improvements. "Benefit" 3810

or "benefits" includes, but is not limited to, any of the 3811
following factors: 3812

(1) Elimination or reduction of damage from flooding; 3813

(2) Removal of water conditions that jeopardize public 3814
health, safety, or welfare; 3815

(3) Increased value of land resulting from an improvement; 3816

(4) Use of water for irrigation, storage, regulation of 3817
stream flow, soil conservation, water supply, or any other 3818
incidental purpose; 3819

(5) Providing an outlet for the accelerated runoff from 3820
artificial drainage if a stream, watercourse, channel, or ditch 3821
that is under improvement is called upon to discharge functions 3822
for which it was not designed. Uplands that have been removed from 3823
their natural state by deforestation, cultivation, artificial 3824
drainage, urban development, or other human methods shall be 3825
considered to be benefited by an improvement that is required to 3826
dispose of the accelerated flow of water from the uplands. 3827

~~(L)~~(K) "Improvement" or "conservation works of improvement" 3828
means an improvement that is made under the authority established 3829
in division (C) of section 1515.08 of the Revised Code. 3830

~~(M)~~(L) "Land" has the same meaning as in section 6131.01 of 3831
the Revised Code. 3832

(M) "Agricultural pollution," "animal feeding operation," and 3833
"nutrient management plan" have the same meanings as in section 3834
939.01 of the Revised Code. 3835

(N) "Operation and management plan" and "sediment pollution" 3836
have the same meanings as in section 1511.01 of the Revised Code. 3837

Sec. 1515.02. There is hereby established in the department 3838
of natural resources the Ohio soil and water conservation 3839

commission. The commission shall consist of seven members of equal 3840
status and authority, ~~four~~ six of whom shall be appointed by the 3841
governor with the advice and consent of the senate, and one of 3842
whom shall be designated by resolution of the board of directors 3843
of the Ohio federation of soil and water conservation districts. 3844
The ~~other two members shall be the director~~ directors of 3845
agriculture ~~and, environmental protection, and natural resources,~~ 3846
the vice-president for agricultural administration of the Ohio 3847
state university. ~~The director of natural resources may~~ 3848
~~participate in the deliberations, and an officer of the Ohio~~ 3849
federation of soil and water conservation districts, or their 3850
designees, may serve as ex officio members of the commission, but 3851
without the power to vote. A vacancy in the office of an appointed 3852
member shall be filled by the governor, with the advice and 3853
consent of the senate. Any member appointed to fill a vacancy 3854
occurring prior to the expiration of the term for which the 3855
member's predecessor was appointed shall hold office for the 3856
remainder of that term. Of the appointed members, ~~two shall be~~ 3857
~~farmers and all~~ four shall be persons who have a knowledge of or 3858
interest in agricultural production and the natural resources of 3859
the state. One member shall represent rural interests and one 3860
member shall represent urban interests. Not more than ~~two~~ three of 3861
the appointed members shall be members of the same political 3862
party. 3863

Terms of office of the member designated by the board of 3864
directors of the federation and the members appointed by the 3865
governor shall be for four years, commencing on the first day of 3866
July and ending on the thirtieth day of June. 3867

Each appointed member shall hold office from the date of 3868
appointment until the end of the term for which the member was 3869
appointed. Any appointed member shall continue in office 3870
subsequent to the expiration date of the member's term until the 3871

member's successor takes office, or until a period of sixty days 3872
has elapsed, whichever occurs first. 3873

The commission shall organize by selecting from its members a 3874
chairperson and a vice-chairperson. The commission shall hold at 3875
least one regular meeting in each quarter of each calendar year 3876
and shall keep a record of its proceedings, which shall be open to 3877
the public for inspection. Special meetings may be called by the 3878
chairperson and shall be called by the chairperson upon receipt of 3879
a written request signed by two or more members of the commission. 3880
Written notice of the time and place of each meeting shall be sent 3881
to each member of the commission. A majority of the commission 3882
shall constitute a quorum. 3883

The commission may adopt rules as necessary to carry out the 3884
purposes of this chapter, subject to Chapter 119. of the Revised 3885
Code. 3886

The governor may remove any appointed member of the 3887
commission at any time for inefficiency, neglect of duty, or 3888
malfeasance in office, after giving to the member a copy of the 3889
charges against the member and an opportunity to be heard publicly 3890
in person or by counsel in the member's defense. Any such act of 3891
removal by the governor is final. A statement of the findings of 3892
the governor, the reason for the governor's action, and the 3893
answer, if any, of the member shall be filed by the governor with 3894
the secretary of state and shall be open to public inspection. 3895

All members of the commission shall be reimbursed for the 3896
necessary expenses incurred by them in the performance of their 3897
duties as members. 3898

Upon recommendation by the commission, the director of 3899
natural resources shall designate an executive secretary and 3900
provide staff necessary to carry out the powers and duties of the 3901
commission. ~~The commission may utilize the services of such staff~~ 3902

~~members in the college of agriculture of the Ohio state university~~ 3903
~~as may be agreed upon by the commission and the college.~~ 3904

The commission shall do all of the following: 3905

(A) Determine distribution of funds under section 1515.14 of 3906
the Revised Code, recommend to the director of natural resources 3907
and other agencies the levels of appropriations to special funds 3908
established to assist soil and water conservation districts, and 3909
recommend the amount of federal funds to be requested and policies 3910
for the use of such funds in support of soil and water 3911
conservation district programs; 3912

(B) Assist in keeping the supervisors of soil and water 3913
conservation districts informed of their powers and duties, 3914
program opportunities, and the activities and experience of all 3915
other districts, and facilitate the interchange of advice, 3916
experience, and cooperation between the districts; 3917

(C) Seek the cooperation and assistance of the federal 3918
government or any of its agencies, and of agencies of this state, 3919
in the work of the districts; 3920

(D) Adopt appropriate rules governing the conduct of 3921
elections provided for in this chapter, subject to Chapter 119. of 3922
the Revised Code, provided that only owners and occupiers of lands 3923
situated within the boundaries of the districts or proposed 3924
districts to which the elections apply shall be eligible to vote 3925
in the elections; 3926

(E) Recommend to the director priorities for planning and 3927
construction of small watershed projects, and make recommendations 3928
to the director concerning coordination of programs as proposed 3929
and implemented in agreements with soil and water conservation 3930
districts; 3931

(F) Recommend to the director, the governor, and the general 3932
assembly programs and legislation with respect to the operations 3933

of soil and water conservation districts that will encourage 3934
proper soil, water, and other natural resource management and 3935
promote the economic and social development of the state. 3936

Sec. 1515.08. The supervisors of a soil and water 3937
conservation district have the following powers in addition to 3938
their other powers: 3939

(A) To conduct surveys, investigations, and research relating 3940
to the character of soil erosion, floodwater and sediment damages, 3941
and the preventive and control measures and works of improvement 3942
for flood prevention and the conservation, development, 3943
utilization, and disposal of water needed within the district, and 3944
to publish the results of those surveys, investigations, or 3945
research, provided that no district shall initiate any research 3946
program except in cooperation or after consultation with the Ohio 3947
agricultural research and development center; 3948

(B) To develop plans for the conservation of soil resources, 3949
for the control and prevention of soil erosion, and for works of 3950
improvement for flood prevention and the conservation, 3951
development, utilization, and disposal of water within the 3952
district, and to publish those plans and information; 3953

(C) To implement, construct, repair, maintain, and operate 3954
preventive and control measures and other works of improvement for 3955
natural resource conservation and development and flood 3956
prevention, and the conservation, development, utilization, and 3957
disposal of water within the district on lands owned or controlled 3958
by this state or any of its agencies and on any other lands within 3959
the district, which works may include any facilities authorized 3960
under state or federal programs, and to acquire, by purchase or 3961
gift, to hold, encumber, or dispose of, and to lease real and 3962
personal property or interests in such property for those 3963
purposes; 3964

(D) To cooperate or enter into agreements with any occupier of lands within the district in the carrying on of natural resource conservation operations and works of improvement for flood prevention and the conservation, development, utilization, and management of natural resources within the district, subject to such conditions as the supervisors consider necessary;

(E) To accept donations, gifts, grants, and contributions in money, service, materials, or otherwise, and to use or expend them according to their terms;

(F) To adopt, amend, and rescind rules to carry into effect the purposes and powers of the district;

(G) To sue and plead in the name of the district, and be sued and impleaded in the name of the district, with respect to its contracts and, as indicated in section 1515.081 of the Revised Code, certain torts of its officers, employees, or agents acting within the scope of their employment or official responsibilities, or with respect to the enforcement of its obligations and covenants made under this chapter;

(H) To make and enter into all contracts, leases, and agreements and execute all instruments necessary or incidental to the performance of the duties and the execution of the powers of the district under this chapter, provided that all of the following apply:

(1) Except as provided in section 307.86 of the Revised Code regarding expenditures by boards of county commissioners, when the cost under any such contract, lease, or agreement, other than compensation for personal services or rental of office space, involves an expenditure of more than the amount established in that section regarding expenditures by boards of county commissioners, the supervisors shall make a written contract with the lowest and best bidder after advertisement, for not less than

two nor more than four consecutive weeks preceding the day of the 3996
opening of bids, in a newspaper of general circulation within the 3997
district or as provided in section 7.16 of the Revised Code and in 3998
such other publications as the supervisors determine. The notice 3999
shall state the general character of the work and materials to be 4000
furnished, the place where plans and specifications may be 4001
examined, and the time and place of receiving bids. 4002

(2) Each bid for a contract shall contain the full name of 4003
every person interested in it. 4004

(3) Each bid for a contract for the construction, demolition, 4005
alteration, repair, or reconstruction of an improvement shall meet 4006
the requirements of section 153.54 of the Revised Code. 4007

(4) Each bid for a contract, other than a contract for the 4008
construction, demolition, alteration, repair, or reconstruction of 4009
an improvement, at the discretion of the supervisors, may be 4010
accompanied by a bond or certified check on a solvent bank in an 4011
amount not to exceed five per cent of the bid, conditioned that, 4012
if the bid is accepted, a contract shall be entered into. 4013

(5) The supervisors may reject any and all bids. 4014

(I) To make agreements with the department of natural 4015
resources giving it control over lands of the district for the 4016
purpose of construction of improvements by the department under 4017
section 1501.011 of the Revised Code; 4018

(J) To charge, alter, and collect rentals and other charges 4019
for the use or services of any works of the district; 4020

(K) To enter, either in person or by designated 4021
representatives, upon lands, private or public, in the necessary 4022
discharge of their duties; 4023

(L) To enter into agreements or contracts with the department 4024
for the determination, implementation, inspection, and funding of 4025

~~agricultural sediment~~ pollution abatement and urban sediment 4026
pollution abatement measures whereby landowners, operators, 4027
managers, and developers may meet adopted state standards for a 4028
quality environment, except that failure of a district board of 4029
supervisors to negotiate an agreement or contract with the 4030
department shall authorize the division of soil and water 4031
resources to implement the required program; 4032

(M) To enter into agreements or contracts with the department 4033
of agriculture for the determination, implementation, inspection, 4034
and funding of agricultural pollution abatement measures whereby 4035
landowners, operators, and managers may meet adopted state 4036
standards for a quality environment, except that failure of a 4037
district board of supervisors to negotiate an agreement or 4038
contract with that department shall authorize the department to 4039
implement the required program; 4040

(N) To conduct demonstrations and provide information to the 4041
public regarding practices and methods for natural resource 4042
conservation, development, and utilization; 4043

~~(N)~~(O) To enter into contracts or agreements with the chief 4044
of the division of soil and water resources to implement and 4045
administer a program for urban sediment pollution abatement and to 4046
receive and expend moneys provided by the chief for that purpose; 4047

~~(O)~~(P) To develop operation and management plans, ~~as defined 4048
in section 1511.01 of the Revised Code,~~ as necessary; 4049

~~(P)~~(Q) To determine whether operation and management plans 4050
developed under division (A) of section 1511.021 of the Revised 4051
Code comply with the standards established under division (E)(1) 4052
of section 1511.02 of the Revised Code and to approve or 4053
disapprove the plans, based on such compliance. If an operation 4054
and management plan is disapproved, the board shall provide a 4055
written explanation to the person who submitted the plan. The 4056

person may appeal the plan disapproval to the chief, who shall 4057
afford the person a hearing. Following the hearing, the chief 4058
shall uphold the plan disapproval or reverse it. If the chief 4059
reverses the plan disapproval, the plan shall be deemed approved 4060
under this division. In the event that any person operating or 4061
owning agricultural land ~~or a concentrated animal feeding~~ 4062
~~operation~~ in accordance with an approved operation and management 4063
plan who, in good faith, is following that plan, causes 4064
~~agricultural sediment~~ pollution, the plan shall be revised in a 4065
fashion necessary to mitigate the ~~agricultural sediment~~ pollution, 4066
as determined and approved by the board of supervisors of the soil 4067
and water conservation district. 4068

(Q)(R) To develop nutrient management plans as necessary; 4069

(S) To determine whether nutrient management plans developed 4070
under division (A) of section 939.03 of the Revised Code comply 4071
with the standards established in rules adopted under division 4072
(C)(1) of section 939.02 of the Revised Code and to approve or 4073
disapprove the plans based on such compliance. If a nutrient 4074
management plan is disapproved, the board shall provide a written 4075
explanation to the person who submitted the plan. The person may 4076
appeal the plan disapproval to the director of agriculture who 4077
shall afford the person a hearing. Following the hearing, the 4078
director shall uphold the plan disapproval or reverse it. If the 4079
director reverses the plan disapproval, the plan shall be deemed 4080
approved under this division. In the event that a person operating 4081
or owning agricultural land or an animal feeding operation in 4082
accordance with an approved nutrient management plan who, in good 4083
faith, is following that plan causes agricultural pollution, the 4084
plan shall be revised in a manner necessary to mitigate the 4085
agricultural pollution as determined and approved by the board of 4086
supervisors of the soil and water conservation district. 4087

(T) With regard to composting conducted in conjunction with 4088

agricultural operations, to do all of the following: 4089

(1) Upon request or upon their own initiative, inspect 4090
composting at any such operation to determine whether the 4091
composting is being conducted in accordance with section ~~1511.022~~ 4092
939.04 of the Revised Code; 4093

(2) If the board determines that composting is not being so 4094
conducted, request the ~~chief director of agriculture~~ to ~~issue an~~ 4095
~~order under division (C) of section 1511.02 of the Revised Code~~ 4096
~~requiring~~ take corrective actions under section 939.09 of the 4097
Revised Code that require the person who is conducting the 4098
composting to prepare a composting plan in accordance with rules 4099
adopted under division ~~(E)(8)(e)(C)(5)(a)~~ of ~~that~~ section 939.02 4100
of the Revised Code and to operate in accordance with that plan or 4101
to operate in accordance with a previously prepared plan, as 4102
applicable; 4103

(3) In accordance with rules adopted under division 4104
~~(E)(8)(e)(C)(5)(b)~~ of section ~~1511.02~~ 939.02 of the Revised Code, 4105
review and approve or disapprove any such composting plan. If a 4106
plan is disapproved, the board shall provide a written explanation 4107
to the person who submitted the plan. 4108

As used in division ~~(Q)(T)~~ of this section, "composting" has 4109
the same meaning as in section ~~1511.01~~ 939.01 of the Revised Code. 4110

~~(R)(U)~~ With regard to conservation activities that are 4111
conducted in conjunction with agricultural operations, to assist 4112
the county auditor, upon request, in determining whether a 4113
conservation activity is a conservation practice for purposes of 4114
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 4115
Revised Code. 4116

As used in this division, "conservation practice" has the 4117
same meaning as in section 5713.30 of the Revised Code. 4118

~~(S)(V)~~ To do all acts necessary or proper to carry out the 4119

powers granted in this chapter. 4120

The director of natural resources shall make recommendations 4121
to reduce the adverse environmental effects of each project that a 4122
soil and water conservation district plans to undertake under 4123
division (A), (B), (C), or (D) of this section and that will be 4124
funded in whole or in part by moneys authorized under section 4125
1515.16 of the Revised Code and shall disapprove any such project 4126
that the director finds will adversely affect the environment 4127
without equal or greater benefit to the public. The director's 4128
disapproval or recommendations, upon the request of the district 4129
filed in accordance with rules adopted by the Ohio soil and water 4130
conservation commission, shall be reviewed by the commission, 4131
which may confirm the director's decision, modify it, or add 4132
recommendations to or approve a project the director has 4133
disapproved. 4134

Any instrument by which real property is acquired pursuant to 4135
this section shall identify the agency of the state that has the 4136
use and benefit of the real property as specified in section 4137
5301.012 of the Revised Code. 4138

Sec. 1533.081. (A) As used in this section: 4139

(1) "Energy facility" ~~has the same meaning as in section~~ 4140
~~1551.01 of the Revised Code~~ means wind turbines and associated 4141
facilities with a single interconnection to the electrical grid 4142
that are designated for, or capable of, operation at an aggregate 4143
capacity of five or more megawatts. 4144

(2) "~~Energy facility~~ Incidental taking" means ~~a facility at~~ 4145
~~which energy is produced~~ the killing or injuring of a wild animal 4146
occurring by chance or without intention. 4147

(B) A person operating an energy facility whose operation may 4148
result in the incidental taking of a wild animal shall obtain a 4149

permit ~~to do so~~ for such an incidental taking from the chief of 4150
the division of wildlife under this section. The chief shall adopt 4151
rules under section 1531.10 of the Revised Code that are necessary 4152
to administer this section. The rules may include the 4153
establishment of a fee for such a permit. 4154

Sec. 3704.05. (A) No person shall cause, permit, or allow 4155
emission of an air contaminant in violation of any rule adopted by 4156
the director of environmental protection under division (E) of 4157
section 3704.03 of the Revised Code unless the person is the 4158
holder of a variance that is issued under division (H) of that 4159
section and consistent with the federal Clean Air Act permitting 4160
the emission of the contaminant in excess of that permitted by the 4161
rule or the person is the holder of an operating permit that 4162
includes a compliance schedule issued pursuant to rules adopted 4163
under division (G) of section 3704.03 of the Revised Code. 4164

(B) No person who is the holder of a variance issued under 4165
division (H) of section 3704.03 of the Revised Code shall cause, 4166
permit, or allow emission of an air contaminant or contaminants 4167
listed therein in violation of the conditions of the variance or 4168
fail to obey an order of the director issued under authority of 4169
that division. 4170

(C) No person who is the holder of a permit issued under 4171
division (F) or (G) of section 3704.03 of the Revised Code shall 4172
violate any of its terms or conditions. 4173

(D) No person shall fail to install and maintain monitoring 4174
devices or to submit reports or other information as may be 4175
required under division (I) of section 3704.03 of the Revised 4176
Code. 4177

(E) No person to whom a permit or variance has been issued 4178
shall refuse entry to an authorized representative of the director 4179
or the environmental protection agency as provided in division 4180

~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 4181
the person in making an investigation. 4182

(F) No person shall fail to submit plans and specifications 4183
as required by section 3704.03 of the Revised Code. 4184

(G) No person shall violate any order, rule, or determination 4185
of the director issued, adopted, or made under this chapter. 4186

(H) No person shall do any of the following: 4187

(1) Falsify any plans, specifications, data, reports, 4188
records, or other information required to be kept or submitted to 4189
the director by this chapter or rules adopted under it; 4190

(2) Make any false material statement, representation, or 4191
certification in any form, notice, or report required by the Title 4192
V permit program; 4193

(3) Render inaccurate any monitoring device required by a 4194
Title V permit. 4195

Violation of division (H)(1), (2), or (3) of this section is 4196
not also falsification under section 2921.13 of the Revised Code. 4197

(I) No person shall knowingly falsify an inspection 4198
certificate submitted to another under section 3704.14 or Chapter 4199
4503. of Revised Code. Violation of this division is not also 4200
falsification under section 2921.13 of the Revised Code. 4201

(J) No person shall do either of the following: 4202

(1) With regard to the Title V permit program, fail to pay 4203
any administrative penalty assessed in accordance with rules 4204
adopted under division (S) of section 3704.03 of the Revised Code 4205
or any fee assessed under section 3745.11 of the Revised Code; 4206

(2) Violate any applicable requirement of a Title V permit or 4207
any permit condition, except for an emergency as defined in 40 4208
C.F.R. 70.6 (g), or filing requirement of the Title V permit 4209
program, any duty to allow or carry out inspection, entry, or 4210

monitoring activities, or any rule adopted or order issued by the 4211
director pursuant to the Title V permit program. 4212

(K) On and after the three hundred sixty-sixth day following 4213
the administrator's final approval of the Title V permit program, 4214
or on and after the three hundred sixty-sixth day following the 4215
commencement of operation of a new major source required to comply 4216
with section 112(g) or part C or D of Title I of the federal Clean 4217
Air Act, whichever is later, no person shall operate any such 4218
source that is required to obtain a Title V permit under section 4219
3704.036 of the Revised Code or rules adopted under it unless such 4220
a permit has been issued authorizing operation of the source or 4221
unless a complete and timely application for the issuance, 4222
renewal, or modification of a Title V permit for the source has 4223
been submitted to the director under that section. 4224

Sec. 3734.02. (A) The director of environmental protection, 4225
in accordance with Chapter 119. of the Revised Code, shall adopt 4226
and may amend, suspend, or rescind rules having uniform 4227
application throughout the state governing solid waste facilities 4228
and the inspections of and issuance of permits and licenses for 4229
all solid waste facilities in order to ensure that the facilities 4230
will be located, maintained, and operated, and will undergo 4231
closure and post-closure care, in a sanitary manner so as not to 4232
create a nuisance, cause or contribute to water pollution, create 4233
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 4234
257.3-8, as amended. The rules may include, without limitation, 4235
financial assurance requirements for closure and post-closure care 4236
and corrective action and requirements for taking corrective 4237
action in the event of the surface or subsurface discharge or 4238
migration of explosive gases or leachate from a solid waste 4239
facility, or of ground water contamination resulting from the 4240
transfer or disposal of solid wastes at a facility, beyond the 4241
boundaries of any area within a facility that is operating or is 4242

undergoing closure or post-closure care where solid wastes were 4243
disposed of or are being disposed of. The rules shall not concern 4244
or relate to personnel policies, salaries, wages, fringe benefits, 4245
or other conditions of employment of employees of persons owning 4246
or operating solid waste facilities. The director, in accordance 4247
with Chapter 119. of the Revised Code, shall adopt and may amend, 4248
suspend, or rescind rules governing the issuance, modification, 4249
revocation, suspension, or denial of variances from the director's 4250
solid waste rules, including, without limitation, rules adopted 4251
under this chapter governing the management of scrap tires. 4252

Variances shall be issued, modified, revoked, suspended, or 4253
rescinded in accordance with this division, rules adopted under 4254
it, and Chapter 3745. of the Revised Code. The director may order 4255
the person to whom a variance is issued to take such action within 4256
such time as the director may determine to be appropriate and 4257
reasonable to prevent the creation of a nuisance or a hazard to 4258
the public health or safety or the environment. Applications for 4259
variances shall contain such detail plans, specifications, and 4260
information regarding objectives, procedures, controls, and other 4261
pertinent data as the director may require. The director shall 4262
grant a variance only if the applicant demonstrates to the 4263
director's satisfaction that construction and operation of the 4264
solid waste facility in the manner allowed by the variance and any 4265
terms or conditions imposed as part of the variance will not 4266
create a nuisance or a hazard to the public health or safety or 4267
the environment. In granting any variance, the director shall 4268
state the specific provision or provisions whose terms are to be 4269
varied and also shall state specific terms or conditions imposed 4270
upon the applicant in place of the provision or provisions. The 4271
director may hold a public hearing on an application for a 4272
variance or renewal of a variance at a location in the county 4273
where the operations that are the subject of the application for 4274
the variance are conducted. The director shall give not less than 4275

twenty days' notice of the hearing to the applicant by certified 4276
mail or by another type of mail accompanied by a receipt and shall 4277
publish at least one notice of the hearing in a newspaper with 4278
general circulation in the county where the hearing is to be held. 4279
The director shall make available for public inspection at the 4280
principal office of the environmental protection agency a current 4281
list of pending applications for variances and a current schedule 4282
of pending variance hearings. The director shall make a complete 4283
stenographic record of testimony and other evidence submitted at 4284
the hearing. Within ten days after the hearing, the director shall 4285
make a written determination to issue, renew, or deny the variance 4286
and shall enter the determination and the basis for it into the 4287
record of the hearing. The director shall issue, renew, or deny an 4288
application for a variance or renewal of a variance within six 4289
months of the date upon which the director receives a complete 4290
application with all pertinent information and data required. No 4291
variance shall be issued, revoked, modified, or denied until the 4292
director has considered the relative interests of the applicant, 4293
other persons and property affected by the variance, and the 4294
general public. Any variance granted under this division shall be 4295
for a period specified by the director and may be renewed from 4296
time to time on such terms and for such periods as the director 4297
determines to be appropriate. No application shall be denied and 4298
no variance shall be revoked or modified without a written order 4299
stating the findings upon which the denial, revocation, or 4300
modification is based. A copy of the order shall be sent to the 4301
applicant or variance holder by certified mail or by another type 4302
of mail accompanied by a receipt. 4303

(B) The director shall prescribe and furnish the forms 4304
necessary to administer and enforce this chapter. The director may 4305
cooperate with and enter into agreements with other state, local, 4306
or federal agencies to carry out the purposes of this chapter. The 4307
director may exercise all incidental powers necessary to carry out 4308

the purposes of this chapter. 4309

The director may use moneys in the infectious waste 4310
management fund created in section 3734.021 of the Revised Code 4311
exclusively for administering and enforcing the provisions of this 4312
chapter governing the management of infectious wastes. 4313

(C) Except as provided in this division and divisions (N)(2) 4314
and (3) of this section, no person shall establish a new solid 4315
waste facility or infectious waste treatment facility, or modify 4316
an existing solid waste facility or infectious waste treatment 4317
facility, without submitting an application for a permit with 4318
accompanying detail plans, specifications, and information 4319
regarding the facility and method of operation and receiving a 4320
permit issued by the director, except that no permit shall be 4321
required under this division to install or operate a solid waste 4322
facility for sewage sludge treatment or disposal when the 4323
treatment or disposal is authorized by a current permit issued 4324
under Chapter 3704. or 6111. of the Revised Code. 4325

No person shall continue to operate a solid waste facility 4326
for which the director has denied a permit for which an 4327
application was required under division (A)(3) of section 3734.05 4328
of the Revised Code, or for which the director has disapproved 4329
plans and specifications required to be filed by an order issued 4330
under division (A)(5) of that section, after the date prescribed 4331
for commencement of closure of the facility in the order issued 4332
under division (A)(6) of section 3734.05 of the Revised Code 4333
denying the permit application or approval. 4334

On and after the effective date of the rules adopted under 4335
division (A) of this section and division (D) of section 3734.12 4336
of the Revised Code governing solid waste transfer facilities, no 4337
person shall establish a new, or modify an existing, solid waste 4338
transfer facility without first submitting an application for a 4339
permit with accompanying engineering detail plans, specifications, 4340

and information regarding the facility and its method of operation 4341
to the director and receiving a permit issued by the director. 4342

No person shall establish a new compost facility or continue 4343
to operate an existing compost facility that accepts exclusively 4344
source separated yard wastes without submitting a completed 4345
registration for the facility to the director in accordance with 4346
rules adopted under divisions (A) and (N)(3) of this section. 4347

This division does not apply to a generator of infectious 4348
wastes that does any of the following: 4349

(1) Treats, by methods, techniques, and practices established 4350
by rules adopted under division (B)(2)(a) of section 3734.021 of 4351
the Revised Code, any of the following: 4352

(a) Infectious wastes that are generated on any premises that 4353
are owned or operated by the generator; 4354

(b) Infectious wastes that are generated by a generator who 4355
has staff privileges at a hospital as defined in section 3727.01 4356
of the Revised Code; 4357

(c) Infectious wastes that are generated in providing care to 4358
a patient by an emergency medical services organization as defined 4359
in section 4765.01 of the Revised Code. 4360

(2) Holds a license or renewal of a license to operate a 4361
crematory facility issued under Chapter 4717. and a permit issued 4362
under Chapter 3704. of the Revised Code; 4363

(3) Treats or disposes of dead animals or parts thereof, or 4364
the blood of animals, and is subject to any of the following: 4365

(a) Inspection under the "Federal Meat Inspection Act," 81 4366
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 4367

(b) Chapter 918. of the Revised Code; 4368

(c) Chapter 953. of the Revised Code. 4369

(D) Neither this chapter nor any rules adopted under it apply 4370
to single-family residential premises; to infectious wastes 4371
generated by individuals for purposes of their own care or 4372
treatment; to the temporary storage of solid wastes, other than 4373
scrap tires, prior to their collection for disposal; to the 4374
storage of one hundred or fewer scrap tires unless they are stored 4375
in such a manner that, in the judgment of the director or the 4376
board of health of the health district in which the scrap tires 4377
are stored, the storage causes a nuisance, a hazard to public 4378
health or safety, or a fire hazard; or to the collection of solid 4379
wastes, other than scrap tires, by a political subdivision or a 4380
person holding a franchise or license from a political subdivision 4381
of the state; to composting, as defined in section ~~1511.01~~ 939.01 4382
of the Revised Code, conducted in accordance with section ~~1511.022~~ 4383
939.04 of the Revised Code; or to any person who is licensed to 4384
transport raw rendering material to a compost facility pursuant to 4385
section 953.23 of the Revised Code. 4386

(E)(1) As used in this division: 4387

(a) "On-site facility" means a facility that stores, treats, 4388
or disposes of hazardous waste that is generated on the premises 4389
of the facility. 4390

(b) "Off-site facility" means a facility that stores, treats, 4391
or disposes of hazardous waste that is generated off the premises 4392
of the facility and includes such a facility that is also an 4393
on-site facility. 4394

(c) "Satellite facility" means any of the following: 4395

(i) An on-site facility that also receives hazardous waste 4396
from other premises owned by the same person who generates the 4397
waste on the facility premises; 4398

(ii) An off-site facility operated so that all of the 4399
hazardous waste it receives is generated on one or more premises 4400

owned by the person who owns the facility; 4401

(iii) An on-site facility that also receives hazardous waste 4402
that is transported uninterruptedly and directly to the facility 4403
through a pipeline from a generator who is not the owner of the 4404
facility. 4405

(2) Except as provided in division (E)(3) of this section, no 4406
person shall establish or operate a hazardous waste facility, or 4407
use a solid waste facility for the storage, treatment, or disposal 4408
of any hazardous waste, without a hazardous waste facility 4409
installation and operation permit issued in accordance with 4410
section 3734.05 of the Revised Code and subject to the payment of 4411
an application fee not to exceed one thousand five hundred 4412
dollars, payable upon application for a hazardous waste facility 4413
installation and operation permit and upon application for a 4414
renewal permit issued under division (H) of section 3734.05 of the 4415
Revised Code, to be credited to the hazardous waste facility 4416
management fund created in section 3734.18 of the Revised Code. 4417
The term of a hazardous waste facility installation and operation 4418
permit shall not exceed ten years. 4419

In addition to the application fee, there is hereby levied an 4420
annual permit fee to be paid by the permit holder upon the 4421
anniversaries of the date of issuance of the hazardous waste 4422
facility installation and operation permit and of any subsequent 4423
renewal permits and to be credited to the hazardous waste facility 4424
management fund. Annual permit fees totaling forty thousand 4425
dollars or more for any one facility may be paid on a quarterly 4426
basis with the first quarterly payment each year being due on the 4427
anniversary of the date of issuance of the hazardous waste 4428
facility installation and operation permit and of any subsequent 4429
renewal permits. The annual permit fee shall be determined for 4430
each permit holder by the director in accordance with the 4431
following schedule: 4432

TYPE OF BASIC			4433
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	4434
Storage facility using:			4435
Containers	On-site, off-site, and satellite	\$ 500	4436 4437
Tanks	On-site, off-site, and satellite	500	4438 4439
Waste pile	On-site, off-site, and satellite	3,000	4440 4441
Surface impoundment	On-site and satellite	8,000	4442
	Off-site	10,000	4443
Disposal facility using:			4444
Deep well injection	On-site and satellite	15,000	4445
	Off-site	25,000	4446
Landfill	On-site and satellite	25,000	4447
	Off-site	40,000	4448
Land application	On-site and satellite	2,500	4449
	Off-site	5,000	4450
Surface impoundment	On-site and satellite	10,000	4451
	Off-site	20,000	4452
Treatment facility using:			4453
Tanks	On-site, off-site, and satellite	700	4454 4455
Surface impoundment	On-site and satellite	8,000	4456
	Off-site	10,000	4457
Incinerator	On-site and satellite	5,000	4458
	Off-site	10,000	4459
Other forms			4460
of treatment	On-site, off-site, and satellite	1,000	4461 4462

A hazardous waste disposal facility that disposes of 4463
hazardous waste by deep well injection and that pays the annual 4464
permit fee established in section 6111.046 of the Revised Code is 4465

not subject to the permit fee established in this division for 4466
disposal facilities using deep well injection unless the director 4467
determines that the facility is not in compliance with applicable 4468
requirements established under this chapter and rules adopted 4469
under it. 4470

In determining the annual permit fee required by this 4471
section, the director shall not require additional payments for 4472
multiple units of the same method of storage, treatment, or 4473
disposal or for individual units that are used for both storage 4474
and treatment. A facility using more than one method of storage, 4475
treatment, or disposal shall pay the permit fee indicated by the 4476
schedule for each such method. 4477

The director shall not require the payment of that portion of 4478
an annual permit fee of any permit holder that would apply to a 4479
hazardous waste management unit for which a permit has been 4480
issued, but for which construction has not yet commenced. Once 4481
construction has commenced, the director shall require the payment 4482
of a part of the appropriate fee indicated by the schedule that 4483
bears the same relationship to the total fee that the number of 4484
days remaining until the next anniversary date at which payment of 4485
the annual permit fee is due bears to three hundred sixty-five. 4486

The director, by rules adopted in accordance with Chapters 4487
119. and 3745. of the Revised Code, shall prescribe procedures for 4488
collecting the annual permit fee established by this division and 4489
may prescribe other requirements necessary to carry out this 4490
division. 4491

(3) The prohibition against establishing or operating a 4492
hazardous waste facility without a hazardous waste facility 4493
installation and operation permit does not apply to either of the 4494
following: 4495

(a) A facility that is operating in accordance with a permit 4496

renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as

amended; 4528

(3) A facility in another nation operating in accordance with 4529
the laws of that nation; 4530

(4) A facility holding a permit issued pursuant to Title I of 4531
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 4532
Stat. 1052, 33 U.S.C.A. 1401, as amended; 4533

(5) A hazardous waste facility as described in division 4534
(E)(3)(a) or (b) of this section. 4535

(G) The director, by order, may exempt any person generating, 4536
collecting, storing, treating, disposing of, or transporting solid 4537
wastes, infectious wastes, or hazardous waste, or processing solid 4538
wastes that consist of scrap tires, in such quantities or under 4539
such circumstances that, in the determination of the director, are 4540
unlikely to adversely affect the public health or safety or the 4541
environment from any requirement to obtain a registration 4542
certificate, permit, or license or comply with the manifest system 4543
or other requirements of this chapter. Such an exemption shall be 4544
consistent with and equivalent to any regulations adopted by the 4545
administrator of the United States environmental protection agency 4546
under the "Resource Conservation and Recovery Act of 1976," 90 4547
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 4548
provided in this chapter. 4549

(H) No person shall engage in filling, grading, excavating, 4550
building, drilling, or mining on land where a hazardous waste 4551
facility, or a solid waste facility, was operated without prior 4552
authorization from the director, who shall establish the procedure 4553
for granting such authorization by rules adopted in accordance 4554
with Chapter 119. of the Revised Code. 4555

A public utility that has main or distribution lines above or 4556
below the land surface located on an easement or right-of-way 4557
across land where a solid waste facility was operated may engage 4558

in any such activity within the easement or right-of-way without 4559
prior authorization from the director for purposes of performing 4560
emergency repair or emergency replacement of its lines; of the 4561
poles, towers, foundations, or other structures supporting or 4562
sustaining any such lines; or of the appurtenances to those 4563
structures, necessary to restore or maintain existing public 4564
utility service. A public utility may enter upon any such easement 4565
or right-of-way without prior authorization from the director for 4566
purposes of performing necessary or routine maintenance of those 4567
portions of its existing lines; of the existing poles, towers, 4568
foundations, or other structures sustaining or supporting its 4569
lines; or of the appurtenances to any such supporting or 4570
sustaining structure, located on or above the land surface on any 4571
such easement or right-of-way. Within twenty-four hours after 4572
commencing any such emergency repair, replacement, or maintenance 4573
work, the public utility shall notify the director or the 4574
director's authorized representative of those activities and shall 4575
provide such information regarding those activities as the 4576
director or the director's representative may request. Upon 4577
completion of the emergency repair, replacement, or maintenance 4578
activities, the public utility shall restore any land of the solid 4579
waste facility disturbed by those activities to the condition 4580
existing prior to the commencement of those activities. 4581

(I) No owner or operator of a hazardous waste facility, in 4582
the operation of the facility, shall cause, permit, or allow the 4583
emission therefrom of any particulate matter, dust, fumes, gas, 4584
mist, smoke, vapor, or odorous substance that, in the opinion of 4585
the director, unreasonably interferes with the comfortable 4586
enjoyment of life or property by persons living or working in the 4587
vicinity of the facility, or that is injurious to public health. 4588
Any such action is hereby declared to be a public nuisance. 4589

(J) Notwithstanding any other provision of this chapter, in 4590

the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

- (2) The course shall be offered on an annual basis; 4623
- (3) Those persons who are required to take the course under 4624
division (L) of this section shall do so triennially; 4625
- (4) Persons who successfully complete the course shall be 4626
certified by the director; 4627
- (5) Certification shall be required for all employees of 4628
boards of health who are responsible for enforcing the solid waste 4629
or infectious waste provisions of this chapter and rules adopted 4630
under them and for all persons who are responsible for the 4631
operation of solid waste facilities or infectious waste treatment 4632
facilities; 4633
- (6)(a) All employees of a board of health who, on the 4634
effective date of the rules adopted under this division, are 4635
responsible for enforcing the solid waste or infectious waste 4636
provisions of this chapter and the rules adopted under them shall 4637
complete the course and be certified by the director not later 4638
than January 1, 1995; 4639
- (b) All employees of a board of health who, after the 4640
effective date of the rules adopted under division (L) of this 4641
section, become responsible for enforcing the solid waste or 4642
infectious waste provisions of this chapter and rules adopted 4643
under them and who do not hold a current and valid certification 4644
from the director at that time shall complete the course and be 4645
certified by the director within two years after becoming 4646
responsible for performing those activities. 4647
- No person shall fail to obtain the certification required 4648
under this division. 4649
- (M) The director shall not issue a permit under section 4650
3734.05 of the Revised Code to establish a solid waste facility, 4651
or to modify a solid waste facility operating on December 21, 4652
1988, in a manner that expands the disposal capacity or geographic 4653

area covered by the facility, that is or is to be located within 4654
the boundaries of a state park established or dedicated under 4655
Chapter 1541. of the Revised Code, a state park purchase area 4656
established under section 1541.02 of the Revised Code, any unit of 4657
the national park system, or any property that lies within the 4658
boundaries of a national park or recreation area, but that has not 4659
been acquired or is not administered by the secretary of the 4660
United States department of the interior, located in this state, 4661
or any candidate area located in this state and identified for 4662
potential inclusion in the national park system in the edition of 4663
the "national park system plan" submitted under paragraph (b) of 4664
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 4665
U.S.C.A. 1a-5, as amended, current at the time of filing of the 4666
application for the permit, unless the facility or proposed 4667
facility is or is to be used exclusively for the disposal of solid 4668
wastes generated within the park or recreation area and the 4669
director determines that the facility or proposed facility will 4670
not degrade any of the natural or cultural resources of the park 4671
or recreation area. The director shall not issue a variance under 4672
division (A) of this section and rules adopted under it, or issue 4673
an exemption order under division (G) of this section, that would 4674
authorize any such establishment or expansion of a solid waste 4675
facility within the boundaries of any such park or recreation 4676
area, state park purchase area, or candidate area, other than a 4677
solid waste facility exclusively for the disposal of solid wastes 4678
generated within the park or recreation area when the director 4679
determines that the facility will not degrade any of the natural 4680
or cultural resources of the park or recreation area. 4681

(N)(1) The rules adopted under division (A) of this section, 4682
other than those governing variances, do not apply to scrap tire 4683
collection, storage, monocell, monofill, and recovery facilities. 4684
Those facilities are subject to and governed by rules adopted 4685
under sections 3734.70 to 3734.73 of the Revised Code, as 4686

applicable. 4687

(2) Division (C) of this section does not apply to scrap tire 4688
collection, storage, monocell, monofill, and recovery facilities. 4689
The establishment and modification of those facilities are subject 4690
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 4691
Code, as applicable. 4692

(3) The director may adopt, amend, suspend, or rescind rules 4693
under division (A) of this section creating an alternative system 4694
for authorizing the establishment, operation, or modification of a 4695
solid waste compost facility in lieu of the requirement that a 4696
person seeking to establish, operate, or modify a solid waste 4697
compost facility apply for and receive a permit under division (C) 4698
of this section and section 3734.05 of the Revised Code and a 4699
license under division (A)(1) of that section. The rules may 4700
include requirements governing, without limitation, the 4701
classification of solid waste compost facilities, the submittal of 4702
operating records for solid waste compost facilities, and the 4703
creation of a registration or notification system in lieu of the 4704
issuance of permits and licenses for solid waste compost 4705
facilities. The rules shall specify the applicability of divisions 4706
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 4707
Code to a solid waste compost facility. 4708

(O)(1) As used in this division, "secondary aluminum waste" 4709
means waste material or byproducts, when disposed of, containing 4710
aluminum generated from secondary aluminum smelting operations and 4711
consisting of dross, salt cake, baghouse dust associated with 4712
aluminum recycling furnace operations, or dry-milled wastes. 4713

(2) The owner or operator of a sanitary landfill shall not 4714
dispose of municipal solid waste that has been commingled with 4715
secondary aluminum waste. 4716

(3) The owner or operator of a sanitary landfill may dispose 4717

of secondary aluminum waste, but only in a monocell or monofill 4718
that has been permitted for that purpose in accordance with this 4719
chapter and rules adopted under it. 4720

(P)(1) As used in divisions (P) and (Q) of this section: 4721

(a) "Natural background" means two picocuries per gram or the 4722
actual number of picocuries per gram as measured at an individual 4723
solid waste facility, subject to verification by the director of 4724
health. 4725

(b) "Drilling operation" includes a production operation as 4726
defined in section 1509.01 of the Revised Code. 4727

(2) The owner or operator of a solid waste facility shall not 4728
accept for transfer or disposal technologically enhanced naturally 4729
occurring radioactive material if that material contains or is 4730
contaminated with radium-226, radium-228, or any combination of 4731
radium-226 and radium-228 at concentrations equal to or greater 4732
than five picocuries per gram above natural background. 4733

(3) The owner or operator of a solid waste facility may 4734
receive and process for purposes other than transfer or disposal 4735
technologically enhanced naturally occurring radioactive material 4736
that contains or is contaminated with radium-226, radium-228, or 4737
any combination of radium-226 and radium-228 at concentrations 4738
equal to or greater than five picocuries per gram above natural 4739
background, provided that the owner or operator has obtained and 4740
maintains all other necessary authorizations, including any 4741
authorization required by rules adopted by the director of health 4742
under section 3748.04 of the Revised Code. 4743

(4) The director of environmental protection may adopt rules 4744
in accordance with Chapter 119. of the Revised Code governing the 4745
receipt, acceptance, processing, handling, management, and 4746
disposal by solid waste facilities of material that contains or is 4747
contaminated with radioactive material, including, without 4748

limitation, technologically enhanced naturally occurring 4749
radioactive material that contains or is contaminated with 4750
radium-226, radium-228, or any combination of radium-226 and 4751
radium-228 at concentrations less than five picocuries per gram 4752
above natural background. Rules adopted by the director may 4753
include at a minimum both of the following: 4754

(a) Requirements in accordance with which the owner or 4755
operator of a solid waste facility must monitor leachate and 4756
ground water for radium-226, radium-228, and other radionuclides; 4757

(b) Requirements in accordance with which the owner or 4758
operator of a solid waste facility must develop procedures to 4759
ensure that technologically enhanced naturally occurring 4760
radioactive material accepted at the facility neither contains nor 4761
is contaminated with radium-226, radium-228, or any combination of 4762
radium-226 and radium-228 at concentrations equal to or greater 4763
than five picocuries per gram above natural background. 4764

(Q) Notwithstanding any other provision of this section, the 4765
owner or operator of a solid waste facility shall not receive, 4766
accept, process, handle, manage, or dispose of technologically 4767
enhanced naturally occurring radioactive material associated with 4768
drilling operations without first obtaining representative 4769
analytical results to determine compliance with divisions (P)(2) 4770
and (3) of this section and rules adopted under it. 4771

Sec. 3734.029. (A)(1) Except as otherwise provided in 4772
division (A)(2) of this section, the standards of quality for 4773
compost products established in rules adopted under division (A) 4774
of section 3734.028 of the Revised Code apply to compost products 4775
produced by a facility composting dead animals that is subject to 4776
section ~~1511.022~~ 939.04 of the Revised Code in addition to compost 4777
products produced by facilities subject to this chapter. 4778

(2) The standards of quality established in rules adopted 4779

under division (A) of section 3734.028 of the Revised Code do not 4780
apply to the use, distribution for use, or giving away of the 4781
compost products produced by a composting facility subject to 4782
section ~~1511.022~~ 939.04 of the Revised Code when either of the 4783
following applies: 4784

(a) The composting is conducted by the person who raises the 4785
animals and the compost product is used in agricultural operations 4786
owned or operated by that person, regardless of whether the person 4787
owns the animals~~+~~. 4788

(b) The composting is conducted by the person who owns the 4789
animals, but does not raise them and the compost product is used 4790
in agricultural operations either by a person who raises the 4791
animals or by a person who raises grain that is used to feed them 4792
and that is supplied by the owner of the animals. 4793

(B) No owner or operator of a composting facility that is 4794
subject to regulation under section ~~1511.022~~ 939.04 of the Revised 4795
Code shall sell or offer for sale at retail or wholesale, 4796
distribute for use, or give away any compost product that does not 4797
comply with the standard of quality applicable under division (A) 4798
of this section for the use for which the product is being sold, 4799
offered for sale, distributed, or given away. 4800

No person shall violate this division. 4801

Sec. 3745.70. As used in sections 3745.70 to 3745.73 of the 4802
Revised Code: 4803

(A) "Environmental audit" means a voluntary, thorough, and 4804
discrete self-evaluation of one or more activities at one or more 4805
facilities or properties that is documented; is designed to 4806
improve compliance, or identify, correct, or prevent 4807
noncompliance, with environmental laws; and is conducted by the 4808
owner or operator of a facility or property or the owner's or 4809

operator's employee or independent contractor. An environmental 4810
audit may be conducted by the owner or operator of a facility or 4811
property, the owner's or operator's employees, or independent 4812
contractors. Once initiated, an audit shall be completed within a 4813
reasonable time, not to exceed six months, unless a written 4814
request for an extension is approved by the head officer of the 4815
governmental agency, or division or office thereof, with 4816
jurisdiction over the activities being audited based on a showing 4817
of reasonable grounds. An audit shall not be considered to be 4818
initiated until the owner or operator or the owner's or operator's 4819
employee or independent contractor actively has begun the 4820
self-evaluation of environmental compliance. 4821

(B) "Activity" means any process, procedure, or function that 4822
is subject to environmental laws. 4823

(C) "Voluntary" means, with respect to an environmental audit 4824
of a particular activity, that both of the following apply when 4825
the audit of that activity commences: 4826

(1) The audit is not required by law, prior litigation, or an 4827
order by a court or a government agency; 4828

(2) The owner or operator who conducts the audit does not 4829
know or have reason to know that a government agency has commenced 4830
an investigation or enforcement action that concerns a violation 4831
of environmental laws involving the activity or that such an 4832
investigation or enforcement action is imminent. 4833

(D) "Environmental audit report" means interim or final data, 4834
documents, records, or plans that are necessary to an 4835
environmental audit and are collected, developed, made, and 4836
maintained in good faith as part of the audit, and may include, 4837
without limitation: 4838

(1) Analytical data, laboratory reports, field notes and 4839
records of observations, findings, opinions, suggestions, 4840

conclusions, drafts, memoranda, drawings, photographs, 4841
computer-generated or electronically recorded information, maps, 4842
charts, graphs, and surveys; 4843

(2) Reports that describe the scope, objectives, and methods 4844
of the environmental audit, audit management policies, the 4845
information gained by the environmental audit, and conclusions and 4846
recommendations together with exhibits and appendices; 4847

(3) Memoranda, documents, records, and plans analyzing the 4848
environmental audit report or discussing implementation, 4849
prevention, compliance, and remediation issues associated with the 4850
environmental audit. 4851

"Environmental audit report" does not mean corrective or 4852
remedial action taken pursuant to an environmental audit. 4853

(E) "Environmental laws" means sections 939.02, 1511.02, and 4854
1531.29, Chapters 3704., 3734., 3745., 3746., 3750., 3751., 3752., 4855
6109., and 6111. of the Revised Code, and any other sections or 4856
chapters of the Revised Code the principal purpose of which is 4857
environmental protection; any federal or local counterparts or 4858
extensions of those sections or chapters; rules adopted under any 4859
such sections, chapters, counterparts, or extensions; and terms 4860
and conditions of orders, permits, licenses, license renewals, 4861
variances, exemptions, or plan approvals issued under such 4862
sections, chapters, counterparts, or extensions. 4863

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 4864
(4) of this section, the owner or operator of a facility required 4865
to annually file an emergency and hazardous chemical inventory 4866
form under section 3750.08 of the Revised Code shall submit with 4867
the inventory form a filing fee of one hundred fifty dollars. In 4868
addition to the filing fee, the owner or operator shall submit 4869
with the inventory form the following additional fees for 4870
reporting inventories of the individual hazardous chemicals and 4871

extremely hazardous substances produced, used, or stored at the 4872
facility: 4873

(a) Except as provided in division (A)(1)(b) of this section, 4874
an additional fee of twenty dollars per hazardous chemical 4875
enumerated on the inventory form; 4876

(b) An additional fee of one hundred fifty dollars per 4877
extremely hazardous substance enumerated on the inventory form. 4878
The fee established in division (A)(1)(a) of this section does not 4879
apply to the reporting of the inventory of a hazardous chemical 4880
that is also an extremely hazardous substance to which the 4881
inventory reporting fee established in division (A)(1)(b) of this 4882
section applies. 4883

The total fees required to accompany any inventory form shall 4884
not exceed twenty-five hundred dollars. 4885

(2) An owner or operator of a facility who fails to submit 4886
such an inventory form within thirty days after the applicable 4887
filing date prescribed in section 3750.08 of the Revised Code 4888
shall submit with the inventory form a late filing fee in the 4889
amount of ten per cent per year of the total fees due under 4890
division (A)(1) or (4) of this section, in addition to the fees 4891
due under division (A)(1) or (4) of this section. 4892

(3) The owner or operator of a facility who, during the 4893
preceding year, was required to pay a fee to a municipal 4894
corporation pursuant to an ordinance, rule, or requirement that 4895
was in effect on the effective date of this section for the 4896
reporting or providing of the names or amounts of extremely 4897
hazardous substances or hazardous chemicals produced, used, or 4898
stored at the facility may claim a credit against the fees due 4899
under division (A)(1) or (4) of this section for the fees paid to 4900
the municipal corporation pursuant to its reporting requirement. 4901
The amount of the credit claimed in any reporting year shall not 4902

exceed the amount of the fees due under division (A)(1) or (4) of 4903
this section during that reporting year, and no unused portion of 4904
the credit shall be carried over to subsequent years. In order to 4905
claim a credit under this division, the owner or operator shall 4906
submit with the emergency and hazardous chemical inventory form a 4907
receipt issued by the municipal corporation or other documentation 4908
acceptable to the commission indicating the amount of the fee paid 4909
to the municipal corporation and the date on which the fee was 4910
paid. 4911

~~(4) An owner or operator who is regulated under Chapter 1509.~~ 4912
~~of the Revised Code and who submits information under section~~ 4913
~~1509.11 of the Revised Code for not more than twenty five~~ 4914
~~facilities shall submit to the emergency response commission on or~~ 4915
~~before the first day of March a flat fee of fifty dollars if the~~ 4916
~~facilities meet all of the following conditions:~~ 4917

~~(a) The facility exclusively stores crude oil or liquid~~ 4918
~~hydrocarbons or other fluids resulting, obtained, or produced in~~ 4919
~~connection with the production or storage of crude oil or natural~~ 4920
~~gas.~~ 4921

~~(b) The crude oil, liquid hydrocarbons, or other fluids~~ 4922
~~stored at the facility are conveyed directly to it through piping~~ 4923
~~or tubing.~~ 4924

~~(c) The facility is located on the same site as, or on a site~~ 4925
~~adjacent to, the well from which the crude oil, liquid~~ 4926
~~hydrocarbons, or other fluids are produced or obtained.~~ 4927

~~(d) The facility is used for the storage of the crude oil,~~ 4928
~~liquid hydrocarbons, or other fluids prior to their transportation~~ 4929
~~off the premises of the facility for sale, use, or disposal.~~ 4930

~~An owner or operator who submits information for more than~~ 4931
~~twenty five facilities that meet all of the conditions prescribed~~ 4932
~~in divisions (A)(4)(a) to (d) of this section shall submit to the~~ 4933

~~commission a base fee of fifty dollars and an additional filing 4934
fee of ten dollars for each facility reported in excess of 4935
twenty five, but not exceeding a total fee of nine hundred 4936
dollars. 4937~~

~~As used in division (A)(4) of this section, "owner or 4938
operator" means the person who actually owns or operates any such 4939
facility and any other person who controls, is controlled by, or 4940
is under common control with the person who actually owns or 4941
operates the facility. 4942~~

(B) The emergency response commission and the local emergency 4943
planning committee of an emergency planning district may establish 4944
fees to be paid by persons, other than public officers or 4945
employees, obtaining copies of documents or information submitted 4946
to the commission or a committee under this chapter. The fees 4947
shall be established at a level calculated to defray the costs to 4948
the commission or committee for copying the documents or 4949
information, but shall not exceed the maximum fees established in 4950
rules adopted under division (B)(8) of section 3750.02 of the 4951
Revised Code. 4952

(C) Except as provided in this division and division (B) of 4953
this section, and except for fees authorized by section 3737.22 of 4954
the Revised Code or rules adopted under sections 3737.82 to 4955
3737.882 of the Revised Code and collected exclusively for either 4956
of those purposes, no committee or political subdivision shall 4957
levy any fee, tax, excise, or other charge to carry out the 4958
purposes of this chapter. A committee may charge the actual costs 4959
involved in accessing any computerized data base established by 4960
the commission under this chapter or by the United States 4961
environmental protection agency under the "Emergency Planning and 4962
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 4963
11001. 4964

(D) Moneys collected by the commission under this section 4965

shall be credited to the emergency planning and community 4966
right-to-know fund created in section 3750.14 of the Revised Code. 4967

Sec. 3750.14. (A) There is hereby created in the state 4968
treasury the emergency planning and community right-to-know fund. 4969
Moneys received by the emergency response commission under section 4970
3750.13 of the Revised Code and civil penalties imposed under 4971
division (B) of section 3750.20 of the Revised Code shall be 4972
credited to the fund until an aggregate amount of five million 4973
dollars has been credited to it during a fiscal year. All moneys 4974
in excess of five million dollars so received during a fiscal year 4975
shall be credited to the emergency response and community 4976
right-to-know reserve fund created in section 3750.15 of the 4977
Revised Code. 4978

(B) The emergency response commission shall administer the 4979
emergency planning and community right-to-know fund. On or before 4980
the first day of May of each year, the commission shall allocate 4981
moneys in the fund for grants to each of the following entities or 4982
classes of entities in the percentages stated: 4983

(1) To the commission, not less than fifteen nor more than 4984
twenty-five per cent of the moneys in the fund; 4985

(2) To local emergency planning committees, not less than 4986
sixty-five nor more than seventy-five per cent of the moneys in 4987
the fund; 4988

(3) To fire departments, not less than five nor more than 4989
fifteen per cent of the moneys in the fund. 4990

Moneys credited to the fund under section 3750.13 of the 4991
Revised Code from the fees paid by the owner or operator of a 4992
facility who first submitted an emergency and hazardous chemical 4993
inventory form for the facility on or before the first day of 4994
March of the current year shall not be considered when making 4995

allocations under divisions (B)(1), (2), and (3) of this section, 4996
but shall be distributed pursuant to division (E) of this section. 4997
The allocated moneys shall be distributed at the start of each 4998
fiscal year. The commission's decisions on the distribution of 4999
moneys from the fund are not appealable. 5000

(C) From the moneys allocated under division (B)(1), (2), or 5001
(3) of this section, as appropriate, the commission shall make 5002
grants from the fund to the commission, local emergency planning 5003
committees, and fire departments for implementation and 5004
administration of this chapter and rules adopted under it, 5005
including, without limitation, the development and implementation 5006
of chemical emergency response and preparedness plans. The 5007
commission shall make grants under this division in accordance 5008
with rules adopted under division (B)(7) of section 3750.02 of the 5009
Revised Code. In making grants to committees and fire departments 5010
under this division, the commission shall consider the needs of 5011
the emergency planning district or fire department in terms of the 5012
minimum amount of money necessary for a committee to prepare or 5013
revise, exercise, and review its chemical emergency response and 5014
preparedness plan in terms of its minimum requirements for 5015
personnel and essential office equipment; the number of facilities 5016
in the district or under the jurisdiction of the fire department 5017
that are subject to section 3750.05 of the Revised Code; the 5018
amounts of extremely hazardous substances produced, used, or 5019
stored in the district or territory under the jurisdiction of the 5020
fire department; the amounts of hazardous materials transported in 5021
or through the district or territory under the jurisdiction of the 5022
fire department; and the population within the district or under 5023
the jurisdiction of the fire department that resides in close 5024
proximity to facilities that are subject to that section and to 5025
principal routes for the transportation of hazardous materials 5026
identified or listed by regulations adopted under the "Hazardous 5027
Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 5028

1801, as amended. 5029

Each application for a grant under this division shall be 5030
made in accordance with rules adopted under division (B)(7) of 5031
section 3750.02 of the Revised Code and shall demonstrate that the 5032
grant will enhance the ability of the recipient or, in the case of 5033
the commission, the state as a whole to prepare for and respond to 5034
releases of hazardous substances and extremely hazardous 5035
substances. A fire department shall apply for and receive a grant 5036
under this division only through the committee for the emergency 5037
planning district in which the fire department is located. 5038

(D)(1) Moneys received by the commission, committees, and 5039
fire departments under this section shall not be used to do any of 5040
the following: 5041

(a) Acquire first response equipment, except as otherwise 5042
provided in division (D)(4) of this section; 5043

(b) Defray costs for copying and mailing hazardous chemical 5044
lists, material safety data sheets, or emergency and hazardous 5045
chemical inventory forms submitted under this chapter for 5046
distribution to the public; 5047

(c) Reimburse any person for expenditures incurred for 5048
emergency response and cleanup of a release of oil, a hazardous 5049
substance, or an extremely hazardous substance; 5050

(d) Perform any assessment of damages to natural resources 5051
resulting from a release of oil, a hazardous substance, or an 5052
extremely hazardous substance. 5053

(2) The commission may use moneys in the fund to pay the 5054
costs incurred by other state agencies in implementing and 5055
administering the requirements of this chapter and rules adopted 5056
under it. 5057

(3) In making a grant under this section to the fire 5058

department of a municipal corporation that is collecting a fee 5059
pursuant to an ordinance, rule, or requirement for the reporting 5060
or providing of the names and amounts of extremely hazardous 5061
substances or hazardous chemicals produced, used, or stored at 5062
facilities in the municipal corporation that was in effect on the 5063
effective date of this section, the commission shall first 5064
determine the amount of the grant for which the fire department 5065
would otherwise be eligible under this section and shall subtract 5066
from that amount the total amount of the moneys collected by the 5067
municipal corporation during the preceding year pursuant to the 5068
reporting requirement, as certified to the commission in the grant 5069
application. If that calculation yields a positive remainder, the 5070
commission may make a grant to the fire department in that amount. 5071
Otherwise, the fire department is not eligible for a grant under 5072
this section for that year. 5073

(4) After a committee determines that the initial training 5074
needs for emergency management personnel within its emergency 5075
planning district set forth in the committee's plan or most recent 5076
review of its plan under section 3750.04 of the Revised Code have 5077
been met, a committee may make grants from the moneys it receives 5078
under this section to fire departments located within the district 5079
for the purchase of first response equipment. 5080

(5) During the first three fiscal years commencing after 5081
December 14, 1988, political subdivisions within an emergency 5082
planning district may apply to the committee of the district for 5083
reimbursement of moneys spent and in-kind contributions made by 5084
the political subdivision to the committee at any time prior to 5085
the committee's receipt of its first grant under this section for 5086
performance of the functions of a local emergency planning 5087
committee. The committee may make grants from the moneys it 5088
receives under this section during those fiscal years to reimburse 5089
any portion of the contributions made by a political subdivision 5090

to the committee to the extent that the committee considers that 5091
moneys are available for that purpose. 5092

(E) In the year in which the owner or operator of a facility 5093
who is subject to filing an emergency and hazardous chemical 5094
inventory form for the facility first files a form for the 5095
facility, the commission shall make a grant to the local emergency 5096
planning committee of the emergency planning district in which the 5097
facility is located for the total amount of the fees and any 5098
penalties collected under division (A)(1), or (2), ~~or (4)~~ of 5099
section 3750.13 of the Revised Code in that year in connection 5100
with the filing of the form for the facility. The amount of the 5101
grant provided under this division shall be in addition to any 5102
grant provided to the committee under division (C) of this section 5103
or division (B) of section 3750.15 of the Revised Code. The amount 5104
of a grant to be provided under this division shall not be 5105
considered in determining the committee's need for a grant under 5106
division (C) of this section or division (B) of section 3750.15 of 5107
the Revised Code or in determining the amount of any such grant. 5108
If a committee also will receive a grant under division (C) of 5109
this section, the grant provided under this division shall 5110
accompany that grant. If a committee will not receive a grant 5111
under division (C) of this section in a year in which the 5112
committee is to receive a grant under this division, the grant 5113
under this division shall be made to the committee at the time 5114
that the grants under division (C) of this section are 5115
distributed. Moneys received by a local committee under this 5116
division shall be used for the same purposes as the grants 5117
received under division (C) of this section. 5118

Sec. 6109.10. (A)(1) As used in this section, "lead free" 5119
means: 5120

~~(1) When used with respect to solders or flux, solders or~~ 5121

~~flux containing~~ (a) Containing not more than two-tenths of one per cent lead when used with respect to solders or flux;

(2) ~~When used with respect to pipes or pipe fittings, pipes or pipe fittings containing~~ (b) Containing not more than eight a weighted average of twenty-five-hundredths per cent lead when used with respect to wetted surfaces of pipes, pipe fittings, or plumbing fittings or fixtures.

~~(B) Any pipe, pipe fitting, solder, or flux that is used in the installation or repair of a public water system or of any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system shall be lead free. This division does not apply to leaded joints necessary for the repair of cast iron pipes. (2) For purposes of this section, the weighted average lead content of a pipe, pipe fitting, or plumbing fitting or fixture shall be calculated by using the following formula: for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to determine the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of the weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine whether the wetted surfaces are lead free pursuant to division (A)(1)(b) of this section. For purposes of the lead contents of materials that are provided as a range, the maximum content of the range shall be used.~~

(B) Except as provided in division (D) of this section, no person shall do any of the following:

(1) Use any pipe, pipe fitting, plumbing fitting or fixture, solder, or flux that is not lead free in the installation or

repair of a public water system or of any plumbing in a residential or nonresidential facility providing water for human consumption;

(2) Introduce into commerce any pipe, pipe fitting, or plumbing fitting or fixture that is not lead free;

(3) Sell solder or flux that is not lead free while engaged in the business of selling plumbing supplies;

(4) Introduce into commerce any solder or flux that is not lead free unless the solder or flux has a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(C) ~~Each~~ The owner or operator of a public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water if the contamination results from the lead content in the construction materials of the public water distribution system, the corrosivity of the water supply is sufficient to cause the leaching of lead, or both. The notice shall be in such form and manner as may be reasonably required by the director of environmental protection, but shall provide a clear and readily understandable explanation of all of the following:

(1) Potential sources of lead in the drinking water;

(2) Potential adverse health effects;

(3) Reasonably available methods of mitigating known or potential lead content in drinking water;

(4) Any steps the public water system is taking to mitigate lead content in drinking water;

(5) The necessity, if any, of seeking alternative water supplies.

The notice shall be provided notwithstanding the absence of a

violation of any drinking water standard. 5184

(D)(1) Division (B)(1) of this section does not apply to the 5185
use of leaded joints that are necessary for the repair of cast 5186
iron pipes. 5187

(2) Division (B)(2) of this section does not apply to a pipe 5188
that is used in manufacturing or industrial processing. 5189

(3) Division (B)(3) of this section does not apply to the 5190
selling of plumbing supplies by manufacturers of those supplies. 5191

(4) Division (B) of this section does not apply to either of 5192
the following: 5193

(a) Pipes, pipe fittings, or plumbing fittings or fixtures, 5194
including backflow preventers, that are used exclusively for 5195
nonpotable services such as manufacturing, industrial processing, 5196
irrigation, outdoor watering, or any other uses where the water is 5197
not anticipated to be used for human consumption; 5198

(b) Toilets, bidets, urinals, fill valves, flushometer 5199
valves, tub fillers, shower valves, service saddles, or water 5200
distribution main gate valves that are two inches in diameter or 5201
larger. 5202

Sec. 6111.03. The director of environmental protection may do 5203
any of the following: 5204

(A) Develop plans and programs for the prevention, control, 5205
and abatement of new or existing pollution of the waters of the 5206
state; 5207

(B) Advise, consult, and cooperate with other agencies of the 5208
state, the federal government, other states, and interstate 5209
agencies and with affected groups, political subdivisions, and 5210
industries in furtherance of the purposes of this chapter. Before 5211
adopting, amending, or rescinding a standard or rule pursuant to 5212
division (G) of this section or section 6111.041 or 6111.042 of 5213

the Revised Code, the director shall do all of the following: 5214

(1) Mail notice to each statewide organization that the 5215
director determines represents persons who would be affected by 5216
the proposed standard or rule, amendment thereto, or rescission 5217
thereof at least thirty-five days before any public hearing 5218
thereon; 5219

(2) Mail a copy of each proposed standard or rule, amendment 5220
thereto, or rescission thereof to any person who requests a copy, 5221
within five days after receipt of the request therefor; 5222

(3) Consult with appropriate state and local government 5223
agencies or their representatives, including statewide 5224
organizations of local government officials, industrial 5225
representatives, and other interested persons. 5226

Although the director is expected to discharge these duties 5227
diligently, failure to mail any such notice or copy or to so 5228
consult with any person shall not invalidate any proceeding or 5229
action of the director. 5230

(C) Administer grants from the federal government and from 5231
other sources, public or private, for carrying out any of its 5232
functions, all such moneys to be deposited in the state treasury 5233
and kept by the treasurer of state in a separate fund subject to 5234
the lawful orders of the director; 5235

(D) Administer state grants for the construction of sewage 5236
and waste collection and treatment works; 5237

(E) Encourage, participate in, or conduct studies, 5238
investigations, research, and demonstrations relating to water 5239
pollution, and the causes, prevention, control, and abatement 5240
thereof, that are advisable and necessary for the discharge of the 5241
director's duties under this chapter; 5242

(F) Collect and disseminate information relating to water 5243

pollution and prevention, control, and abatement thereof; 5244

(G) Adopt, amend, and rescind rules in accordance with 5245
Chapter 119. of the Revised Code governing the procedure for 5246
hearings, the filing of reports, the issuance of permits, the 5247
issuance of industrial water pollution control certificates, and 5248
all other matters relating to procedure; 5249

(H) Issue, modify, or revoke orders to prevent, control, or 5250
abate water pollution by such means as the following: 5251

(1) Prohibiting or abating discharges of sewage, industrial 5252
waste, or other wastes into the waters of the state; 5253

(2) Requiring the construction of new disposal systems or any 5254
parts thereof, or the modification, extension, or alteration of 5255
existing disposal systems or any parts thereof; 5256

(3) Prohibiting additional connections to or extensions of a 5257
sewerage system when the connections or extensions would result in 5258
an increase in the polluting properties of the effluent from the 5259
system when discharged into any waters of the state; 5260

(4) Requiring compliance with any standard or rule adopted 5261
under sections 6111.01 to 6111.05 of the Revised Code or term or 5262
condition of a permit. 5263

In the making of those orders, wherever compliance with a 5264
rule adopted under section 6111.042 of the Revised Code is not 5265
involved, consistent with the Federal Water Pollution Control Act, 5266
the director shall give consideration to, and base the 5267
determination on, evidence relating to the technical feasibility 5268
and economic reasonableness of complying with those orders and to 5269
evidence relating to conditions calculated to result from 5270
compliance with those orders, and their relation to benefits to 5271
the people of the state to be derived from such compliance in 5272
accomplishing the purposes of this chapter. 5273

(I) Review plans, specifications, or other data relative to 5274
disposal systems or any part thereof in connection with the 5275
issuance of orders, permits, and industrial water pollution 5276
control certificates under this chapter; 5277

(J)(1) Issue, revoke, modify, or deny sludge management 5278
permits and permits for the discharge of sewage, industrial waste, 5279
or other wastes into the waters of the state, and for the 5280
installation or modification of disposal systems or any parts 5281
thereof in compliance with all requirements of the Federal Water 5282
Pollution Control Act and mandatory regulations adopted 5283
thereunder, including regulations adopted under section 405 of the 5284
Federal Water Pollution Control Act, and set terms and conditions 5285
of permits, including schedules of compliance, where necessary. 5286
Any person who discharges, transports, or handles storm water from 5287
an animal feeding facility, as defined in section 903.01 of the 5288
Revised Code, or pollutants from a concentrated animal feeding 5289
operation, as both terms are defined in that section, is not 5290
required to obtain a permit under division (J)(1) of this section 5291
for the installation or modification of a disposal system 5292
involving pollutants or storm water or any parts of such a system 5293
on and after the date on which the director of agriculture has 5294
finalized the program required under division (A)(1) of section 5295
903.02 of the Revised Code. In addition, any person who 5296
discharges, transports, or handles storm water from an animal 5297
feeding facility, as defined in section 903.01 of the Revised 5298
Code, or pollutants from a concentrated animal feeding operation, 5299
as both terms are defined in that section, is not required to 5300
obtain a permit under division (J)(1) of this section for the 5301
discharge of storm water from an animal feeding facility or 5302
pollutants from a concentrated animal feeding operation on and 5303
after the date on which the United States environmental protection 5304
agency approves the NPDES program submitted by the director of 5305
agriculture under section 903.08 of the Revised Code. 5306

Any permit terms and conditions set by the director shall be 5307
designed to achieve and maintain full compliance with the national 5308
effluent limitations, national standards of performance for new 5309
sources, and national toxic and pretreatment effluent standards 5310
set under that act, and any other mandatory requirements of that 5311
act that are imposed by regulation of the administrator of the 5312
United States environmental protection agency. If an applicant for 5313
a sludge management permit also applies for a related permit for 5314
the discharge of sewage, industrial waste, or other wastes into 5315
the waters of the state, the director may combine the two permits 5316
and issue one permit to the applicant. 5317

A sludge management permit is not required for an entity that 5318
treats or transports sewage sludge or for a sanitary landfill when 5319
all of the following apply: 5320

(a) The entity or sanitary landfill does not generate the 5321
sewage sludge. 5322

(b) Prior to receipt at the sanitary landfill, the entity has 5323
ensured that the sewage sludge meets the requirements established 5324
in rules adopted by the director under section 3734.02 of the 5325
Revised Code concerning disposal of municipal solid waste in a 5326
sanitary landfill. 5327

(c) Disposal of the sewage sludge occurs at a sanitary 5328
landfill that complies with rules adopted by the director under 5329
section 3734.02 of the Revised Code. 5330

As used in division (J)(1) of this section, "sanitary 5331
landfill" means a sanitary landfill facility, as defined in rules 5332
adopted under section 3734.02 of the Revised Code, that is 5333
licensed as a solid waste facility under section 3734.05 of the 5334
Revised Code. 5335

(2) An application for a permit or renewal thereof shall be 5336
denied if any of the following applies: 5337

(a) The secretary of the army determines in writing that anchorage or navigation would be substantially impaired thereby;

(b) The director determines that the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act;

(c) The administrator of the United States environmental protection agency objects in writing to the issuance or renewal of the permit in accordance with section 402 (d) of the Federal Water Pollution Control Act;

(d) The application is for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the United States.

(3) To achieve and maintain applicable standards of quality for the waters of the state adopted pursuant to section 6111.041 of the Revised Code, the director shall impose, where necessary and appropriate, as conditions of each permit, water quality related effluent limitations in accordance with sections 301, 302, 306, 307, and 405 of the Federal Water Pollution Control Act and, to the extent consistent with that act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter.

(4) Where a discharge having a thermal component from a source that is constructed or modified on or after October 18, 1972, meets national or state effluent limitations or more stringent permit conditions designed to achieve and maintain compliance with applicable standards of quality for the waters of

the state, which limitations or conditions will ensure protection 5369
and propagation of a balanced, indigenous population of shellfish, 5370
fish, and wildlife in or on the body of water into which the 5371
discharge is made, taking into account the interaction of the 5372
thermal component with sewage, industrial waste, or other wastes, 5373
the director shall not impose any more stringent limitation on the 5374
thermal component of the discharge, as a condition of a permit or 5375
renewal thereof for the discharge, during a ten-year period 5376
beginning on the date of completion of the construction or 5377
modification of the source, or during the period of depreciation 5378
or amortization of the source for the purpose of section 167 or 5379
169 of the Internal Revenue Code of 1954, whichever period ends 5380
first. 5381

(5) The director shall specify in permits for the discharge 5382
of sewage, industrial waste, and other wastes, the net volume, net 5383
weight, duration, frequency, and, where necessary, concentration 5384
of the sewage, industrial waste, and other wastes that may be 5385
discharged into the waters of the state. The director shall 5386
specify in those permits and in sludge management permits that the 5387
permit is conditioned upon payment of applicable fees as required 5388
by section 3745.11 of the Revised Code and upon the right of the 5389
director's authorized representatives to enter upon the premises 5390
of the person to whom the permit has been issued for the purpose 5391
of determining compliance with this chapter, rules adopted 5392
thereunder, or the terms and conditions of a permit, order, or 5393
other determination. The director shall issue or deny an 5394
application for a sludge management permit or a permit for a new 5395
discharge, for the installation or modification of a disposal 5396
system, or for the renewal of a permit, within one hundred eighty 5397
days of the date on which a complete application with all plans, 5398
specifications, construction schedules, and other pertinent 5399
information required by the director is received. 5400

(6) The director may condition permits upon the installation of discharge or water quality monitoring equipment or devices and the filing of periodic reports on the amounts and contents of discharges and the quality of receiving waters that the director prescribes. The director shall condition each permit for a government-owned disposal system or any other "treatment works" as defined in the Federal Water Pollution Control Act upon the reporting of new introductions of industrial waste or other wastes and substantial changes in volume or character thereof being introduced into those systems or works from "industrial users" as defined in section 502 of that act, as necessary to comply with section 402(b)(8) of that act; upon the identification of the character and volume of pollutants subject to pretreatment standards being introduced into the system or works; and upon the existence of a program to ensure compliance with pretreatment standards by "industrial users" of the system or works. In requiring monitoring devices and reports, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(7) A permit may be issued for a period not to exceed five years and may be renewed upon application for renewal. In renewing a permit, the director shall consider the compliance history of the permit holder and may deny the renewal if the director determines that the permit holder has not complied with the terms and conditions of the existing permit. A permit may be modified, suspended, or revoked for cause, including, but not limited to, violation of any condition of the permit, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts of the permitted discharge or of the sludge use, storage, treatment, or disposal practice, or changes in any condition that requires either a temporary or permanent reduction or elimination of the permitted activity. No application shall be denied or

permit revoked or modified without a written order stating the 5434
findings upon which the denial, revocation, or modification is 5435
based. A copy of the order shall be sent to the applicant or 5436
permit holder by certified mail. 5437

(K) Institute or cause to be instituted in any court of 5438
competent jurisdiction proceedings to compel compliance with this 5439
chapter or with the orders of the director issued under this 5440
chapter, or to ensure compliance with sections 204(b), 307, 308, 5441
and 405 of the Federal Water Pollution Control Act; 5442

(L) Issue, deny, revoke, or modify industrial water pollution 5443
control certificates; 5444

(M) Certify to the government of the United States or any 5445
agency thereof that an industrial water pollution control facility 5446
is in conformity with the state program or requirements for the 5447
control of water pollution whenever the certification may be 5448
required for a taxpayer under the Internal Revenue Code of the 5449
United States, as amended; 5450

(N) Issue, modify, and revoke orders requiring any 5451
"industrial user" of any publicly owned "treatment works" as 5452
defined in sections 212(2) and 502(18) of the Federal Water 5453
Pollution Control Act to comply with pretreatment standards; 5454
establish and maintain records; make reports; install, use, and 5455
maintain monitoring equipment or methods, including, where 5456
appropriate, biological monitoring methods; sample discharges in 5457
accordance with methods, at locations, at intervals, and in a 5458
manner that the director determines; and provide other information 5459
that is necessary to ascertain whether or not there is compliance 5460
with toxic and pretreatment effluent standards. In issuing, 5461
modifying, and revoking those orders, the director, to the extent 5462
consistent with the Federal Water Pollution Control Act, shall 5463
give consideration to technical feasibility and economic 5464
reasonableness and shall allow reasonable time for compliance. 5465

(O) Exercise all incidental powers necessary to carry out the purposes of this chapter;	5466 5467
(P) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act;	5468 5469 5470 5471
(Q) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following:	5472 5473 5474 5475
(1) Apply and enforce pretreatment standards;	5476
(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:	5477 5478 5479 5480
(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;	5481 5482
(b) The director has revoked the publicly owned treatment works pretreatment program;	5483 5484
(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;	5485 5486
(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.	5487 5488 5489
(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;	5490 5491 5492 5493 5494 5495

(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works;

(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users;

(6) Make determinations on categorization of industrial users;

(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program.

Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter.

(R) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it.

(S)(1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following:

(a) Develop plans and programs for the disposal and 5527
utilization of sludge and sludge materials; 5528

(b) Encourage, participate in, or conduct studies, 5529
investigations, research, and demonstrations relating to the 5530
disposal and use of sludge and sludge materials and the impact of 5531
sludge and sludge materials on land located in the state and on 5532
the air and waters of the state; 5533

(c) Collect and disseminate information relating to the 5534
disposal and use of sludge and sludge materials and the impact of 5535
sludge and sludge materials on land located in the state and on 5536
the air and waters of the state; 5537

(d) Issue, modify, or revoke orders to prevent, control, or 5538
abate the use and disposal of sludge and sludge materials or the 5539
effects of the use of sludge and sludge materials on land located 5540
in the state and on the air and waters of the state; 5541

(e) Adopt and enforce, modify, or rescind rules necessary for 5542
the implementation of division (S) of this section. The rules 5543
reasonably shall protect public health and the environment, 5544
encourage the beneficial reuse of sludge and sludge materials, and 5545
minimize the creation of nuisance odors. 5546

The director may specify in sludge management permits the net 5547
volume, net weight, quality, and pollutant concentration of the 5548
sludge or sludge materials that may be used, stored, treated, or 5549
disposed of, and the manner and frequency of the use, storage, 5550
treatment, or disposal, to protect public health and the 5551
environment from adverse effects relating to those activities. The 5552
director shall impose other terms and conditions to protect public 5553
health and the environment, minimize the creation of nuisance 5554
odors, and achieve compliance with this chapter and rules adopted 5555
under it and, in doing so, shall consider whether the terms and 5556
conditions are consistent with the goal of encouraging the 5557

beneficial reuse of sludge and sludge materials. 5558

The director may condition permits on the implementation of 5559
treatment, storage, disposal, distribution, or application 5560
management methods and the filing of periodic reports on the 5561
amounts, composition, and quality of sludge and sludge materials 5562
that are disposed of, used, treated, or stored. 5563

An approval of a treatment works sludge disposal program may 5564
contain any terms and conditions, including schedules of 5565
compliance, necessary to achieve compliance with this chapter and 5566
rules adopted under it. 5567

(2) As a part of the program established under division 5568
(S)(1) of this section, the director has exclusive authority to 5569
regulate sewage sludge management in this state. For purposes of 5570
division (S)(2) of this section, that program shall be consistent 5571
with section 405 of the Federal Water Pollution Control Act and 5572
regulations adopted under it and with this section, except that 5573
the director may adopt rules under division (S) of this section 5574
that establish requirements that are more stringent than section 5575
405 of the Federal Water Pollution Control Act and regulations 5576
adopted under it with regard to monitoring sewage sludge and 5577
sewage sludge materials and establishing acceptable sewage sludge 5578
management practices and pollutant levels in sewage sludge and 5579
sewage sludge materials. 5580

This chapter authorizes the state to participate in any 5581
national sludge management program and the national pollutant 5582
discharge elimination system, to administer and enforce the 5583
publicly owned treatment works pretreatment program, and to issue 5584
permits for the discharge of dredged or fill materials, in 5585
accordance with the Federal Water Pollution Control Act. This 5586
chapter shall be administered, consistent with the laws of this 5587
state and federal law, in the same manner that the Federal Water 5588
Pollution Control Act is required to be administered. 5589

This section does not apply to animal waste residual farm products and manure disposal systems and related management and conservation practices subject to rules adopted pursuant to division ~~(E)(4)(C)(1)~~ of section ~~1511.02~~ 939.02 of the Revised Code. For purposes of this exclusion, "residual farm products" and "manure" have the same meanings as in section 939.01 of the Revised Code. However, until the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this exclusion does not apply to animal waste treatment works having a controlled direct discharge to the waters of the state or any concentrated animal feeding operation, as defined in 40 C.F.R. 122.23(b)(2). On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this section does not apply to storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or to pollutants discharged from a concentrated animal feeding operation, as both terms are defined in that section. Neither of these exclusions applies to the discharge of animal waste into a publicly owned treatment works.

Sec. 6111.04. (A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes

in a location in which they cause pollution of any waters of the 5621
state holds a valid, unexpired permit, or renewal of a permit, 5622
governing the causing or placement as provided in sections 6111.01 5623
to 6111.08 of the Revised Code or if the person's application for 5624
renewal of such a permit is pending. 5625

(B) If the director of environmental protection administers a 5626
sludge management program pursuant to division (S) of section 5627
6111.03 of the Revised Code, both of the following apply except as 5628
otherwise provided in division (B) or (F) of this section: 5629

(1) No person, in the course of sludge management, shall 5630
place on land located in the state or release into the air of the 5631
state any sludge or sludge materials. 5632

(2) An action prohibited under division (B)(1) of this 5633
section is hereby declared to be a public nuisance. 5634

Divisions (B)(1) and (2) of this section do not apply if the 5635
person placing or releasing the sludge or sludge materials holds a 5636
valid, unexpired permit, or renewal of a permit, governing the 5637
placement or release as provided in sections 6111.01 to 6111.08 of 5638
the Revised Code or if the person's application for renewal of 5639
such a permit is pending. 5640

(C) No person to whom a permit has been issued shall place or 5641
discharge, or cause to be placed or discharged, in any waters of 5642
the state any sewage, sludge, sludge materials, industrial waste, 5643
or other wastes in excess of the permissive discharges specified 5644
under an existing permit without first receiving a permit from the 5645
director to do so. 5646

(D) No person to whom a sludge management permit has been 5647
issued shall place on the land or release into the air of the 5648
state any sludge or sludge materials in excess of the permissive 5649
amounts specified under the existing sludge management permit 5650
without first receiving a modification of the existing sludge 5651

management permit or a new sludge management permit to do so from 5652
the director. 5653

(E) The director may require the submission of plans, 5654
specifications, and other information that the director considers 5655
relevant in connection with the issuance of permits. 5656

(F) This section does not apply to any of the following: 5657

(1) Waters used in washing sand, gravel, other aggregates, or 5658
mineral products when the washing and the ultimate disposal of the 5659
water used in the washing, including any sewage, industrial waste, 5660
or other wastes contained in the waters, are entirely confined to 5661
the land under the control of the person engaged in the recovery 5662
and processing of the sand, gravel, other aggregates, or mineral 5663
products and do not result in the pollution of waters of the 5664
state; 5665

(2) Water, gas, or other material injected into a well to 5666
facilitate, or that is incidental to, the production of oil, gas, 5667
artificial brine, or water derived in association with oil or gas 5668
production and disposed of in a well, in compliance with a permit 5669
issued under Chapter 1509. of the Revised Code, or sewage, 5670
industrial waste, or other wastes injected into a well in 5671
compliance with an injection well operating permit. Division 5672

(F)(2) of this section does not authorize, without a permit, any 5673
discharge that is prohibited by, or for which a permit is required 5674
by, regulation of the United States environmental protection 5675
agency. 5676

(3) Application of any materials to land for agricultural 5677
purposes or runoff of the materials from that application or 5678
pollution by ~~animal waste~~ residual farm products, manure, or soil 5679
sediment, including attached substances, resulting from farming, 5680
silvicultural, or earthmoving activities regulated by Chapter 5681
307., 939., or 1511. of the Revised Code. Division (F)(3) of this 5682

section does not authorize, without a permit, any discharge that 5683
is prohibited by, or for which a permit is required by, the 5684
Federal Water Pollution Control Act or regulations adopted under 5685
it. As used in division (F)(3) of this section, "residual farm 5686
products" and "manure" have the same meanings as in section 939.01 5687
of the Revised Code. 5688

(4) The excrement of domestic and farm animals defecated on 5689
land or runoff therefrom into any waters of the state. Division 5690
(F)(4) of this section does not authorize, without a permit, any 5691
discharge that is prohibited by, or for which a permit is required 5692
by, the Federal Water Pollution Control Act or regulations adopted 5693
under it. 5694

(5) On and after the date on which the United States 5695
environmental protection agency approves the NPDES program 5696
submitted by the director of agriculture under section 903.08 of 5697
the Revised Code, any discharge that is within the scope of the 5698
approved NPDES program submitted by the director of agriculture; 5699

(6) The discharge of sewage, industrial waste, or other 5700
wastes into a sewerage system tributary to a treatment works. 5701
Division (F)(6) of this section does not authorize any discharge 5702
into a publicly owned treatment works in violation of a 5703
pretreatment program applicable to the publicly owned treatment 5704
works. 5705

(7) A household sewage treatment system or a small flow 5706
on-site sewage treatment system, as applicable, as defined in 5707
section 3718.01 of the Revised Code that is installed in 5708
compliance with Chapter 3718. of the Revised Code and rules 5709
adopted under it. Division (F)(7) of this section does not 5710
authorize, without a permit, any discharge that is prohibited by, 5711
or for which a permit is required by, regulation of the United 5712
States environmental protection agency. 5713

(8) Exceptional quality sludge generated outside of this 5714
state and contained in bags or other containers not greater than 5715
one hundred pounds in capacity. As used in division (F)(8) of this 5716
section, "exceptional quality sludge" has the same meaning as in 5717
division (Y) of section 3745.11 of the Revised Code. 5718

(G) The holder of a permit issued under section 402 (a) of 5719
the Federal Water Pollution Control Act need not obtain a permit 5720
for a discharge authorized by the permit until its expiration 5721
date. Except as otherwise provided in this division, the director 5722
of environmental protection shall administer and enforce those 5723
permits within this state and may modify their terms and 5724
conditions in accordance with division (J) of section 6111.03 of 5725
the Revised Code. On and after the date on which the United States 5726
environmental protection agency approves the NPDES program 5727
submitted by the director of agriculture under section 903.08 of 5728
the Revised Code, the director of agriculture shall administer and 5729
enforce those permits within this state that are issued for any 5730
discharge that is within the scope of the approved NPDES program 5731
submitted by the director of agriculture. 5732

Sec. 6111.44. (A) Except as otherwise provided in division 5733
(B) of this section, in section 6111.14 of the Revised Code, or in 5734
rules adopted under division (G) of section 6111.03 of the Revised 5735
Code, no municipal corporation, county, public institution, 5736
corporation, or officer or employee thereof or other person shall 5737
provide or install sewerage or treatment works for sewage, sludge, 5738
or sludge materials disposal or treatment or make a change in any 5739
sewerage or treatment works until the plans therefor have been 5740
submitted to and approved by the director of environmental 5741
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 5742
to sewerage and treatment works of a municipal corporation or part 5743
thereof, an unincorporated community, a county sewer district, or 5744
other land outside of a municipal corporation or any publicly or 5745

privately owned building or group of buildings or place, used for 5746
the assemblage, entertainment, recreation, education, correction, 5747
hospitalization, housing, or employment of persons. 5748

In granting an approval, the director may stipulate 5749
modifications, conditions, and rules that the public health and 5750
prevention of pollution may require. Any action taken by the 5751
director shall be a matter of public record and shall be entered 5752
in the director's journal. Each period of thirty days that a 5753
violation of this section continues, after a conviction for the 5754
violation, constitutes a separate offense. 5755

(B) Sections 6111.45 and 6111.46 of the Revised Code and 5756
division (A) of this section do not apply to any of the following: 5757

(1) Sewerage or treatment works for sewage installed or to be 5758
installed for the use of a private residence or dwelling; 5759

(2) Sewerage systems, treatment works, or disposal systems 5760
for storm water from an animal feeding facility or manure, as 5761
"animal feeding facility" and "manure" are defined in section 5762
903.01 of the Revised Code; 5763

(3) ~~Animal waste~~ Residual farm products and manure treatment 5764
or disposal works and related management and conservation 5765
practices that are subject to rules adopted under division 5766
~~(E)(2)(C)(1)~~ of section ~~1511.02~~ 939.02 of the Revised Code; As 5767
used in division (B)(3) of this section, "residual farm products" 5768
and "manure" have the same meanings as in section 939.01 of the 5769
Revised Code. 5770

(4) Sewerage or treatment works for the on-lot disposal or 5771
treatment of sewage from a small flow on-site sewage treatment 5772
system, as defined in section 3718.01 of the Revised Code, if the 5773
board of health of a city or general health district has notified 5774
the director of health and the director of environmental 5775
protection under section 3718.021 of the Revised Code that the 5776

board has chosen to regulate the system, provided that the board 5777
remains in compliance with the rules adopted under division 5778
(A)(13) of section 3718.02 of the Revised Code. 5779

The exclusions established in divisions (B)(2) and (3) of 5780
this section do not apply to the construction or installation of 5781
disposal systems, as defined in section 6111.01 of the Revised 5782
Code, that are located at an animal feeding facility and that 5783
store, treat, or discharge wastewaters that do not include storm 5784
water or manure or that discharge to a publicly owned treatment 5785
works. 5786

Sec. 6111.99. (A) Whoever knowingly violates section 6111.04, 5787
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 5788
the Revised Code is guilty of a felony and shall be fined not more 5789
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 5790
year four years, or both. Each day of violation is a separate 5791
offense. 5792

(B) Whoever recklessly violates section 6111.04, 6111.042, 5793
6111.045 ~~or~~, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 5794
section 6111.07 of the Revised Code is guilty of a misdemeanor and 5795
shall be fined not more than ten thousand dollars or imprisoned 5796
not more than two years, or both. Each day of violation is a 5797
separate offense. 5798

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the 5799
Revised Code shall be fined not more than five hundred dollars. 5800

~~(D) Whoever violates division (C) of section 6111.07 of the 5801
Revised Code shall be fined not more than twenty five thousand 5802
dollars.~~ 5803

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 5804
shall be fined not more than one hundred dollars for a first 5805
offense; for each subsequent offense, the person shall be fined 5806

not more than one hundred fifty dollars. 5807

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 5808
shall be fined not more than ~~one hundred~~ ten thousand dollars. 5809
Each day of violation is a separate offense. 5810

(F) If a person is convicted of or pleads guilty to a 5811
violation of any section of this chapter, in addition to the 5812
financial sanctions authorized by this chapter or section 2929.18 5813
or 2929.28 or any other section of the Revised Code, the court 5814
imposing the sentence on the person may order the person to 5815
reimburse the state agency or a political subdivision for any 5816
response costs that it incurred in responding to the violation, 5817
including the cost of rectifying the violation and conditions 5818
caused by the violation. 5819

Section 2. That existing sections 901.22, 903.01, 903.03, 5820
903.07, 903.082, 903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 5821
903.17, 903.25, 941.14, 953.22, 1501.01, 1501.011, 1509.01, 5822
1509.02, 1509.04, 1509.05, 1509.06, 1509.061, 1509.08, 1509.11, 5823
1509.222, 1509.223, 1509.23, 1509.27, 1509.33, 1509.99, 1511.01, 5824
1511.02, 1511.021, 1511.022, 1511.05, 1511.07, 1511.99, 1515.01, 5825
1515.02, 1515.08, 1533.081, 3704.05, 3734.02, 3734.029, 3745.70, 5826
3750.13, 3750.14, 6109.10, 6111.03, 6111.04, 6111.44, and 6111.99 5827
and sections 903.04, 1511.071, and 3750.081 of the Revised Code 5828
are hereby repealed. 5829

Section 3. For purposes of the transfer by this act of the 5830
Agricultural Pollution Abatement Program established prior to the 5831
effective date of the amendment of the statutes governing the 5832
Program by this act under Chapter 1511. of the Revised Code from 5833
the Department of Natural Resources to the Department of 5834
Agriculture, all of the following apply: 5835

(A) The Director of Natural Resources shall enter into a 5836

memorandum of understanding with the Director of Agriculture 5837
regarding the transfer of the Program. 5838

(B) On the date on which the two Directors sign a memorandum 5839
of understanding under division (A) of this section, the Director 5840
of Natural Resources shall provide the Director of Agriculture 5841
with both of the following: 5842

(1) Copies of all operation and management plans, or 5843
applicable portions of such plans, developed or approved by the 5844
Chief of the Division of Soil and Water Resources under Chapter 5845
1511. of the Revised Code or the supervisors of a soil and water 5846
conservation district under Chapter 1515. of the Revised Code for 5847
the abatement of the degradation of the waters of the state by 5848
manure, including attached substances, that were developed or 5849
approved prior to the effective date of the amendment of the 5850
statutes governing the Program by this act; 5851

(2) Copies of all operation and management plans, or 5852
applicable portions of such plans, and accompanying information 5853
that were submitted for approval by the Chief or the supervisors 5854
of a soil and water conservation district under Chapter 1511. or 5855
1515. of the Revised Code, as applicable, prior to the effective 5856
date of the amendment of the statutes governing the Program by 5857
this act for the abatement of the degradation of the waters of the 5858
state by manure, including attached substances. 5859

(C) Any business commenced but not completed by the Chief of 5860
the Division of Soil and Water Resources relating to the Program 5861
on the effective date of the amendment of the statutes governing 5862
the Program by this act shall be completed by the Director of 5863
Agriculture. Any validation, cure, right, privilege, remedy, 5864
obligation, or liability is not lost or impaired solely by reason 5865
of the transfer required by this act and shall be administered by 5866
the Director of Agriculture in accordance with this act. 5867

(D) All of the orders and determinations of the Chief of the Division of Soil and Water Resources relating to the Agricultural Pollution Abatement Program continue in effect as orders and determinations of the Director of Agriculture until modified or rescinded by the Director.

(E) Whenever the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources, in relation to the Program, is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Department of Agriculture or to the Director of Agriculture, whichever is appropriate in context.

(F) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Department of Agriculture. In all such actions and proceedings, the Department of Agriculture, upon application to the court, shall be substituted as a party.

(G) As used in this section:

(1) "Soil and water conservation district" has the same meaning as in section 1515.01 of the Revised Code.

(2) "Waters of the state" and "operation and management plan" have the same meanings as in section 1511.01 of the Revised Code.

(3) "Manure" and "nutrient management plan" have the same meanings as in section 939.01 of the Revised Code.

Section 4. The Director of Agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that are identical to all of the following rules as those rules exist on the effective date of 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 5898
Agriculture, and references to the Chief of the Division of Soil 5899
and Water Resources shall be replaced with references to the 5900
Director of Agriculture: 5901

(A) Rule 1501:15-5-01 of the Ohio Administrative Code; 5902

(B) Rule 1501:15-5-02 of the Ohio Administrative Code; 5903

(C) Rule 1501:15-5-03 of the Ohio Administrative Code; 5904

(D) Rule 1501:15-5-05 of the Ohio Administrative Code; 5905

(E) Rule 1501:15-5-06 of the Ohio Administrative Code; 5906

(F) Rule 1501:15-5-07 of the Ohio Administrative Code; 5907

(G) Rule 1501:15-5-14 of the Ohio Administrative Code; 5908

(H) Rule 1501:15-5-15 of the Ohio Administrative Code; 5909

(I) Rule 1501:15-5-18 of the Ohio Administrative Code. 5910

Section 5. Operation and management plans that were developed 5911
or approved under Chapter 1511. or 1515. of the Revised Code prior 5912
to the amendment of those chapters by this act continue in effect 5913
as nutrient management plans under Chapter 939. or 1515. of the 5914
Revised Code as enacted or amended by this act, as applicable. 5915

Section 6. The Agricultural Pollution Abatement Fund that is 5916
created in section 939.11 of the Revised Code, as enacted by this 5917
act, is a continuation of the Agricultural Pollution Abatement 5918
Fund that was created in section 1511.071 of the Revised Code 5919
prior to its repeal by this act. Money credited to the Fund under 5920
section 1511.071 of the Revised Code, as repealed by this act, 5921
shall be used for the purposes specified in section 939.11 of the 5922
Revised Code, as enacted by this act. 5923

Section 7. (A) In accordance with the amendment of section 5924

1515.02 of the Revised Code by this act, the Governor shall 5925
appoint two additional members to the Ohio Soil and Water 5926
Conservation Commission established in that section, as amended by 5927
this act, not later than thirty days after the effective date of 5928
this section as follows: 5929

(1) One member shall be appointed for a term ending June 30, 5930
2015. 5931

(2) One member shall be appointed for a term ending June 30, 5932
2016. 5933

Thereafter, terms of office for the additional members shall 5934
be for four years, each term ending on the same day of the same 5935
month of the year as did the term that it succeeds. Those 5936
additional members may be reappointed in accordance with section 5937
1515.02 of the Revised Code, as amended by this act. 5938

(B) The Ohio Soil and Water Conservation Commission 5939
established in section 1515.02 of the Revised Code, as amended by 5940
this act, is a continuation of the Ohio Soil and Water 5941
Conservation Commission established in that section prior to its 5942
amendment by this act. 5943

Section 8. The amendment, enactment, or repeal of sections 5944
901.22, 903.01, 903.03, 903.04, 903.07, 903.082, 903.09, 903.10, 5945
903.11, 903.12, 903.13, 903.16, 903.17, 903.25, 939.01, 939.02, 5946
939.03, 1511.022 (939.04), 939.05, 939.06, 939.07, 939.08, 939.09, 5947
939.10, 939.11, 941.14, 953.22, 1511.01, 1511.02, 1511.021, 5948
1511.023, 1511.05, 1511.07, 1511.071, 1511.09, 1511.99, 1515.01, 5949
1515.02, 1515.08, 3734.02, 3734.029, 3745.70, 6111.03, 6111.04, 5950
and 6111.44 of the Revised Code and Sections 3, 4, 5, 6, and 7 of 5951
this act takes effect on January 1, 2015. 5952