



## REQUEST FOR PUBLIC COMMENT Soil and Water Conservation – Civil Penalty Rule

The rule in this package has been reviewed pursuant to R.C. 119.032 and is being proposed as follows. The comment period will remain open through March 24, 2017. Comments may be emailed to [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov) or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068

**901:13-1-99:** On July 3, 2015, Senate Bill 1 of Ohio’s 131st General Assembly passed into law Ohio Revised Code (hereinafter “ORC”) section 1511.10 which prohibited any individual from making surface applications of manure in Ohio’s Western Basin under certain conditions. Further, Senate Bill 1 stated that the Director of Agriculture and the Chief of the Division of Soil and Water Resources shall adopt rules establishing the amount of the civil penalty for violations of ORC 1511.10. Ohio Administrative Code (hereinafter “OAC”) 901:13-1-99 was created to fulfill this requirement and became effective on January 31, 2016.

Amended Substitute House Bill No. 64 of the 131st General Assembly transferred the Agricultural Soil and Water Conservation Program from the Ohio Department of Natural Resources to the Ohio Department of Agriculture effective January 1, 2016. With this bill, Chapter 939 of the Revised Code was created. Specifically, ORC 1511.10 was renumbered to 939.08. Additionally, ORC 939.02 was created giving the Director the authority to power to levy civil penalties for violations of any provision of the Chapter or the rules promulgated under it.

As stated above, the original 901:13-1-99 only referenced civil penalties for violations of 939.08 (formerly 1511.10). In accordance with the Legislative Service Commissions administrative rule drafting manual, the original rule has been proposed to be rescinded as there are amendments to more than 50% of the existing rule. The proposed 901:13-1-99 meets the statutory obligation in 939.02 by establishing the amount of the civil penalties for each potential violation of Chapter 939 or OAC Chapter 901:13-1. These penalties range from two-hundred and fifty dollars to ten thousand dollars based on the severity of the violation and any past non-compliance history with the violator.

