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Hearing Date: 5/22/2024

Today's Date: 5/23/2024

Agency: Ohio Department of Agriculture

Rule Number(s): 901:13-01 to 10, 12 to 14, 16, 17, 19 and 20

If no comments at the hearing, please check the box.

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Ohio Environmental Council
2. Alliance for the Great Lakes
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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

The Ohio Environmental Council and the Alliance for the Great Lakes collaborated to submit three comments regarding Ohio Dept of Agriculture Division of Soil and Water's rule 901:13-1-19.

The first comment raised concerns over striking the deadline for submission of the first nutrient management plan. The concern is that removal of the deadline will reduce the urgency of submitting a nutrient management plan for watersheds in distress.

The second comment raised concerns with the removal of the timeframe that operating records shall be submitted to the Director for review. The concern is that by removing the timeframe from the rule, it becomes unclear as to when the operator must submit the records to the department. This may result in untimely submissions of the records by the operator and impede the department's ability to enforce the rule's recordkeeping requirement.

The third comment raised concerns over increasing the length of time between nutrient management plan updates from three to five years in watersheds in distress. The concern is that waiting five years to review the nutrient management plan is too long of a timeframe between reviews considering that circumstances can change over the course of five years for animal feeding operations currently located in watersheds in distress and those designated as a watershed in distress in the future.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

After reviewing the comments and meeting with the Ohio Environmental Council and the Alliance for the Great Lakes, the Ohio Dept of Agriculture's (ODA) Soil and Water Division revised rule 901:13-1-19 to incorporate two out of three of their recommendations.

Comment 1 - ODA restored the deadline for submission of the first nutrient management plan. OAC 901:13-1-19 (B) now reads "The deadline will be no earlier than six months and no longer than two years once a watershed has been designated distressed."

Comment 2 - ODA revised OAC 901:13-1-19 (E) for clarification at the recommendation of the mentioned organizations and restored the timeframe that records shall be made available for review by the Director. The mentioned organizations agreed to extend the timeframe from 24 hours to no later than 48 hours to ease some of the burden on the Soil and Water Districts to provide records.

Comment 3 - After further explanation from ODA to the mentioned organizations it was agreed that the timeframe of 5 years is an acceptable timeframe between reviewing the nutrient management plans. Reasons stated by ODA include the practice of crop rotation is better reviewed after a 5 year timeframe and the fact that Soil and Water districts along with ODA assess the contents and the feasibility of the nutrient management plans on a yearly basis with the producers. ODA believes that performing a review every three years is excessive and costly. The district's staff are in close contact with the producers to make sure the plans are being followed and met.