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Bill Analysis
Legislative Service Commission

H.B. 203

125th General Assembly
(As Introduced)

Rep. White

BILL SUMMARY

- Requires the Director of Environmental Protection to implement a two-year study project to assess the impacts, if any, that animal feeding facilities and the land application of manure from those facilities have on surface water quality in Ohio.
- Requires the Director to select two river drainage basins to be the subject of the study project, and establishes requirements for conducting it, including a requirement that the Director pursue and utilize any available funding for it from federal sources.
- Requires the Director to prepare a written proposal regarding the study project and a final written plan for it, and establishes public notice requirements for both.
- Requires the Director, not later than two years following the bill's effective date, to prepare a final written report summarizing the results of the study project and making any necessary related recommendations and to submit it to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

CONTENT AND OPERATION

Water quality study project

The bill requires the Director of Environmental Protection to establish and implement a study project to assess the impacts, if any, that animal feeding facilities and the land application of manure from those facilities have on surface water quality (Section 1(B)). The bill defines "animal feeding facility" and "manure" as having the same meanings that they have in current law governing animal feeding facilities (Section 1(A)).

Specifically, "animal feeding facility" means a lot, or building, or structure where both of the following conditions are met: (1) animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained there for a total of 45 days or more in any 12-month period, and (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. "Animal feeding facility" also includes land that is owned or leased by the owner or operator of the lot, building, or structure and on which manure originating from the lot, building, or structure is applied. "Animal feeding facility" does not include a hatchery, fish farm, or other facility that raises aquatic animals. Two or more animal feeding facilities under common ownership are considered to be a single animal feeding facility if they adjoin each other or if they use a common area or system for the disposal of wastes. (Sec. 903.01(B), not in the bill.)

"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 (sec. 903.01(N), not in the bill).

The bill specifies that the study project must involve the sampling and analysis of surface water in two separate river drainage basins in Ohio together with the preparation and submittal of a report summarizing the results. The project must be concluded not later than two years after the bill's effective date. (Section 1(B).)

Selection of river drainage basins for study project

The bill requires the Director to select the two river drainage basins that are to be the subject of the study project. Each river drainage basin that the Director selects must be located in an area that satisfies the following criteria: (1) previous sampling and analysis of surface water by the Director in the area indicate that water quality has been or is likely to be impacted by animal feeding facilities, (2) conditions in the area provide the opportunity for the most comprehensive and accurate analysis of the impact that animal feeding facilities may have on water quality, and (3) a substantial number of concentrated animal feeding facilities are located in the area (Section 1(C)). The bill defines "concentrated animal feeding facility" as having the same meaning that it has in current law, which is "an animal feeding facility with a capacity of more than 1,000 animal units" (sec. 903.01(E), not in the bill, and Section 1(A)). One thousand animal units are equal to 1,000 beef cattle or the number of other livestock animals that produce approximately the same amount of excreta as 1,000 beef cattle (sec. 903.01(C), not in the bill).

Study project requirements

Under the bill, the study project must be: (1) conducted in a manner that is designed to assess the full range of pollutants that are associated with manure, including the nutrients, chemical indicators, and pathogenic organisms that potentially may be contained in it, (2) designed to monitor the pollutants originating from animal feeding facilities and related structures for manure storage and management together with pollutants associated with the land application of manure generated at the facilities, (3) conducted to assess the impacts of manure-related pollutants by obtaining surface water samples in the chosen river drainage basins at times when the pollutants are most likely to be found there due to the effects of precipitation and other weather factors and due to the seasonal timing of relevant agricultural activities such as the application of manure to land in the basins, (4) designed to assess both the chronic and acute effects of manure-related pollutants on surface water quality, and (5) designed to enable surface water sampling to be conducted over a minimum period of one full year (Section 1(D)). In conducting the study project, the Director must pursue and utilize any available money from federal sources (Section 1(F)).

Written proposal

Prior to commencing the study project, the Director must prepare a written proposal that identifies the two river drainage basins that the Director has selected for the project together with the rationale for their selection. The written proposal also must describe how the project will be conducted. The Director must provide reasonable public notice of the written proposal in a form that he determines and must make copies of the written proposal available to the public upon request. Any person who wishes to do so may file comments on the written proposal with the Director not later than 30 days following the date of the public notice. (Section 1(E)(1).)

Final written plan

Under the bill, the Director must review all comments that are filed and subsequently must prepare a final written plan for conducting the study project. The Director must provide reasonable public notice of the final written plan in a form that he determines and must make copies of the final written plan available to the public upon request. The Director's preparation of the final written plan and the contents of the plan are not appealable to the Environmental Review Appeals Commission. (Section 1(E)(2).) The study project must be conducted in accordance with the final written plan (Section 1(F)).

Assistance from other agencies

The bill specifies that upon the request of the Director of Environmental Protection, the Director of Agriculture and the Director of Natural Resources must provide any information or other assistance that is helpful to the establishment and implementation of the study project (Section 1(G)).

Final written report and recommendations

Not later than two years following the bill's effective date, the Director of Environmental Protection must prepare a written final report that summarizes the results of the study project and must submit it to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final report must include recommendations for any legislative or regulatory action that is necessary to reduce the impacts, if any, of animal feeding facilities on surface water quality in Ohio. (Section 1(H).)

HISTORY

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Introduced	05-28-03	p. 515

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