
Detailed Fiscal Analysis

This bill will require each application, for a permit to install or modify a large animal feeding operation of 1,000 or more animal units, to submit a list of all large animal feeding operations that the owner or operator has operated or is operating in Ohio. In addition, the application must include a list of all violations and enforcement orders, and a list of all civil and criminal actions (including the disposition) brought against the owner or operator during the five years immediately preceding the submission of the application.

The Director of the Ohio EPA may deny the application if it is not complete or if the applicant has not had a history of substantial compliance with the water pollution control laws and rules. This will be determined by reviewing and comparing the application with the Ohio EPA records. The Director may also deny the application if the applicant has failed to demonstrate sufficient reliability, expertise, and competence to operate the large animal feeding operation, evident through the requirements of the application. If an applicant wants to contest a denial for a permit, a hearing or meeting may be set up with the Environmental Review Appeals Commission, requiring a \$40 filing fee from the applicant. This will not incur additional expenditures for the Commission or for Ohio EPA.

Each year, there are approximately 10 to 20 applications submitted for a permit to install or modify an existing animal operation that has at least 1,000 animal units. This number is expected to increase slightly as operations become larger and more concentrated. However, this increase is due to economies of scale and has nothing to do with the permitting process. If an inspection is necessary to verify the information submitted on the application, it is expected to take less than one day to complete. It is anticipated that this will only be necessary a couple times each year. The Ohio EPA already has 3 staff members who exclusively review and issue agricultural permits, so the Ohio EPA would not require additional staff to review the history of compliance for the permit applications. This bill will not require additional state expenditures for these agricultural staff members because it is already within their scope of duties. Funding for the agricultural staff comes from the Division of Water Quality Planning and Assessment, under GRF fund 717-321.

Anyone who fails to submit the required information with the application or who knowingly provides false information shall pay a civil penalty of not more than ten thousand dollars. Half of this money collected will go into the Ohio EPA Environmental Education Fund 6A1 (715-626). The remainder of the moneys collected will go to the Water Pollution Administration Fund 699 (715-644). The Attorney General will represent the Ohio EPA in these cases. In addition, if someone knowingly provides false information, this person can be charged with a criminal penalty of not more than \$25,000 to be heard in common pleas court.

Synopsis of Changes from Preceding Version

The introduced version of this bill did not contain Section 6111.09, which specifies the civil penalties for violations of the history of compliance.

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