

- The bill provides that ODA shall notify the public of the issuance of a “draft permit” pertaining to the modification or creation of a new CAFF. If “significant public interest” is ascertained by ODA through receipt of written comment, then ODA is required to hold a public meeting on the matter. Possible costs to be incurred include publishing and mailing notices, rental of meeting facilities, and, in some cases, reimbursement of personnel travel expenses.
- The bill establishes the Livestock Regulation Program line item and makes a GRF appropriation of \$1.7 million for the 1999 – 2001 biennium. The entire amount of the appropriation has been allocated for fiscal year 2001.
- ODA estimates that it will need \$3 million appropriation in future biennium budgets, \$1.5 million each fiscal year, to carry out the Livestock Regulation Program.
- The bill also includes a GRF appropriation of \$25,000 for fiscal year 2001 for the CAFF Advisory Committee.
- The bill creates the Livestock Management Fund that is to serve as a repository for application fees, civil fines, and money recouped to offset hazardous discharge abatement expenses. Money from this account is to be used to administer the CAFF regulatory program. Gains in revenue are estimated to be minimal. Likewise, expenditures are estimated to be minimal since it is unlikely that fees and fines will be in an amount sufficient to offset agency costs. The bill authorizes up to \$250,000 in spending authority for fiscal year 2001, if the Department of Agriculture is able to collect and deposit that amount of money into the fund.
- Ohio EPA’s Division of Surface Water plans to use the 3.5 FTEs now dedicated to CAFF permitting for other duties. If this occurs, there would be no savings for the Ohio EPA.
- Various provisions of the bill could result in the Attorney General incurring additional expenditures for taking any enforcement, civil, or injunctive actions through a county court of common pleas. The Attorney General could use General Revenue funds or money from the Attorney General Reimbursement Fund for this purpose.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2001	FY 2002	FUTURE YEARS
Counties			
Revenues	Potential minimal gain in fine revenues	Potential minimal gain in fine revenues	Potential minimal gain in fine revenues
Expenditures	Potential increase	Potential increase	Potential increase
Townships			
Revenues	-0-	-0-	-0-
Expenditures	Potential increase	Potential increase	Potential increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Owners and operators that modify, construct or operate a CAFF who fail to meet permitting requirements are subject to specified misdemeanor penalties. Persons who violate NPDES permitting specifications are subject to criminal fines, but are not subject to incarceration. Counties will bear any prosecution and incarceration expense. On the revenue side, counties will receive any fines and local court revenue. Depending upon caseloads and the dollar amounts of the penalties that may be imposed, some counties may experience increases in adjudication expenditures that may exceed minimal cost threshold thus creating a local impact.

- Counties and townships may incur litigation and court expenditures if an owner or operator of a new major CAFF, expanded existing major CAFF, or expanded existing CAFF fails to comply with the final recommendation for improvements to local infrastructure. This may add to the fiscal effect upon local governments in such a manner as to create a local impact.
- County commissioners and township trustees may incur additional minimal costs in reviewing written notifications from owners or operators intending to construct a new major CAFF, expand an existing major CAFF, or expand an existing CAFF. Minimal additional costs may also be incurred if local government officials choose to hold special meetings.

Detailed Fiscal Analysis

Introduction

The bill transfers the authority to regulate new and existing Concentrated Animal Feeding Facilities (CAFFs) from the [Ohio Environmental Protection Agency](#) (Ohio EPA) to the [Ohio Department of Agriculture](#) (ODA). There is also a transfer of authority from the Ohio EPA to ODA for the issuance and enforcement of National Pollutant Discharge Elimination System (NPDES) permits as they relate to the discharge of manure from a point source and/or the discharge of storm water from an animal feeding facility. Federal regulation uses the terminology Confined Animal Feeding Operation (CAFO), which is applicable when federal NPDES permits are issued.

The bill delineates that a CAFF has a total design capacity of more than one thousand animal units. A “Major” CAFF has a total design capacity of more than ten thousand animal units. An animal unit is a standard measure, based on feed requirements, used to combine various classes of livestock according to size, weight, age, and use. The formulary for an animal unit is incorporated into the bill.

The proposed changes required by the bill are estimated to increase ODA’s *administrative* and *operating* costs in the range of \$1,016,000 to \$1,300,000 per fiscal year. This analysis does not include the ancillary equipment costs, e.g., vehicles, computers, cellular phones, etc., to carry out the operation of the bill because those costs have yet to be determined by ODA.

The bill grants ODA the authority to enter into contracts to carry out the operation of the bill. Currently ODA does not know exactly how many contracts it would have to enter into. Since ODA does not have the facilities to conduct soil and water sample testing, one can deduce that contracts for these sorts of service would have to be let by ODA. The bill also permits ODA to administer grants and loans to carry out provisions in the bill using money from various sources including federal grant money.

The bill provides that the construction, modification, and maintenance of improvements to local infrastructure for a new major CAFF, an expanding major CAFF, or expanding CAFF are borne by person(s) bringing forth the request. The bill also provides mediation and legal mechanisms to allow local governments to enforce its final recommendation for infrastructure improvements should compliance with the recommendations not be attained. Oversight of construction and maintenance of improvements is to be provided by the county engineer. The cost associated with this responsibility is considered minimal.

Department of Agriculture (ODA)

Permitting Authority

According to ODA officials, the regulatory program outlined in the bill will necessitate the creation of a new division within the agency. LBO initially estimates that a newly appointed deputy director would oversee the daily activities of persons having agricultural-related knowledge in the following areas: engineering, field inspection, law, and community relations. In addition, the initial cost estimate includes administrative and support staff.

ODA states it is unable to provide an exact number of additional staff it would need given that a great deal of its regulatory authority will be drawn from the creation of administrative rules. The administrative rules would be fashioned from the establishment of Best Management Practices (BMPs) coming from the Concentrated Animal Feeding Facility Advisory Committee that the bill establishes.

Permit Requirements

CAFF Permits

The bill establishes a CAFF Permit to Install (PTI) and a CAFF Permit to Operate (PTO). ODA is granted rule-making authority to develop the application procedures and fee structure. At a minimum, PTI applications are to include the following information:

- Names and addresses of applicants, design, engineering, construction plans, and the intended livestock capacity of a new facility or planned expansion;
- A written statement that the applicant has met with the governing county board and township board where the proposed major CAFF construction or improvement is to take place and that the final recommendations were selected regarding needed improvements and the cost of those improvements;
- A written statement delineating the quantity of water that the operation will utilize on an average daily and annual basis, description of the calculation used in determining water usage, and a statement identifying the source of the water.
- Information regarding past compliance with environmental protection laws of the United States, Ohio or of another country if the applicant is or has owned/operated a CAFF/CAFO outside the United States, if applicable.

PTO applications are to include:

- Applicants' names and addresses;
- Manure management, and insect and rodent control plans;
- Information regarding past compliance with environmental protection laws of the United States, Ohio or of another country if the applicant is or has owned/operated a CAFF/CAFO facility outside the United States, if applicable;
- For CAFFs of 10,000 animal units or more, livestock management certification or proof that livestock management certification will be obtain prior to any applying any manure to land.

ODA will have the authority to specify the length of time that a PTI is valid. The agency will have discretionary authority to extend the expiration date if construction or modifications take longer than previously planned.

The bill stipulates that the PTO's are valid for five years, after which the owner/operator is required to seek renewal of the permit through ODA. The bill, however, does not enumerate whether payment of the permit fee is required each time the permit is renewed.

The bill does allow for the issuance of a *general* PTO in lieu of an *individual* PTO when applicants show that the operation meets the criteria for a general permit. The criteria for a general permit will be established by administrative rule. Unlike *general* NPDES permits, a general PTO has no base requirements as established by federal law. Therefore, ODA will be afforded wide discretion in establishing general permit requirements. An individual permit is unique to one facility and may require that the CAFF be operated under guidelines that are more stringent in comparison to those of a general permit. It would be issued whenever a PTO applicant is unable to meet the requirements to operate under a general permit.

In a similar fashion, the bill requires *existing* CAFF operations to attain a "review compliance certificate" from ODA within two years after the permitting program is established. This permit is exclusively issued to an operation that is neither new nor modifying or expanding. Applicants are obligated to provide information about the CAFF similar to the information requirements to obtain a PTO. Review compliance permits are also valid for five years.

In regards to the issuance of a review compliance certificate, the bill stipulates that after ODA reviews the existing permit to install, conducts an inspection of the facilities, and determines the operation does not have a negative effect on the environment, that ODA shall issue a certificate. The bill also specifies that ODA "...shall not require a significant capital expenditure, as defined by rule, by the operation before issuing a certificate." The provision immediately thereafter stipulates that ODA *may* issue an order denying a review compliance certificate if the applicants manure management or insect and rodent control plan do not conform to BMPs. If persons are maintaining the facility in accordance with the *original* application requirements, which may or may not be in accordance with BMPs, ODA must issue a review compliance certificate.

LBO concludes that the provision, as stated, could indirectly lead to increased civil litigation of nuisance complaints made by aggrieved parties who find that existing CAFFs are not required to upgrade system operations that could help further alleviate nuisances such as odors, insect infestation, and any other adverse conditions created by the CAFF, inadvertently or not.

Lastly, the bill provides for the assessment of civil penalties but not criminal prosecution of persons who operate an existing facility without a review compliance certificate. The bill also exempts exiting CAFFs seeking a review compliance permit from the public notice provision.

National Pollutant Discharge Elimination System (NPDES) Permits

Any CAFF that discharges effluents into waters of the state is required to obtain a federal discharge permit, called a [National Pollutant Discharge Elimination System \(NPDES\)](#) permit. ORC section 903.06 in this bill grants ODA the authority to issue NPDES permits, pursuant to the ORC and federal regulations established in the [Federal Water Pollution Control Act](#). The department's jurisdiction would cover manure or storm water originating from a [point \(single\) source](#) and discharged into any body of water in the state.

Currently, the Ohio EPA has the power to issue these permits, but mostly issues permits-to-install. The Ohio EPA has issued 125 permits-to-install (PTI)/plan approvals for CAFFs. The one-time review fee for a PTI/plan approval is \$200 plus .65% of the total, projected construction cost. In fiscal year 1998, the Ohio EPA collected approximately \$20,000 in application fees. The transfer of power in this bill will eliminate this revenue source for the Ohio EPA. The impact of this bill on the Ohio EPA's revenue and expenditures is addressed in greater detail below.

None of the CAFFs currently operating in the state have a NPDES permit specifically for animal waste, but a few have NPDES for other ancillary purposes. An example of a NPDES permit for an ancillary purpose would be the water used in the egg-washing process that is permitted to go off-site. The Ohio EPA has issued no NPDES permits for manure or similar effluents, because all of the current CAFFs are *designed* to be zero-discharge systems. In other words, all 125 CAFFs in the state submitted plans that specified no animal effluents would go off-site. The Ohio EPA approved these plans, and no NPDES permits were deemed necessary. The bill directs ODA to promulgate rules that will determine if a facility has a zero-discharge system.

Permitting Costs

Administrative Costs

LBO contacted ODA and received some general information on the cost of implementing the bill. LBO has developed an administrative cost estimate from the limited information that was provided. Note that the supervisor and ancillary staff pay is estimated using the base pay rates reported in Position Classification reports issued by the Department of Administrative Services. Pay is calculated on a full-time basis; benefits are computed as 30 percent of wages. Pending further information from ODA, equipment costs are not included in this analysis.

The following outlines what LBO believes to be a reasonable estimate of the additional staff resources ODA would need to implement the bill.

- 1 full-time program administrator (Deputy Director)
- 7 full-time agricultural engineers or persons with expertise in CAFF design, and Best Management Practices (BMPs)
- 4 full-time CAFF inspectors
- 2 full-time staff attorneys
- 1 full-time fiscal officer
- 2 full-time community relations officer
- 2 full-time administrative assistants
- 1 full-time clerical support staff member

The roles of both the community relations' experts and the law employees could expand depending on the future needs of the program; for example, specific BMP guidelines or extensive public comment on permit applications. It would seem from conversations with the agency that existing legal staff could not absorb the additional rule-making workload.

The table below displays the estimated base payroll expense associated with proposed CAFF regulation program contained in the bill.

Position	Pay (Full Time w/Benefits)
Deputy Director (x1)	\$46,000 – \$57,000
Agr. Engineer (x7)	\$303,000 - \$379,000
Field Inspectors (x4)	\$130,000 - \$151,000
Staff Attorney (x2)	\$81,000 - \$108,000
Fiscal Officer (x1)	\$46,000 - \$54,000
Community Relations (x2)	\$81,000 - \$97,000
Admin. Assistant (x2)	\$65,000 - \$81,000
Clerical Support (x1)	\$30,000 - \$35,000
Total	\$782,000 - \$962,000

Salary levels reflect entry level (Step 1) hourly rate. Salary levels could be higher depending upon qualifications required by the department. Operating expenses are estimated to add an additional 30% onto the implementation cost. Adding an additional 30% to the range for personnel increases the total estimated expenditure to a range of \$1,016,000 to \$1,300,000 per fiscal year.

Public Notice Cost

The bill requires ODA to give public notice whenever it issues a “draft permit.” A draft permit is issued in advance of a CAFF permit to install, permit to operate or NPDES permit, whereby; ODA is then obligated to seek public comment on the issue. Minimally, ODA is required to publish the notice in a newspaper that is determined to have a circulation sufficient to allow adequate dissemination of the notice among persons or interests that may be affected. If ODA receives written comments in an amount that demonstrates significant public interest, it is then required to hold a public meeting to allow for open public comment.

ODA will incur increased expenditures whenever it gives public notice and, if necessary, holds a public meeting. These costs appear to be exclusively borne by ODA. Since the bill requires that ODA publish the announcement once in a newspaper having sufficient circulation, announcement costs should be minimal. Similarly, when ODA provides separate notice of the issuance of draft NPDES permits to those entitled to such notice under the Federal Water Pollution Control Act, as required by the bill, notification costs will increase accordingly.

The cost for a public meeting is dependant upon the size of meeting facility required, the distance from ODA’s Reynoldsburg complex that personnel will have to travel from, and any other ancillary cost that may come about from the hearing process, e.g., expenditures for information pamphlets.

Investigation and Enforcement Costs

The bill grants ODA the authority to investigate violations of the bill’s provisions along with any written complaints submitted by persons “aggrieved or adversely affected by an alleged nuisance related to CAFF operations.” The agency may conduct follow-up actions on violations via an administrative

hearing or through a court of competent jurisdiction. The bill does not provide for ODA to seek criminal prosecution. That appears to be left up to local prosecuting attorneys, if they so choose.

Costs associated with the unauthorized discharge of pollutants, i.e., emergency cleanup, mitigating environmental damage, investigation, etc., can be recouped as permitted by the bill. These moneys are to be deposited into the Livestock Management Fund. Additionally, application fees, *civil* penalties assessed upon owners or operators who violate the permitting requirements of the bill, are also to be deposited in the newly created Livestock Management Fund. Monetary *criminal* penalties are deposited into the county treasury in accordance with current law. Incarceration costs, if any, will be borne by the county.

Concentrated Animal Feeding Facility Advisory Committee

The bill establishes a twenty-one member advisory panel to keep abreast of CAFF management issues and prepare educational materials to help permit-seekers fulfill applications requirements. ODA will pay the operating costs and expenses associated with the committee from the \$25,000 appropriation the bill makes for such costs for fiscal year 2001.

Transfer of NPDES Permit Power

Since the power to issue NPDES permits for specified pollutants currently resides with the Ohio EPA, it is necessary to request a transfer of power from the [United States Environmental Protection Agency](#) (U.S. EPA). The bill specifies that ODA will have the program for manure and storm water discharge into the state's waterways. The remainder of the NPDES program will stay with the Ohio EPA as currently administered. The bill specifies that after the date the U.S. EPA approves Agriculture's submitted program, the laws and regulations regarding manure and storm water under NPDES will take effect. However, the proposed language does not indicate the role of the [Ohio Attorney General](#).

In current [federal regulations](#), the Administrator of the U.S. EPA reviews applications for individual state NPDES permit programs that are desired by a state's Governor and submitted by the state's Attorney General. Therefore, the Attorney General must show evidence that Ohio's Department of Agriculture has the legal authority and is capable of administering an NPDES program. The Attorney General has provided legal oversight over the Ohio EPA since the NPDES program was approved on March 3, 1974. The Attorney General's office will determine the annual cost accrued in reviewing the NPDES program and further determine what portion of that cost (plus the initial U.S. EPA application cost) will be transferred to the Department of Agriculture.

Issuance of NPDES Permits

If the U.S. EPA grants ODA the power to run its portion of the NPDES program, the department will then have full power to issue and regulate off-site pollutants that have a CAFF source. To pollute off-site, an owner or operator will be required to apply for a NPDES permit from the Department of Agriculture. The application fee will be prescribed in administrative rules after passage of the bill.

If ODA's fee structure mirrors the current Ohio EPA fee structure, the application would cost \$200 and an annual discharge permit fee would be assessed depending on average daily effluent.

CAFFs may pay a variety of different permit fees determined by the type and amount of pollutant discharged. The range on these permits varies widely.

Similar to PTO's, the bill specifies that *general* NPDES permits will be applied when permitted. While an *individual* permit is unique to one facility, a general permit is used when groups of facilities have similar (or identical) effluent limitations and requirements. General permits can only be used when discharges have a minimal impact on the environment. In addition, federal law does not permit a general permit if the applicant is new, exceptionally large or has historical compliance problems.

Permitting and Fine Revenues

Permit Fees

The bill requires ODA to establish permit costs by rule. All money collected from application fees is to be deposited into the Livestock Management Fund. The following is a list where fee assessment is applicable:

- CAFF Permit to Install and Permit to Operate fees
- NPDES permit fee
- Livestock Manager certification fee

CAFF and NDPEs permit fees could either be determined on a flat fee basis or a sliding scale, depending on the size of the CAFF and the amount of agricultural discharge. Livestock Manager certification fee could also be determined in a manner similar to those listed above.

If ODA's processing costs were similar to Ohio EPA's, fee revenue and penalty income alone would not support the CAFF permitting program.

Livestock Manager Certification

The bill places further requirements on 1) Major CAFFs - those that maintain 10,000 animal units or more - or which as a result of expansion would exceed the 10,000 animal unit threshold; and 2) persons handling certain quantities of manure. Major CAFF owners or operators would have to apply for livestock manager certification under rules developed by ODA. Manure handlers who collect, distribute, or sell certain quantities of manure would also be required to gain livestock manager certification. The bill allows ODA to establish an additional fee for this certification by administrative rule.

Fine Revenue

Appendix 1 of this analysis shows the civil and criminal fines and penalties that could be levied against non-compliant CAFF owners or operators. At this time, it is unknown how many new criminal or civil cases will be generated by the provisions of the bill. The bill provides that some civil matters may be resolved via administrative hearing or may be dealt with by a court of competent jurisdiction. LBO anticipates that it is likely that prosecution and adjudication costs will vary by jurisdiction, dependent upon caseload and prosecutorial practices. Depending upon caseloads and the dollar amounts of the penalties that may be imposed, some counties may experience increases in adjudication expenditures for processing additional cases. Civil fines along with application fees collected and

deposited into the Livestock Management Fund most likely will not be of a sufficient level to sustain the operation of the bill.

Mediation

The bill establishes a mediation procedure to resolve alleged nuisance complaints before the matters are brought to civil trial. Both parties involved in the mediation share the cost of the mediator's services. It is unclear from the bill how the mediator is chosen, or what mediation techniques he or she would employ in attempting to resolve conflicts. Note that the mediator's final determination would be non-binding, and each party could pursue litigation in court if unable to resolve their disputes. This will entail the involvement of county courts having standing to hear the case and thereby increase court expenditures, which may be offset by the assessment of court fees.

Ohio Environmental Protection Agency (Ohio EPA)

Impact of the bill on Ohio EPA's Fee Revenues

In FY 1998, Ohio EPA collected approximately \$20,000 in CAFF-related permit fees. These fees are deposited in line item 715-615 (Fund 4K4), Surface Water Protection Fund. Administrative costs related to the program have typically cost more than the fees collected. Thus, Ohio EPA will no longer have these costs if the permitting program were shifted to ODA.

Current Role of the Ohio EPA

An Ohio EPA official reports that the Division of Surface Water, which now handles CAFF permitting, receives between 20 and 30 applications for new CAFFs or CAFF expansions annually. Technical review of applications and follow-up expenditures range from \$2,000 to \$3,000 per application. Two technical staff review the incoming applications, handle public comment hearings, and respond to other inquiries related to CAFF installations statewide. Although not specifically assigned to the CAFF permitting program, field staff in the agency's five district offices respond to emergencies such as fish kills and other problems attributed to CAFFs.

Ohio EPA transfer of NPDES Permitting Authority

As discussed above, the NPDES permitting authority for agricultural pollutants would be transferred to the Department of Agriculture from the Ohio EPA. Although few CAFFs currently have NPDES permits, Ohio EPA authority over CAFFs is transferred with this power. Cost associated with conducting routine water quality tests, as required by NPDES permitting guidelines, for agricultural water pollution are considered incidental and will be passed along to the Department of Agriculture with the transfer of the permitting authority.

Misdemeanor Impact – State and Local

Local revenues and expenditures could also increase because the bill imposes a misdemeanor offense for modifying, constructing, or operating without a CAFF permit. On the revenue side, counties

would receive any criminal fines. For expenditures, the counties would incur any prosecution expenses and will share indigent defense expenses. Counties will pay for any incarceration costs.

The state provides indigent defense and receives state court revenues. Unless a significant number of violators are prosecuted, the state fiscal effect will be small.

Notification of County Commissioners and Township Trustees

The bill requires the owners or operators intending to construct a new major CAFF, expand an existing major CAFF, or expand an existing CAFF to inform county commissioners and the township trustees in writing by certified mail of their intentions. This notification will allow effected local governments time to address the impact of any added volume to county and township roads. There could be minimal extra costs borne by local governments associated with reviewing notification documents and perhaps holding special meetings for the express purpose of considering the impact of the proposal upon the local infrastructure.

Program Appropriations

The bill makes a \$1.7 million appropriation for the Livestock Regulation Program for the 1999 – 2001 biennium. The entire amount has been allocated for fiscal year 2001.

As previously enumerated in this analysis, the projected cost of implementation of the bill, *without accounting for ancillary equipment costs*, amounts to approximately \$1.3 million per year. ODA estimates that it will need \$1.5 million appropriation each fiscal year thereafter to sustain the program. LBO estimates that the amount of fee and fine revenue to be deposited into the Livestock Management Fund is unlikely to reach the \$250,000 spending authority and therefore cannot be counted on for planned program expenses.

*LSC fiscal staff: Wendy Risner, Budget Analyst
Eugene Gabrys, Budget/Policy Analyst*

\\Budget_office\isis_vol1.lbo\FN123\SB0141EN.doc

Appendix 1: Sub SB 141 Associated Civil & Criminal Penalties

Section	Subject Matter	Civil Penalty	Criminal Penalty	Notes
903.02(A)(2)	Modify or construct CAFO w/o permit	<= \$10,000 per day for each violation	1 st Offense = 3 rd Deg. Misdemeanor Fine: <= \$500 Jail: Up to 60 Days 2 nd Offense = 2 nd Deg. Misdemeanor Fine: <= \$750 Jail: Up to 90 days 3 rd & Sub. Offense = 1 st Deg. Misdemeanor Fine: <= \$1000 Jail: Up to 6 months And/or fined not more than \$25,000 per violation	Each ten-day period that the offense continues constitutes a separate offense
903.03(A)(2)	Operating w/o CAFO permit	<= \$10,000 per day for each violation	1 st Offense = 3 rd Deg. Misdemeanor Fine: <= \$500 Jail: Up to 60 Days 2 nd Offense = 2 nd Deg. Misdemeanor Fine: <= \$750 Jail: Up to 90 days 3 rd & Sub. Offense = 1 st Deg. Misdemeanor Fine: <= \$1000 Jail: Up to 6 months And/or fined not more than \$25,000 per violation	Each ten-day period that the offense continues constitutes a separate offense
903.04	Operating w/o review compliance permit	<= \$10,000 per day for each violation	None	Each day that a violation continues constitutes a separate violation
903.06(B)(1)	Discharge of manure w/o NPDES permit	<= \$10,000 per violation	Fined not more than \$25,000 per violation	Each day of violation constitutes a separate offense
903.06(C)(1)	Discharge of storm water w/o NPDES permit	<= \$10,000 per violation	Fined not more than \$25,000 per violation	Each day of violation constitutes a separate offense
903.06(K)	Falsifying NPDES application, reports, etc.	<= \$10,000 per violation	Fined not more than \$25,000 per violation	Each day of violation constitutes a separate offense
903.06(M)(1)	Violation of effluent limitation	<= \$10,000 per violation	Fined not more than \$25,000 per violation	Each day of violation constitutes a separate offense
903.06(M)(2)	Violation of NPDES provisions	<= \$10,000 per violation	Fined not more than \$25,000 per violation	Each day of violation constitutes a separate offense
903.08(B)(6)	Violation of an Insect & Rodent Control Plan	Violation involving a CAFO: <= \$10,000 Violation involving a Major CAFO: <= \$25,000	None	Each seven-day period during which the violation continues constitutes a separate violation
903.08(C)	Violating CAFO permit rules adopted by ODA	<= \$10,000 per violation	None	Each day that a violation continues constitutes a separate violation
903.08(F)	Violating NPDES permit rules adopted by ODA	<= \$10,000 per violation	None	Each day that a violation continues constitutes a separate violation
903.10(A)	Operating w/o Livestock Mgr. certification	<= \$10,000 per violation	None	Each thirty-day period during which a violation continues constitutes a separate violation

Appendix 1: Sub. S.B. 141: Associated Civil and Criminal Penalties