



Ohio Administrative Code

Rule 1501:3-12-03 Agricultural pollution abatement cost sharing.

Effective: April 4, 2019

Cost share monies from the state may be available through the forestry pollution abatement fund to assist landowners and operators in installing needed best management practices which control forestry pollution. Best management practices specified as eligible for cost sharing must require expenditures that are likely to exceed the economic returns to the owner or operator.

(A) The state, through the division, may offer to share the cost of establishing eligible best management practices. If other public funds are involved in cost sharing to establish an eligible best management practice or practices, state funds can be used only to the extent that the combined public funds amount to no more than seventy-five per cent of the cost of establishing the best management practice or practices.

(1) Eligible practices include those described in the book "BMPs for Erosion Control for Logging Practices in Ohio" or other practices as approved by the chief.

(2) Restrictions on use of cost share funds include:

(a) Eligible practices which, through natural causes, have lost their effectiveness, shall qualify for further financial assistance. However, cost share monies will not be awarded to reestablish previously installed practices which have deteriorated due to operator negligence or mismanagement.

(b) Surface mined lands and oil and gas well drilling areas must have been reclaimed and be in active silvicultural uses as determined by the chief or the chief's designee in order to be eligible for cost sharing on needed best management practices.

(c) The chief or the chief's designee may only use cost share funds for those practices necessary to control forestry pollution.

(d) Cost share funds will be available only to owners and operators with a current timber harvest plan,



if applicable.

(3) The chief shall determine best management practices eligible for cost sharing, percentage rates of cost sharing for each best management practice and the maximum amount of cost sharing for each best management practice. Information about eligible practices will be maintained by the division.

(B) All practices must meet the standards and specifications listed in the "BMPs for Erosion Control for Logging Practices in Ohio" or other methods approved by the chief or the chief's designee.

(C) If approved by the chief or the chief's designee, a person may use a more elaborate or expensive practice; however, cost-share grants shall be based upon the estimated cost of the least expensive acceptable practice.

(D) Operating procedures.

(1) Practice installation.

(a) Design, construction and operation and maintenance plans shall be submitted to the chief or the chief's designee for approval prior to implementation.

(b) The chief or the chief's designee shall inspect practice installation.

(2) Cost-share payment. Once a project has an approved cost-share application and installation is approved by the chief or the chief's designee, cost-share payment shall be granted.

(3) Maintenance and management of cost-shared best management practices.

(a) Best management practices installed with cost-share monies are to be maintained in good operating condition to assure continued effective control of forestry pollution. Applicants for cost sharing must agree to care for, manage, and maintain such practices for their useful life as noted in the cost-share agreement. Failure to care for, manage, and maintain the practices shall obligate the owner or operator to full repayment to the division.



(b) If the land on which best management practices have been established with cost-share monies is sold, the new owner shall be responsible for maintaining the practices in good operating condition for their remaining useful life. The chief or the chief's designee shall inform the new owner of the responsibility to maintain and operate cost-shared practices.

(c) If the land on which best management practices were established with cost-share monies is sold for or converted to other uses than a silvicultural operation, the state may recover the cost-share monies paid for such practices from the cost-share recipient on a prorated basis, considering the useful life of the practice.

(d) The chief or the chief's designee shall monitor the management and maintenance of best management practices established with cost-share monies. Any failure to manage or maintain such practices, or conversion of such land to other uses than a silvicultural operation, shall immediately be reported to the division thereby subjecting a person to recovery of cost-share monies in accordance with paragraphs (D)(3)(a), (D)(3)(b) and (D)(3)(c) of this rule.

(e) Upon discovery by the chief or the chief's designee, pursuant to paragraph (D)(3)(d) of this rule, the chief, after any necessary investigation determines that recovery of state cost-share funds is warranted, shall proceed to recover the cost-share monies pursuant to section 131.02 of the Revised Code, or other appropriate means.

(E) The forestry pollution abatement fund may also be used to periodically monitor the use and effectiveness of best management practices conducted in accordance with standards establishes in rules 1501:3-12-01 to 1501:3-12-08 of the Administrative Code.