



Ohio Administrative Code

Rule 901:10-2-01 Permit to install: purpose and applicability.

Effective: February 13, 2021

(A) Purpose and applicability of a permit to install.

(1) No person shall construct a new concentrated animal feeding facility without first obtaining a permit to install issued by the director.

(2) Any person who plans to construct a large concentrated animal feeding operation or a concentrated animal feeding facility or major concentrated animal feeding facility shall comply with applicable rules 901:10-2-01 to 901:10-2-06 of the Administrative Code.

(3) Any animal feeding facility that is a small or medium concentrated animal feeding operation may be required by the director to comply with applicable rules 901:10-2-01 and 901:10-2-03 to 901:10-2-06 of the Administrative Code.

(a) If the director has made a determination that the medium or small animal feeding facility shall be required to be permitted as a medium or small concentrated animal feeding operation; and

(b) If the director determines that the existing animal feeding facility requires modifications in order to comply with best management practices.

(4) A person that is required to obtain both a permit to install pursuant to section 903.02 of the Revised Code and a permit to operate pursuant to section 903.03 of the Revised Code shall submit both applications for those permits simultaneously.

(B) Administrative procedures for a permit to install.

(1) In order to obtain a permit to install, the owner or operator shall submit:

(a) A properly completed application in accordance with paragraph (C) of this rule; and



(b) An appropriate fee as stated in rule 901:10-1-04 of the Administrative Code.

(2) The owner or operator may amend the application for a permit to install prior to the conduct of any public meeting that may be held for the draft permit to install and/or while the permit to install application is pending before the director.

(3) The owner or operator shall notify the department prior to beginning actual construction of the manure storage or treatment facility.

(4) Upon completion of construction of the manure storage or treatment facility, the owner or operator shall submit a notarized statement certifying that the facility was constructed in accordance with the as-built plans to the department. As-built plans shall be provided and signed by a professional engineer if the design plans require a professional engineer as described in paragraph (A)(1) of rule 901:10-2-05 or paragraph (A) of rule 901:10-2-06 of the Administrative Code.

(a) A copy of the completed and approved as-built plans shall be submitted to demonstrate compliance with paragraph (A) of rule 901:10-2-05 or paragraph (A) of rule 901:10-2-06 of the Administrative Code and shall be submitted for the permanent record.

(b) In addition to as-built plans, the following shall be submitted where applicable as part of the construction or permit to install:

(i) Any soils investigations, compaction testing, soil bearing confirmation or lab analyses as required by plans.

(ii) Pictures demonstrating construction specifications were followed.

(iii) Daily log of construction activity including dates, weather conditions, and work completed.

(iv) Documentation demonstrating concrete mix and concrete construction was in accordance to approved plans



(v) Any other construction documentation that is required by the approved set of engineering plans or in the permit to install.

(c) After submitting a copy of the completed as-built plans and after the facilities are inspected by the director or an authorized representative as required by this rule, an authorized representative of the director will issue authorization to stock animals or use a new manure storage or treatment facility and to thereby commence operations in accordance with any permit to operate issued for the facility. Facilities are required to be inspected by the director or an authorized representative in a timely manner prior to stocking with animals or using any new manure storage or treatment facility.

(5) The owner or operator shall maintain a copy of the current permit to install issued by the department at the concentrated animal feeding facility's site office. A copy of the as-built plans will be kept at the office of the facility.

(6) A permit to install may be modified in accordance with rule 901:10-1-09 of the Administrative Code. The owner or operator shall not modify the concentrated animal feeding facility without obtaining a permit modification.

(C) Contents of an application for a permit to install.

Unless otherwise indicated, an application for a permit to install shall contain the information and criteria as required in rules 901:10-1-02 and 901:10-1-03 of the Administrative Code and shall attach and/or include all of the following information:

(1) The name and address of the applicant, of all partners if the applicant is a partnership or of all officers and directors if the applicant is a corporation and of any other person who has a right to control or in fact controls management of the applicant or the selection of officers, directors or managers of the applicant.

(2) The type of livestock and the number of animals that the concentrated animal feeding facility would have the design capacity to raise or maintain and the anticipated beginning and ending dates for work performed.



- (3) A statement of the quantity of water that the concentrated animal feeding facility will utilize on an average daily and annual basis, a detailed description of the basis for the calculation utilized in determining the quantity of the water utilized and a statement identifying the source of the water.
- (4) Copies of recorded water well logs on file with the Ohio department of natural resources division of water and their locations within a one thousand foot radius of the manure storage or treatment facility, as located on a map that includes the well locations.
- (5) A scaled map adequate to show detail that includes, but is not limited to:
- (a) Approximate overall dimensions of the manure storage or treatment facility;
 - (b) Boundaries of the concentrated animal feeding facility;
 - (c) Location and siting distances from the manure storage or treatment facility. For purposes of identifying and illustrating the siting criteria, the owner or operator of a large concentrated animal feeding operation or a concentrated animal feeding facility or a major concentrated animal feeding facility is to submit a document that demonstrates compliance with the siting criteria in rule 901:10-2-02 of the Administrative Code; and
 - (d) Identify the approximate location of all known subsurface drains within one hundred feet of the proposed manure storage or treatment facility.
- (6) The report required by paragraph (C) of rule 901:10-2-03 of the Administrative Code, including the information on the soils, ground water sampling and analysis, hydrology, subsurface geology and topography of the land area used for the manure storage or treatment facility based on the subsurface geological exploration conducted in accordance with rule 901:10-2-03 of the Administrative Code. The report may also include site-specific information and conclusions derived from the site's subsurface geological exploration. If required as a result of the subsurface geological exploration conducted pursuant to rule 901:10-2-03 of the Administrative Code, additional groundwater monitoring shall be included.
- (7) Designs, plans and detailed engineering drawings for the proposed construction of the



concentrated animal feeding facility that comply with rules 901:10-2-04, 901:10-2-05 and/or 901:10-2-06 of the Administrative Code and include the proposed location of the construction site, and design and construction plans and specifications, including anticipated beginning and ending dates for the work performed.

[Comment: Include detailed engineering drawings, for example; cross sections, pipe requirements, concrete or earthwork specifications, illustrations and profiles for construction of the manure storage or treatment facility.]

(8) The precipitation runoff and stormwater grading plans required by rule 901:10-2-04 of the Administrative Code.

(9) Manure characterized in accordance with rules 901:10-2-04 and 901:10-2-10 of the Administrative Code.