Ohio Administrative Code

Rule 901:10-2-16 Permit to operate and operating record requirements.

Effective: January 1, 2025

(A) An operating record shall be generated as part of the permit to operate and "NPDES" permit.

The operating records shall be maintained on forms identified by the permit and other forms approved for use by the department. The operating record shall be retained for a minimum period of five years, be made available to the director upon request, and record and document the following information:

(1) The manure storage or treatment facility. Records required by rule 901:10-2-08 or 901:10-2-19 of the Administrative Code, including:

(a) Measurements of manure volume and the depth of liquid manure in manure storage or treatment facilities by the depth marker or other appropriate device as approved by the director in accordance withrules 901:10-2-05 and 901:10-2-06 of the Administrative Code as required by rule 901:10-2-08 of the Administrative Code.

(b) Records of inspections of the structural integrity and vegetative management systems of the manure storage or treatment facility taken at intervals specified in the manure management plan and including evidence of erosion, leakage, animal damage, and problems of emerging vegetation.

(c) Records of measurements of current storage capacity remaining in any manure storage and treatment facility, based upon inspections conducted at intervals specified in the manure management plan. Records shall include volume of solids accumulation, design treatment volume, total design storage volume, and approximate number of days remaining until manure reaches maximum operating level as specified in the manure management plan.

(d) Records of inspections of stormwater conveyances, diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the manure storage pond or manure treatment lagoon.

(e) Records of inspections of the protective vegetative cover that is maintained on all disturbed areas (lagoon or pond embankments, berms, pipe runs, erosion control areas, etc.)

(f) Implementation dates of those best management practices necessary to operate and maintain settling basins, grass filtration or soil infiltration systems or diverting clean water and roof water away from the production area.

(g) Records of groundwater sampling and analysis and any surface water sampling and analysis. This also includes any records associated with monitoring or sampling of subsurface perimeter drains around manure storage or treatment facilities.

(h) Records required in rule 901:10-2-19 of the Administrative Code for the insect and rodent control plan.

(i) Records of inspections of water lines located above ground and readily accessible or visible for daily inspection, including drinking water or cooling water lines.

(j) Records of actions taken to correct any deficiencies found as a result of inspections conducted in the production area. If actions were not taken within thirty days of discovery, then the operating record shall record the reasons explaining why corrections could not be made immediately.

(k) Records of the date, time, and estimated volume of any overflow or discharge from the production area.

(2) Manure characterization data, test methods, results, and other information as required in paragraph (E) of rule 901:10-2-10 of the Administrative Code.

(3) Land application area records shall be recorded and maintained in the operating record. Records for each land application area shall include:

(a) The owner or operator shall maintain or have access to adequate land application equipment and record this in the operating record. All land application equipment, including manure transfer or

transportation equipment, shall be routinely monitored to ensure the equipment is not leaking, causing a spill or discharge.

(b) The owner or operator shall list or otherwise describe those acres of land in the operating record for land application of manure, whether the land is owned or leased. Land application areas identified in the manure management plan shall be accompanied by a map.

(c) The owner or operator shall identify appropriate site-specific conservation practices that are or will be implemented at a land application area, including as appropriate buffers or equivalent practices, to control runoff of pollutants to surface waters of the state.

(d) When liquid manure is applied to a land application area with subsurface drains and concentrated surface flow areas, document the periodic observations of the subsurface drain outlets and concentrated surface flow areas for liquid manure flow during and after application in the operating record.

(i) Observation frequency of subsurface drain outlets and concentration surface flow areas during application shall be based on site specific conditions, including, but not limited to, the extensiveness of subsurface drainage system, proximity of land application area to drain outlets and/or concentrated surface flow paths connected to surface waters of the state, and the topography of the land application area. At no time shall the observation frequency exceed three hours during land application.

(ii) Visual monitoring of subsurface drain outlets and concentrated surface flow areas shall occur immediately following the completion of land application activities. Periodic visual monitoring shall continue until manure is assimilated into the land application area and is no longer likely to discharge to waters of the state. At no time shall the observation frequency exceed twenty-four hours after the completion of land application.

(e) When liquid manure is applied to a land application area with a subsurface drain, document the use of drain outlet plugs or other devices in the operating record.

(f) All soil tests within the last five years. Soil test results shall be maintained in the operating record

with the information required in rule 901:10-2-13 of the Administrative Code.

(g) Site inspections to inspect setbacks used to maintain vegetative cover and protect stream channels or areas adjacent to such stream channels and as required by rule 901:10-2-14 of the Administrative Code.

(h) Records of the cropping schedule for each land application area for the past year, planned crops for the current year, and anticipated crops for the next two years after the current year.

(i) Targeted crop yield for each crop in each land application area based on:

(i) Soil productivity information;

(ii) Historical yield data;

(iii) Potential yield; or

(iv) Combinations of yield data.

(v) An additional ten per cent may be added to the potential and/or historical yields to account for improvements in management and technology.

(vi) When historical yield data is not available a realistic yield may be based on local research or on yields from similar soils and/or cropping systems in the area.

(vii) For new or potential crops or varieties, industry yield estimates may be used until actual yields are available for documentation in the operating record.

(j) Actual yield, if available.

(k) Results of the nitrogen leaching risk assessment procedure and the phosphorus soil test assessment procedure and an explanation of the basis for determining manure application rates, as provided in rule 901:10-2-14 of the Administrative Code.

(l) Date, rate, quantity and method of application of the nutrient, and/or form and source of manure, commercial fertilizer and/or other organic by-products.

(m) Total amount of nitrogen and phosphate applied per acre to each field, including documentation of calculations for the total amount applied.

(n) Condition of soil at the time of application including, but not limited to, available water capacity (for liquid manure) and evidence of soil cracks and related information on soil conditions (for solid and liquid manure).

(o) Weather conditions at time of application and for twenty-four hours prior to and following application, to include temperature, precipitation, and wind speed and direction.

(p) Forecasted chance and amount of precipitation for a twenty-four hour period following the start of land application.

(q) Implementation dates of those best management practices necessary to reduce the risk of nitrogen or phosphorus runoff by crop rotation, cover crops or residue management in accordance with paragraphs (B) to (E) of rule 901:10-2-14 of the Administrative Code.

(r) Record the annual projected nutrient budget for nitrogen and phosphate for each land application site for the plant production sequence and/or crop rotation.

(s) Records shall be maintained of annual calibration of land application equipment.

(4) Unless otherwise recorded with the insect and rodent control plan implementation or land application records, records of inspections and actions taken at manure stockpile or manure transfer sites.

(5) The records for implementation of distribution and utilization methods, if used, shall include:

(a) Quantity of manure transferred off-site for each twelve month period (tons/gallons);

(b) Date of off-site transfer for distribution;

(c) Name, certified livestock manager or agricultural fertilizer applicator certification certificate number and address of recipient of manure;

(d) Record that the recipient was provided with a copy of the appendices A, and B to rule 901:10-2-14 of the Administrative Code, a copy of the most recent manure analysis consistent with the rules; and

(e) An acknowledgment between the owner and operator and the manure recipient pursuant to rule 901:10-2-11 of the Administrative Code.

(6) Disposal of dead livestock. The records for implementing the plan for the disposal of dead livestock shall include, but not be limited to:

(a) The disposal method used for removal of dead livestock;

(b) A record of the date and time of inspection of each facility; and

(c) Those best management practices necessary to implement the disposal of dead livestock.

(7) Records shall be maintained documenting the implementation of best management practices used to ensure that confined animals will not have direct contact with waters of the state.

(B) Records shall be generated by certified livestock managers to comply with the requirements of rule 901:10-1-06 of the Administrative Code. The operating records shall be maintained on forms approved for use by the department. A certified livestock manager employed by a major concentrated animal feeding facility may use the major concentrated animal feeding facility's operating record to comply with the requirements of this rule and rule 901:10-1-06 of the Administrative Code, to the extent the records required to be kept by the certified livestock manager are already maintained in the facility's operating record. The operating record for a certified livestock manager shall be retained for a minimum period of five years, be made available to the director upon

request, and record and document the following information:

(1) Records shall be maintained for each land application area.

(2) The certified livestock manager shall list or otherwise describe the acres of land for land application of manure. Description shall include, but is not limited to, maps identifying the land application area.

(3) When liquid manure is applied to a land application area with subsurface drains and concentrated surface flow areas, documentation shall be made of the periodic observations of subsurface drains, drain outlet plugs, drain outlets or other devices for liquid manure flow during and after application in the operating record. Monitoring of concentrated surface flow areas during and after application shall also be documented.

(a) Observation frequency of subsurface drain outlets and concentration surface flow areas during application shall be based on site specific conditions, including, but not limited to, the extensiveness of subsurface drainage system, proximity of land application area to drain outlets and/or concentrated surface flow paths connected to surface waters of the state, and the topography of the land application area. At no time shall the observation frequency exceed three hours during land application.

(b) Visual monitoring of subsurface drain outlets and concentrated surface flow areas shall occur immediately following the completion of land application activities. Periodic visual monitoring shall continue until manure is assimilated into the land application area and is no longer likely to discharge to waters of the state. At no time shall the observation frequency exceed twenty-four hours after the completion of land application.

(4) All soil tests within the last five years. Soil test results shall be maintained in the operating record with the information required in rule 901:10-2-13 of the Administrative Code.

(5) Results of the nitrogen leaching risk assessment procedure and the phosphorus soil test risk assessment procedure and an explanation of the basis for determining manure application rates, as provided in rule 901:10-2-14 of the Administrative Code.

(6) Site inspections to inspect setbacks used to maintain vegetative cover and protect stream channels or areas adjacent to such stream channels and as required by rule 901:10-2-14 of the Administrative Code.

(7) Date, rate, quantity and method of application sources of the nutrient, and/or form and source of manure, commercial fertilizer and/or other organic by-products.

(8) Total amount of nitrogen and phosphate applied per acre to each field, including documentation of calculations for the total amount applied.

(9) Condition of soil at the time of application including, but not limited to, available water capacity (for liquid manure) and evidence of soil cracks and related information on soil conditions (for solid and liquid manure).

(10) Weather conditions at time of application and for twenty-four hours prior to and following application, to include temperature, precipitation and wind speed and direction.

(11) Forecasted chance and amount of precipitation for a twenty-four hour period following the start of land application.

(12) Records shall be maintained of annual calibration of land application equipment.