



## Ohio Administrative Code Rule 901:10-5-01 Complaints.

Effective: January 30, 2016

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(A) A person may submit a complaint to the director of the Ohio department of agriculture related to a concentrated animal feeding facility or to a discharge from an animal feeding operation, as defined in 40 CFR 122.23 (2012).

(B) The complaint may be made orally or in writing.

(1) Complaint in writing: If the complaint is made in writing, the person making the complaint must sign and date the complaint. In addition, the following shall be included:

(a) The address of the facility.

(b) A description of the nature of the complaint.

(2) Oral Complaint: If a complaint is made orally to the director or to one of the director's representatives the following shall be included:

(a) The address of the facility.

(b) A description of the nature of the complaint.

(c) The name and address of the person reporting the oral complaint is optional so that the person reporting the oral complaint may be notified of the dismissal of the complaint or notified if the director determines that the director is proceeding in accordance with section 903.16 or 903.17 of the Revised Code, or both sections as applicable.

(C) After receiving a written, signed and dated complaint, the director shall cause an investigation to be conducted to determine if a concentrated animal feeding facility is in compliance or to determine if a discharge is occurring or has occurred at an animal feeding operation.



(D) After receiving an oral complaint the director may cause an investigation to be conducted to determine if a concentrated animal feeding facility is in compliance of to determine if a discharge is occurring or has occurred at an animal feeding operation.

(E) If, upon completion of the investigation, the director determines that the concentrated animal feeding facility or animal feeding operation is in compliance with applicable requirements, the director shall dismiss the complaint and notify the complainant and the owner or operator of the dismissal.

(F) If the director determines that the concentrated animal feeding facility or animal feeding operation is not in compliance with applicable requirements, the director shall proceed in accordance with section 903.16 or section 903.17 of the Revised Code, or both sections as applicable.

(G) If the director determines that any person owning or operating a concentrated animal feeding facility is managing the facility in accordance with a permit currently approved by the director, the person shall be considered in compliance with the state rules. In a private civil action for nuisances involving activities conducted under this chapter, it is an affirmative defense if the person owning, operating or otherwise responsible for or in control of a concentrated animal feeding facility is operating under and in compliance with an approved permit.

Compliance with a NPDES permit during its term constitutes compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 402, and 405(a)-(b) of the Federal Water Pollution Control Act. However, a NPDES permit may be modified and reissued, or terminated during its term for cause as set forth in rules 901:10-1-03, 901:10-1-09, and 901:10-5-03 of the Administrative Code. Issuance of a NPDES permit does not convey any property rights of any type, or any exclusive privilege.